

117TH CONGRESS
1ST SESSION

H. R. 3184

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 covered advertisements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2021

Ms. CLARKE of New York introduced the following bill; which was referred to the Committee on Energy and Commerce

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 covered 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 COVERED ADVERTISE-**
3 **MENTS.**

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

7 “(6) NO EFFECT ON CIVIL RIGHTS LAWS WITH
8 RESPECT TO TARGETING OF COVERED ADVERTISE-
9 MENTS.—Nothing in this section shall be construed
10 to impair or limit, with respect to the targeting of
11 a covered advertisement by a provider of an inter-
12 active computer service—

13 “(A) an investigation under, or the en-
14 forcement of, any civil rights law;

15 “(B) any claim in an administrative or
16 civil action arising under any civil rights law; or

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

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

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

24 “(A) any Federal, State, or local law, any
25 part of which prohibits discrimination or other

1 adverse action on the basis of a protected class
2 or status;

3 “(B) any other Federal law that is admin-
4 istered or enforced, in whole or in part, by the
5 Civil Rights Division of the Department of Jus-
6 tice; or

7 “(C) any Federal, State, or local law that
8 prohibits the dissemination of false or mis-
9 leading information intended, with respect to an
10 election for public office, to prevent voters from
11 casting their ballots or to prevent voters from
12 voting for the candidate of their choice.

13 “(6) TARGETING.—The term ‘targeting’ means
14 the use by a provider of an interactive computer
15 service of any information technology, including an
16 algorithm or a software application, to deliver or
17 show a covered advertisement to any particular sub-
18 set of users who are part of or have a protected
19 class or status.

20 “(7) COVERED ADVERTISEMENT.—The term
21 ‘covered advertisement’ means an advertisement for
22 the delivery or publishing of which a provider of an
23 interactive computer service receives any consider-
24 ation (monetary or otherwise) directly from the ad-
25 vertiser.

1 “(8) PROTECTED CLASS OR STATUS.—The term
2 ‘protected class or status’ means actual or perceived
3 race, color, ethnicity, religion, national origin, sex
4 (including sexual orientation and gender identity),
5 age, disability, familial status, pregnancy, genetic in-
6 formation, or citizenship or immigration status.

7 “(9) GENETIC INFORMATION.—The term ‘ge-
8 netic information’ has the meaning given such term
9 in section 201 of the Genetic Information Non-
10 discrimination Act of 2008 (42 U.S.C. 2000ff).”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall apply with respect to the targeting of
13 a covered advertisement that occurs on or after the date
14 of the enactment of this Act.

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