

117TH CONGRESS
1ST SESSION

S. _____

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

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

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”; and

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.”.