117TH CONGRESS 1ST SESSION
H. R. 3421
To amend section 230 of the Communications Act of 1934 to reaffirm civil rights, victims’ rights, and consumer protections.

IN THE HOUSE OF REPRESENTATIVES
MAY 20, 2021
Mr. McEachin (for himself, Ms. Castor of Florida, and Mr. Levin of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL
To amend section 230 of the Communications Act of 1934 to reaffirm civil rights, victims’ rights, and consumer protections.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Safeguarding Against Fraud, Exploitation, Threats, Extremism, and Consumer Harms Act” or the “SAFE TECH Act”.

SEC. 2. COMMUNICATIONS DECENCY ACT IMPROVEMENTS.

Section 230 of the Communications Act of 1934 (47 U.S.C. 230) is amended—
(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “No provider” and inserting the following:

“(A) IN GENERAL.—Except as provided in paragraph (3), no provider”;

(ii) by striking “any information” and inserting “any speech”;

(iii) by inserting before the period at the end the following: “, unless the provider or user has accepted payment to make the speech available or, in whole or in part, created or funded the creation of the speech”; and

(iv) by adding at the end the following:

“(B) AFFIRMATIVE DEFENSE.—In any action in which the defendant raises subparagraph (A) as a defense, the defendant shall have the burden of persuasion, by a preponderance of the evidence, that the defendant is a provider or user of an interactive computer service and is being treated as the publisher or speaker of speech provided by another information content provider.”;
(B) in paragraph (2)(B), by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(C) by adding at the end the following:

"(3) EXCLUSION FROM ‘GOOD SAMARITAN’ IMMUNITY.—

“(A) INJUNCTIVE RELIEF.—Paragraph (1) shall not apply to any request for injunctive relief arising from the failure of an interactive computer service provider to remove, restrict access to or availability of, or prevent dissemination of material that is likely to cause irreparable harm.

“(B) LIMITATION OF LIABILITY.—In the case of an interactive computer service provider that complies with an order granting injunctive relief described in subparagraph (A), such compliance shall not subject the interactive computer service provider to liability for removing, restricting access to or availability of, or preventing dissemination of material subject to the order.”; and

(2) in subsection (e), by adding at the end the following:
“(6) NO EFFECT ON CIVIL RIGHTS LAWS.—Nothing in this section shall be construed to limit, impair, or prevent any action alleging discrimination on the basis of any protected class, or conduct that has the effect or consequence of discriminating on the basis of any protected class, under any Federal or State law.

“(7) NO EFFECT ON ANTITRUST LAWS.—Nothing in this section shall be construed to prevent, impair, or limit any action brought under Federal or State antitrust law.

“(8) NO EFFECT ON STALKING, HARASSMENT, OR INTIMIDATION LAWS.—Nothing in this section shall be construed to prevent, impair, or limit any action alleging stalking, cyberstalking, harassment, cyberharassment, or intimidation based, in whole or in part, on sex (including sexual orientation and gender identity), race, color, religion, ancestry, national origin, or physical or mental disability brought under Federal or State law.

“(9) NO EFFECT ON INTERNATIONAL HUMAN RIGHTS LAW.—Nothing in this section shall be construed to prevent, impair, or limit any action brought under section 1350 of title 28, United States Code.
“(10) No effect on wrongful death actions.—Nothing in this section shall be construed to prevent, impair, or limit any civil action for a wrongful death.”.