



(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To prohibit and establish penalties for the use of the identity of another, without authorization, to make available certain information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SOTO introduced the following bill; which was referred to the Committee
on _____

A BILL

To prohibit and establish penalties for the use of the identity of another, without authorization, to make available certain information, and for other purposes.

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 “Stopping Hijacking
5 of Identity Expressly for Libel on Domains Act” or the
6 “SHIELD Act”.

1 **SEC. 2. PROHIBITION ON USING IDENTITY OF ANOTHER TO**
2 **MAKE AVAILABLE CERTAIN INFORMATION.**

3 (a) PROHIBITION.—

4 (1) IN GENERAL.—A person may not make
5 available covered information on an interactive com-
6 puter service.

7 (2) APPLICABILITY TO CERTAIN PROVIDERS.—

8 Notwithstanding section 230(c)(1) of the Commu-
9 nications Act of 1934 (47 U.S.C. 230(c)(1)), para-
10 graph (1) of this subsection applies to a provider of
11 an interactive computer service with respect to infor-
12 mation provided by another information content pro-
13 vider on the interactive computer service.

14 (b) CIVIL ACTION.—

15 (1) IN GENERAL.—An individual may bring a
16 civil action against a person for a violation of sub-
17 section (a) in an appropriate district court of the
18 United States.

19 (2) RELIEF.—In a civil action brought under
20 paragraph (1) in which the plaintiff prevails, the
21 court may award the plaintiff—

22 (A) an amount equal to the sum of any ac-
23 tual damages;

24 (B) injunctive relief, including, with re-
25 spect to a provider of an interactive computer
26 service, that such provider may be required to

1 make publicly available a notice explaining that
2 the source of the applicable covered information
3 was a person other than the plaintiff; and

4 (C) reasonable attorney fees and litigation
5 costs.

6 (c) DEFINITIONS.—In this section:

7 (1) COVERED INFORMATION.—The term “cov-
8 ered information” means information that is—

9 (A) libelous, slanderous, or criminal; and

10 (B) presented by a person using the iden-
11 tity of an individual (who is not such person)—

12 (i) without the authorization of such
13 individual; and

14 (ii) in a manner that suggests such
15 individual is the source of such informa-
16 tion.

17 (2) INFORMATION CONTENT PROVIDER.—The
18 term “information content provider” has the mean-
19 ing given that term in section 230(f) of the Commu-
20 nications Act of 1934 (47 U.S.C. 230(f)).

21 (3) INTERACTIVE COMPUTER SERVICE.—The
22 term “interactive computer service” has the meaning
23 given that term in section 230(f) of the Communica-
24 tions Act of 1934 (47 U.S.C. 230(f)).