

## S 299

### SAFE TECH Act

**Congress:** 117 (2021–2023, Ended)

**Chamber:** Senate

**Policy Area:** Science, Technology, Communications

**Introduced:** Feb 8, 2021

**Current Status:** Read twice and referred to the Committee on Commerce, Science, and Transportation.

**Latest Action:** Read twice and referred to the Committee on Commerce, Science, and Transportation. (Feb 8, 2021)

**Official Text:** <https://www.congress.gov/bill/117th-congress/senate-bill/299>

### Sponsor

**Name:** Sen. Warner, Mark R. [D-VA]

**Party:** Democratic • **State:** VA • **Chamber:** Senate

### Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Hirono, Mazie K. [D-HI]	D · HI		Feb 8, 2021
Sen. Kaine, Tim [D-VA]	D · VA		Feb 8, 2021
Sen. Klobuchar, Amy [D-MN]	D · MN		Feb 8, 2021
Sen. Blumenthal, Richard [D-CT]	D · CT		Jan 13, 2022

### Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Referred To	Feb 9, 2021

### Subjects & Policy Tags

#### Policy Area:

Science, Technology, Communications

### Related Bills

Bill	Relationship	Last Action
117 HR 3421	Identical bill	<b>May 21, 2021:</b> Referred to the Subcommittee on Communications and Technology.

## **Safeguarding Against Fraud, Exploitation, Threats, Extremism, and Consumer Harms Act or the SAFE TECH Act**

This bill limits federal liability protection that applies to a user or provider of an interactive computer service (e.g., a social media company) for claims related to content provided by third parties.

Specifically, the bill applies the liability protection to claims arising from third-party speech rather than third-party information. Additionally, the liability protection shall not apply if a user or provider (1) accepts payment to make the speech available, or (2) creates or funds (in whole or in part) the speech.

The bill changes legal procedures concerning the liability protection by (1) requiring a defendant in a lawsuit to raise the liability protection as an affirmative defense, and (2) placing the burden of proving that the defense applies on the defendant.

Some courts have held that the current liability protection bars claims for civil penalties and injunctive relief. The bill expressly excludes from the liability protection requests for injunctive relief arising from a provider's failure to remove, restrict access to, or prevent dissemination of material likely to cause irreparable harm. However, the bill protects a provider from liability for actions taken to comply with such injunctions.

Under current law, the liability protection does not apply to federal criminal law, intellectual property law, and other designated areas of law. The bill further specifies that the liability protection shall not apply to civil rights law; antitrust law; stalking, harassment, or intimidation laws; international human rights law; and civil actions for wrongful death.

### **Actions Timeline**

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- **Feb 8, 2021:** Introduced in Senate
- **Feb 8, 2021:** Read twice and referred to the Committee on Commerce, Science, and Transportation.