

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To require internet platform companies to submit to the Federal Trade Commission biannual filings regarding the content management policies of such companies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To require internet platform companies to submit to the Federal Trade Commission biannual filings regarding the content management policies of such companies, 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 [“ _____ Act
5 of 2021”].

1 **SEC. 2. FILINGS REGARDING CONTENT MANAGEMENT**
2 **POLICIES.**

3 (a) BIENNIAL FILINGS.—Each covered company
4 shall submit to the Commission, on a biennial basis, a
5 detailed description of such covered company’s content
6 management policy that includes the following:

7 (1) The process such covered company under-
8 takes to develop, maintain, and update its content
9 policies, as applicable, including—

10 (A) disclosure of any outside person or
11 third party involved in such process, including
12 the specific role of each outside person or third
13 party in such process;

14 (B) how often such policies are reviewed
15 for updates and, if applicable, how often such
16 policies are updated;

17 (C) the reasons for any material change to
18 such policies; and

19 (D) how such covered company enforces
20 material changes to such policies and notifies
21 individual users of updates to such policies.

22 (2) How such covered company proactively re-
23 views content, including—

24 (A) whether such review is done by hu-
25 mans, automated technology, or any combina-
26 tion thereof; and

1 (B) whether such review is conducted, in
2 whole or in part, by any outside person or third
3 party and, if applicable, the disclosure of such
4 outside persons or third parties.

5 (3) How such covered company determines
6 whether content violates its content policies, includ-
7 ing—

8 (A) whether such determination is made by
9 humans, automated technology, or any com-
10 bination thereof;

11 (B) whether such determination is made,
12 in whole or in part, by any outside person or
13 third party and, if applicable, the disclosure of
14 such outside persons or third parties; and

15 (C) disclosure of the category of employees
16 making the final determination to remove con-
17 tent.

18 (4) The process such covered company under-
19 takes to respond to content flagged by individuals as
20 potentially violative of such covered company's terms
21 of service, community standards, or any other con-
22 tent policy, including—

23 (A) a stated process as to how content can
24 be requested for removal from such covered
25 company's platform;

1 (B) disclosure of the category of employees
2 making the final determination about whether
3 such flagged content violates such covered com-
4 pany's content policies;

5 (C) whether any outside entity or third
6 party responds, in whole or in part, to flagged
7 content and, if applicable, the disclosure of such
8 outside persons or third parties;

9 (D) the length of time to respond to re-
10 quests for removal; and

11 (E) the factors considered to make deci-
12 sions about flagged content.

13 (b) PUBLIC AVAILABILITY.—The Commission shall
14 make publicly available on the website of the Commission
15 the disclosures required under subsection (a). The covered
16 company filing such disclosures may claim any informa-
17 tion included in such filing to be privileged and confiden-
18 tial and, upon coordination with the Commission, such in-
19 formation shall be treated as such for purposes of section
20 552(b)(4) of title 5, United States Code. If the Commis-
21 sion withholds any information included in the filing, the
22 Commission shall make publicly available on the website
23 the category of information withheld and the purposes for
24 doing so.

1 **SEC. 3. ENFORCEMENT BY FEDERAL TRADE COMMISSION.**

2 (a) IN GENERAL.—This Act shall be enforced by the
3 Commission under the Federal Trade Commission Act (15
4 U.S.C. 41 et seq.).

5 (b) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
6 A violation of this Act shall be treated as a violation of
7 a rule defining an unfair or deceptive act or practice pre-
8 scribed under section 18(a)(1)(B) of the Federal Trade
9 Commission Act (15 U.S.C. 57a(a)(1)(B)).

10 (c) ACTIONS BY THE COMMISSION.—

11 (1) IN GENERAL.—The Commission shall pre-
12 vent any person from violating this Act in the same
13 manner, by the same means, and with the same ju-
14 risdiction, powers, and duties as though all applica-
15 ble terms and provisions of the Federal Trade Com-
16 mission Act (15 U.S.C. 41 et seq.) were incor-
17 porated into and made a part of this Act.

18 (2) PENALTIES AND PRIVILEGES.—Any person
19 who violates this Act shall be subject to the penalties
20 and entitled to the privileges and immunities pro-
21 vided in the Federal Trade Commission Act (15
22 U.S.C. 41 et seq.).

23 **SEC. 4. DEFINITIONS.**

24 In this Act:

25 (1) COMMISSION.—The term “Commission”
26 means the Federal Trade Commission.

1 **[(2) COVERED COMPANY.—**The term “covered
2 company” means a company that provides any inter-
3 net platform that—**]**

4 **[(A) generates \$3,000,000,000 or more in**
5 annual revenue; and**]**

6 **[(B) has 300,000,000 or more monthly ac-**
7 tive users.**]**