

116TH CONGRESS
2D SESSION

S. 4756

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

SEPTEMBER 29, 2020

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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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