

117TH CONGRESS
1ST SESSION

S. 3029

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

OCTOBER 20, 2021

Mr. LUJÁN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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-

putational process to rank, order, promote, recommend, amplify, or similarly alter the delivery or display of information (including any text, image, audio, or video post, page, group, account, channel, or affiliation) provided to a user of the service if the information is directly relevant to the claim.

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

“(I) the information delivery or display is ranked, ordered, promoted, recommended, amplified, or similarly altered in a way that is obvious, understandable, and transparent to a reasonable user based only on the delivery or display of the information (without the need to reference the terms of service or any other agreement), including sorting information—

“(aa) chronologically or reverse 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.”.

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