

117TH CONGRESS  
1ST SESSION

# S. 2335

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.

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## IN THE SENATE OF THE UNITED STATES

JULY 13, 2021

Mr. KENNEDY 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 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).”.

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