

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.

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## 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

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## 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 nlications 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 nlications 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.

