

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.

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## 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

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## 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.”.

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