116TH CONGRESS
2D SESSION

S. _____

To amend the Communications Act of 1934 to narrow the scope of the
limitation on liability provided under section 230 of that Act, and for
other purposes.

_____

IN THE SENATE OF THE UNITED STATES

_____

Mr. KENNEDY introduced the following bill; which was read twice and referred
to the Committee on _____

_____

A BILL

To amend the Communications Act of 1934 to narrow the
scope of the limitation on liability provided under section
230 of that Act, 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 "Don't Push My But-

5 tons Act".

6 **SEC. 2. LIMITATION ON IMMUNITY.**

7   Section 230(c) of the Communications Act of 1934

8 (47 U.S.C. 230(c)) is amended by adding at the end the

9 following:

1   "(3) EXCEPTION.—

2   "(A) IN GENERAL.—Notwithstanding any

3   other provision of this subsection, and subject

4   to subparagraph (B) of this paragraph, the pro-

5   tection provided under paragraph (1) or (2)

6   shall not apply with respect to a provider of an

7   interactive computer service that—

8   "(i) collects information regarding the

9   habits, preferences, or beliefs of a user of

10   the service; and

11   "(ii) uses an automated function to

12   deliver content to the user described in

13   clause (i) that corresponds with the habits,

14   preferences, or beliefs identified as a result

15   of the action taken under that clause with

16   respect to that user.

17   "(B) APPLICABILITY.—Subparagraph (A)

18   shall not apply to a situation in which—

19   "(i) a user of an interactive computer

20   service uses an automated function to de-

21   liver content to that user; or

22   "(ii) subject to subparagraph (C), a

23   user of an interactive computer service

24   knowingly and intentionally elects to re-

1   ceive the content described in subpara-

2   graph (A)(ii).

3   "(C) BURDEN OF PROOF.—A provider of

4   an interactive computer service shall have the

5   burden of proving by clear and convincing evi-

6   dence under subparagraph (B)(ii) that a user of

7   the interactive computer service knowingly and

8   intentionally elected to receive the content de-

9   scribed in subparagraph (A)(ii).".