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

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

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 rel-
ief 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 irre-
parable 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 com-
pliance shall not subject the interactive com-
puter service provider to liability for removing,
restricting access to or availability of, or pre-
venting 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.”.