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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend section 230(c) of the Communications Act of 1934 to prevent immunity for 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.**

2 Section 230(c) of the Communications Act of 1934
3 (47 U.S.C. 230(c)) is amended by adding at the end the
4 following new paragraph:

5 “(3) ALGORITHMIC AMPLIFICATION.—

6 “(A) IN GENERAL.—For purposes of para-
7 graph (1), an interactive computer service shall
8 be considered to be an information content pro-
9 vider and the protection under such paragraph
10 shall not apply for any claim described in sub-
11 paragraph (B).

12 “(B) CONDITIONS FOR CLAIM.—

13 “(i) IN GENERAL.—A claim in this
14 subparagraph requires the following:

15 “(I) A claim in a civil action is
16 brought under—

17 “(aa) section 1980 or 1981
18 of the Revised Statutes (42
19 U.S.C. 1985; 42 U.S.C. 1986);
20 or

21 “(bb) section 2333 of title
22 18, United States Code.

23 “(II) Except as provided in
24 clause (ii), the claim involves a case in
25 which the interactive computer service
26 used an algorithm, model, or other

1 computational process to rank, order,
2 promote, recommend, amplify, or
3 similarly alter the delivery or display
4 of information (including any text,
5 image, audio, or video post, page,
6 group, account, or affiliation) pro-
7 vided to a user of the service if the in-
8 formation is directly relevant to the
9 claim.

10 “(ii) EXCEPTION.—Notwithstanding
11 clause (i)(II), the requirement is not met
12 if—

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

24 “(aa) chronologically or re-
25 verse chronologically;

1 “(bb) by average user rating
2 or number of user reviews;
3 “(cc) alphabetically; and
4 “(dd) randomly; or
5 “(II) the algorithm, model, or
6 other computational process is used
7 for information a user specifically
8 searches for.

9 “(C) SMALL BUSINESS EXCEPTION.—This
10 paragraph shall not apply to an interactive
11 computer service that (in combination with each
12 subsidiary and affiliate of the service) has
13 50,000,000 or fewer unique monthly visitors or
14 users for a majority of the preceding 12
15 months.”.