117TH CONGRESS
1ST SESSION

S. _____

To amend section 230(c) of the Communications Act of 1934 to remove immunity for providers of interactive computer services for certain claims, and for other purposes.

_____

IN THE SENATE OF THE UNITED STATES

_____

Mr. LUJÁN introduced the following bill; which was read twice and referred to the Committee on _____

_____

A BILL

To amend section 230(c) of the Communications Act of 1934 to remove immunity for providers of interactive computer services for certain claims, 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 "Protecting Americans

5 from Dangerous Algorithms Act".

1 **SEC. 2. AMENDMENT TO THE COMMUNICATIONS DECENCY**

2   **ACT.**

3   Section 230(c) of the Communications Act of 1934

4 (47 U.S.C. 230(c)) is amended by adding at the end the

5 following:

6   "(3) ALGORITHMIC AMPLIFICATION.—

7   "(A) IN GENERAL.—For purposes of para-

8   graph (1), a provider of an interactive computer

9   service shall be considered to be an information

10   content provider and the protection under that

11   paragraph shall not apply for any claim de-

12   scribed in subparagraph (B) of this paragraph.

13   "(B) CONDITIONS FOR CLAIM.—

14   "(i) IN GENERAL.—A claim described

15   in this subparagraph is a claim—

16   "(I) in a civil action brought

17   under—

18   "(aa) section 1980 or 1981

19   of the Revised Statutes (42

20   U.S.C. 1985, 1986); or

21   "(bb) section 2333 of title

22   18, United States Code; and

23   "(II) that, except as provided in

24   clause (ii), involves a case in which

25   the interactive computer service used

26   an algorithm, model, or other com-

1 putational process to rank, order, pro-
2 mote, recommend, amplify, or simi-
3 larly alter the delivery or display of
4 information (including any text,
5 image, audio, or video post, page,
6 group, account, channel, or affiliation)
7 provided to a user of the service if the
8 information is directly relevant to the
9 claim.

10 ''(ii) EXCEPTION.—The requirement
11 under clause (i)(II) is not satisfied if—

12 ''(I) the information delivery or
13 display is ranked, ordered, promoted,
14 recommended, amplified, or similarly
15 altered in a way that is obvious, un-
16 derstandable, and transparent to a
17 reasonable user based only on the de-
18 livery or display of the information
19 (without the need to reference the
20 terms of service or any other agree-
21 ment), including sorting informa-
22 tion—

23 ''(aa) chronologically or re-
24 verse chronologically;

1 "(bb) by average user rating

2 or number of user reviews;

3 "(cc) alphabetically;

4 "(dd) randomly; and

5 "(ee) by views, downloads,

6 or a similar usage metric; or

7 "(II) the algorithm, model, or

8 other computational process is used

9 for information for which a user spe-

10 cifically searches.

11 "(C) EXEMPTIONS.—

12 "(i) SMALL BUSINESSES.—Subpara-

13 graph (A) shall not apply to an interactive

14 computer service that (in combination with

15 each subsidiary and affiliate of the service)

16 had not more than 10,000,000 unique

17 monthly visitors or users for not fewer

18 than 3 of the preceding 12 months.

19 "(ii) INTERNET INFRASTRUCTURE.—

20 Subparagraph (A) shall not apply to a pro-

21 vider of an interactive computer service

22 that is used by another interactive com-

23 puter service for the management, control,

24 or operation of that other interactive com-

25 puter service, including for—

1   "(I) web hosting;

2   "(II) domain registration;

3   "(III) content delivery networks;

4   "(IV) caching;

5   "(V) data storage; and

6   "(VI) cybersecurity.".