

106TH CONGRESS
2D SESSION

H. R. 5673

To amend title 18, United States Code, to provide a safe harbor for voluntary monitoring by e-commerce sites.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2000

Mr. CANNON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide a safe harbor for voluntary monitoring by e-commerce sites.

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 “Responsible Moni-
5 toring Act of 2000”.

6 **SEC. 2. RESPONSIBLE MONITORING AMENDMENT.**

7 Section 1030 of title 18, United States Code, is
8 amended by adding at the end the following:

9 “(i)(1) A provider of an interactive computer service
10 (as defined in section 230(f) of the Communications Act

1 of 1934) that primarily hosts the sale or offering for sale
2 of goods and services by third parties shall not be liable
3 under Federal or State law for taking in good faith any
4 action to detect, remove, or disable access to any goods
5 or services the sale or offering for sale of which the inter-
6 active computer service provider believes in good faith to
7 be illegal under Federal or State law.

8 “(2) To the extent that an interactive computer serv-
9 ice provider takes an action in good faith to detect illegal
10 items in accordance with paragraph (1) and identifies
11 goods or services it believes in good faith to be illegal
12 under Federal or State law, that interactive computer
13 service provider must remove or restrict access to those
14 goods or services.

15 “(3) Nothing in this section may be construed to im-
16 pose or authorize an obligation on any interactive com-
17 puter service provider described in paragraph (1) to take
18 any action to attempt to detect illegal goods or services,
19 except as required by paragraph (2).

20 “(4) Nothing in this section shall be construed to
21 limit or expand any law pertaining to intellectual property.

22 “(5) Nothing in this section may be construed as lim-
23 iting or expanding any right of action arising out of a legal
24 obligation, including one created by contract or court
25 order, on the part of an interactive computer service pro-

1 vider (as defined in paragraph (1)) to detect, remove, or
2 restrict access to illegal goods or services.

3 “(6) As used in this section, the term ‘in good faith’
4 means without malice, bad faith, or knowing disregard for
5 the truth.”.

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