

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To amend section 230 of the Communications Act of 1934 to clarify that such section has no effect on civil rights laws with respect to the targeting of advertisements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend section 230 of the Communications Act of 1934 to clarify that such section has no effect on civil rights laws with respect to the targeting of advertisements, 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 “Civil Rights Mod-
5 ernization Act of 2021”.

1 **SEC. 2. NO EFFECT ON CIVIL RIGHTS LAWS WITH RESPECT**
2 **TO TARGETING OF ADVERTISEMENTS.**

3 (a) IN GENERAL.—Section 230(e) of the Commu-
4 nications Act of 1934 (47 U.S.C. 230(e)) is amended by
5 adding at the end the following:

6 “(6) NO EFFECT ON CIVIL RIGHTS LAWS WITH
7 RESPECT TO TARGETING OF ADVERTISEMENTS.—
8 Nothing in this section shall be construed to impair
9 or limit, with respect to the targeting of an adver-
10 tisement by a provider or user of an interactive com-
11 puter service—

12 “(A) the enforcement of any civil rights
13 law;

14 “(B) any claim in a civil action arising
15 under any civil rights law; or

16 “(C) any charge in a criminal prosecution
17 for a violation of any civil rights law.”.

18 (b) DEFINITIONS.—Section 230(f) of the Commu-
19 nications Act of 1934 (47 U.S.C. 230(f)) is amended by
20 adding at the end the following:

21 “(5) CIVIL RIGHTS LAW.—The term ‘civil rights
22 law’ means—

23 “(A) any Federal, State, or local law that
24 prohibits discrimination on the basis of a pro-
25 tected class or status;

1 “(B) any other Federal law that is en-
2 forced, in whole or in part, by the Civil Rights
3 Division of the Department of Justice; and

4 “(C) any Federal, State, or local law that
5 prohibits the dissemination of false or mis-
6 leading information intended, with respect to an
7 election for public office, to prevent voters from
8 casting their ballots, to prevent voters from vot-
9 ing for the candidate of their choice, to intimi-
10 date the electorate, or to undermine the integ-
11 rity of the electoral process.

12 “(6) TARGETING.—The term ‘targeting’ means
13 the use by a provider or user of an interactive com-
14 puter service, whether on behalf of such provider or
15 user or on behalf of another information content
16 provider, of any information technology, including an
17 algorithm or a software application, that delivers or
18 publishes an advertisement to a particular subset of
19 users of such interactive computer service.

20 “(7) ADVERTISEMENT.—The term ‘advertis-
21 ment’ means an advertisement for the delivery or
22 publishing of which a provider or user of an inter-
23 active computer service receives any consideration
24 (monetary or otherwise) directly from the adver-
25 tiser.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to the targeting of
3 an advertisement that occurs on or after the date of the
4 enactment of this Act.