

115TH CONGRESS
2D SESSION

H. R. 7363

To amend the Communications Act of 1934 to provide that an owner or operator of a social media service that hinders the display of user-generated content shall be treated as a publisher or speaker of such content, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2018

Mr. GOHMERT introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to provide that an owner or operator of a social media service that hinders the display of user-generated content shall be treated as a publisher or speaker of such content, 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 “Biased Algorithm De-
5 terrence Act of 2018”.

1 **SEC. 2. EXCEPTION TO PROTECTION FROM TREATMENT AS**
2 **PUBLISHER OR SPEAKER.**

3 Section 230 of the Communications Act of 1934 (47
4 U.S.C. 230) is amended—

5 (1) in subsection (c), by adding at the end the
6 following:

7 “(3) EXCEPTION.—

8 “(A) IN GENERAL.—Notwithstanding para-
9 graph (1), an owner or operator of a social
10 media service that displays user-generated con-
11 tent in an order other than chronological order,
12 delays the display of such content relative to
13 other content, or otherwise hinders the display
14 of such content relative to other content, if for
15 a reason other than to restrict access to or
16 availability of material described in paragraph
17 (2)(A) or to carry out the direction of the user
18 that generated such content, shall be treated as
19 a publisher or speaker of such content.

20 “(B) USE OF ALGORITHMS.—If an algo-
21 rithm or other computer program of a social
22 media service is used to engage in an action re-
23 lated to user-generated content that is described
24 in subparagraph (A), such action shall be con-
25 sidered to be the action of the owner or oper-
26 ator of the social media service.”; and

1 (2) in subsection (f), by adding at the end the
2 following:

3 “(5) SOCIAL MEDIA SERVICE.—The term ‘social
4 media service’ means any interactive computer serv-
5 ice provided over the Internet that connects users
6 for the purpose of such users engaging in dialogue,
7 sharing information, collaborating, or otherwise
8 interacting.

9 “(6) USER-GENERATED CONTENT.—The term
10 ‘user-generated content’ means content that is sup-
11 plied on a social media service by an information
12 content provider who is a user of such service.”.

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