



## **Big Tech Accountability Act - Talking Points**

- **Current regulations governing big tech and the internet immunize the world’s richest corporations at the expense of the health, safety and welfare of our democracy and our people.**
  - Section 230, a provision in the 1996 Communications Decency Act, was intended to safeguard online platforms from being held accountable for user-generated content.
  - However, over time, these companies have morphed into active content curators, amplifying and promoting - often illegal - content for their own massive financial gain.
  - Section 230, in its present form, protects major platforms that amplify disinformation, hate speech, and violence, drowning out ordinary voices.
  - Mis- and disinformation are a direct threat to American democracy and communities around the world. For example, in 2017, Facebook’s algorithms “proactively amplified” hate speech about an ethnic minority group in Myanmar that led to a mass campaign of murder, violence, and exile.<sup>1</sup> In the US, lies about the 2020 election spread online and amplified by big tech’s algorithms, led to the January 6th insurrection.<sup>2</sup>
  - The current business model of major internet companies, built on exploiting personal information and promoting harmful content, calls out for regulation. Well-established principles of legal liability applicable to traditional media companies and longstanding regulation of fraud and of threats and solicitations of violent crime provide clear legal precedent to hold big tech companies liable for the amplification of online disinformation and threats of violence.
- **The [Big Tech Accountability Act \(BTAA\)](#) is a bold, comprehensive bill to hold Big Tech corporations accountable for amplifying disinformation and violence. It also protects online personal privacy and autonomy against commercial exploitation.**

---

<sup>1</sup> <https://time.com/6217730/myanmar-meta-rohingya-facebook/>

<sup>2</sup> <https://www.theguardian.com/us-news/2022/jan/13/capitol-attack-subpoena-google-facebook-twitter>

- The BTAA would amend the Communications Decency Act, Section 230, to restrict immunity for interactive computer services (ICSs) that engage in targeted content dissemination, encourage misinformation or violence, or intentionally profit from amplifying such content. In addition, the legislation bans most targeted online advertising. It establishes new federal criminal and civil liability for disseminating fraudulent civic information or encouraging violence, directing focus on individualized targeting practices that risk substantial public harm. Lastly, the bill directs the Federal Trade Commission to study and propose regulations to prevent the unauthorized sale of personal data without informed and meaningful consent.
- BTAA would amend Section 230 selectively, removing immunity for companies engaging in targeted dissemination of harmful content or benefiting financially from promoting misinformation or violence.
- Unlike other bills, BTAA provides a comprehensive model focused on holding social media companies accountable for amplifying dangerous content and protecting personal privacy.
- BTAA would maintain a balance between free expression and holding accountable those who exploit the platform for harmful purposes. Platforms that merely allow user-generated content without targeting, amplifying, or curating it will continue to enjoy immunity. BTAA's penalties for spreading false information are targeted at situations where demonstrable harm arises from intentional or reckless misinformation.
- The BTAA would discourage the amplification of disinformation that threatens safety in our communities and undermines democracy, ensuring an open platform that uplifts diverse voices without empowering extremists.
- We can regulate disinformation while also upholding free speech under The First Amendment. The First Amendment safeguards certain false speech, but courts have long recognized the government's power to regulate false speech that causes tangible public harm. For example, all criminal offenses involving fraud punish people for false speech. Perhaps the most famous example is the illustration provided by Justice Oliver Wendall Holmes: the First Amendment does not protect "falsely shouting fire in a theatre and causing a panic."