

117TH CONGRESS  
1ST 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.

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IN THE HOUSE OF REPRESENTATIVES

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

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**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 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 new paragraph:

6 “(3) ALGORITHMIC AMPLIFICATION.—

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

13 “(B) CONDITIONS FOR CLAIM.—

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

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

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

22 “(bb) section 2333 of title  
23 18, United States Code.

24 “(II) Except as provided in  
25 clause (ii), the claim involves a case in  
26 which the interactive computer service

1 used an algorithm, model, or other  
2 computational process to rank, order,  
3 promote, recommend, amplify, or  
4 similarly alter the delivery or display  
5 of information (including any text,  
6 image, audio, or video post, page,  
7 group, account, channel, or affiliation)  
8 provided to a user of the service if the  
9 information is directly relevant to the  
10 claim.

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

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

1                   “(aa) chronologically or re-  
2                   verse chronologically;

3                   “(bb) by average user rating  
4                   or number of user reviews;

5                   “(cc) alphabetically;

6                   “(dd) randomly; and

7                   “(ee) by views, downloads,  
8                   or a similar usage metric; or

9                   “(II) the algorithm, model, or  
10                  other computational process is used  
11                  for information a user specifically  
12                  searches for.

13                  “(C) EXEMPTIONS.—

14                  “(i) SMALL BUSINESSES.—This para-  
15                  graph shall not apply to an interactive  
16                  computer service that (in combination with  
17                  each subsidiary and affiliate of the service)  
18                  has 10,000,000 or fewer unique monthly  
19                  visitors or users for not fewer than three  
20                  of the preceding 12 months.

21                  “(ii) INTERNET INFRASTRUCTURE.—  
22                  This paragraph shall not apply to a pro-  
23                  vider of an interactive computer service,  
24                  when that service is used by another inter-  
25                  active computer service for the manage-

1                   ment, control, or operation of that other  
2                   interactive computer service, including  
3                   for—

4                                   “(I) web hosting;

5                                   “(II) domain registration;

6                                   “(III) content delivery networks;

7                                   “(IV) caching;

8                                   “(V) data storage; and

9                                   “(VI) cybersecurity.”.