



ALGORITHM ACCOUNTABILITY ACT

Section 230 of the Communications Decency Act of 1996 was written for the early internet to protect online platforms from civil liability for content posted by a user. However, the internet has changed dramatically over the last three decades. Today, many online platforms employ algorithms – products that are designed to keep users endlessly engaged by exploiting personal data.

When a product's design foreseeably causes harm, its manufacturer is held accountable. The Algorithm Accountability Act applies this same principle to online platforms by establishing a duty of care for the algorithms they deploy.

KEY PROVISIONS

CREATES DUTY OF CARE IN ALGORITHMIC DESIGN

- Social media platforms must exercise reasonable care in designing, training, testing, deploying, operating, and maintaining recommendation-based algorithms to prevent foreseeable bodily injury or death.
- Exceptions exist for neutral ranking methods and individual user-initiated searches.

HOLDS PLATFORMS ACCOUNTABLE

- Clarifies that Section 230 immunity does not preclude a company from exercising a duty of care.
- Allows victims (or their representatives) to bring civil actions in federal court for compensatory and punitive damages.
- Invalidates pre-dispute arbitration agreements and class-action waivers for claims under this Act.

PROTECTS THE FIRST AMENDMENT AND STATE LAW

- Preserves free speech protections – enforcement cannot be based on viewpoint or expression.
- Allows states to enforce laws providing equal or stronger user protections.