

117TH CONGRESS  
1ST SESSION

# S. 299

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

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2021

Mr. WARNER (for himself, Ms. HIRONO, Ms. KLOBUCHAR, and Mr. Kaine)  
introduced the following bill; which was read twice and referred to the  
Committee on Commerce, Science, and Transportation

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## A BILL

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

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 “Safeguarding Against  
5 Fraud, Exploitation, Threats, Extremism, and Consumer  
6 Harms Act” or the “SAFE TECH Act”.

7 **SEC. 2. COMMUNICATIONS DECENCY ACT IMPROVEMENTS.**

8 Section 230 of the Communications Act of 1934 (47  
9 U.S.C. 230) is amended—

1 (1) in subsection (c)—

2 (A) in paragraph (1)—

3 (i) by striking “No provider” and in-  
4 sserting the following:

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

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

9 (iii) by inserting before the period at  
10 the end the following: “, unless the pro-  
11 vider or user has accepted payment to  
12 make the speech available or, in whole or  
13 in part, created or funded the creation of  
14 the speech”; and

15 (iv) by adding at the end the fol-  
16 lowing:

17 “(B) AFFIRMATIVE DEFENSE.—In any ac-  
18 tion in which the defendant raises subpara-  
19 graph (A) as a defense, the defendant shall  
20 have the burden of persuasion, by a preponder-  
21 ance of the evidence, that the defendant is a  
22 provider or user of an interactive computer  
23 service and is being treated as the publisher or  
24 speaker of speech provided by another informa-  
25 tion content provider.”;

1 (B) in paragraph (2)(B), by striking  
2 “paragraph (1)” and inserting “subparagraph  
3 (A)”; and

4 (C) by adding at the end the following:

5 “(3) EXCLUSION FROM ‘GOOD SAMARITAN’ IM-  
6 MUNITY.—

7 “(A) INJUNCTIVE RELIEF.—Paragraph (1)  
8 shall not apply to any request for injunctive re-  
9 lief arising from the failure of an interactive  
10 computer service provider to remove, restrict  
11 access to or availability of, or prevent dissemi-  
12 nation of material that is likely to cause irrep-  
13 arable harm.

14 “(B) LIMITATION OF LIABILITY.—In the  
15 case of an interactive computer service provider  
16 that complies with an order granting injunctive  
17 relief described in subparagraph (A), such com-  
18 pliance shall not subject the interactive com-  
19 puter service provider to liability for removing,  
20 restricting access to or availability of, or pre-  
21 venting dissemination of material subject to the  
22 order.”; and

23 (2) in subsection (e), by adding at the end the  
24 following:

1           “(6) NO EFFECT ON CIVIL RIGHTS LAWS.—  
2           Nothing in this section shall be construed to limit,  
3           impair, or prevent any action alleging discrimination  
4           on the basis of any protected class, or conduct that  
5           has the effect or consequence of discriminating on  
6           the basis of any protected class, under any Federal  
7           or State law.

8           “(7) NO EFFECT ON ANTITRUST LAWS.—Noth-  
9           ing in this section shall be construed to prevent, im-  
10          pair, or limit any action brought under Federal or  
11          State antitrust law.

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

21          “(9) NO EFFECT ON INTERNATIONAL HUMAN  
22          RIGHTS LAW.—Nothing in this section shall be con-  
23          strued to prevent, impair, or limit any action  
24          brought under section 1350 of title 28, United  
25          States Code.

1           “(10) NO EFFECT ON WRONGFUL DEATH AC-  
2           TIONS.—Nothing in this section shall be construed  
3           to prevent, impair, or limit any civil action for a  
4           wrongful death.”.

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