

Section-by-Section
Algorithm Accountability Act
Senators John Curtis and Mark Kelly

Section 1. Short Title

This section designates the bill as the “Algorithm Accountability Act.”

Section 2. Limitation of Liability Protection for Certain Social Media Platforms

This section amends Section 230 of the Communications Decency Act of 1996 to limit immunity for social media platforms that use harmful recommendation algorithms.

Duty of Care in Algorithmic Design: Requires social media platforms to exercise reasonable care in the design, training, testing, deployment, and maintenance of their recommendation-based algorithms to prevent bodily injury or death that a reasonable person would see as foreseeable and attributable to the algorithm.

Creates an exception for platforms that sort content chronologically or reverse-chronologically, and for the initial results returned from a user-initiated search

Protects the First Amendment by specifying that the Federal Communications Commission is not authorized to enforce the duty of care based on the viewpoints expressed within content.

Enforcement: Removes Section 230 immunity from platforms that violate the duty of care. Allows for victims or their representatives to sue a platform in federal court for compensatory and punitive damages. Invalidates pre-dispute arbitration agreements and joint action waivers, ensuring enforcement happens through the courts.

Definitions: Defines relevant terms.

Technical and Conforming Amendments: Updates related federal statutes to align with the new structure of Section 230.