

[DISCUSSION DRAFT]

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R.** \_\_\_\_\_

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

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IN THE HOUSE OF REPRESENTATIVES

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

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**A BILL**

To require internet platform companies to submit to the Federal Trade Commission biannual filings regarding the appeals process 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 APPEALS PROCESS.**

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

6 (1) The process such covered company under-  
7 takes to develop, maintain, and update its appeals  
8 policies, including—

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

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

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

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

21 (2) The appeals process a user may undertake  
22 to challenge a content decision, including—

23 (A) how a user files an appeal;

24 (B) how the covered company commu-  
25 nicates to a user the specific content policy that  
26 was allegedly violated;

1 (C) how the covered company determines  
2 that any user content violates such covered  
3 company's content policy;

4 (D) how the covered company commu-  
5 nicates to a user the specific reason for its deci-  
6 sion on an appeal; and

7 (E) the category of employees making the  
8 final determination in such appeals, including  
9 whether any outside person or third party is in-  
10 volved in such decisions and, if applicable, the  
11 disclosure of such outside persons or third par-  
12 ties involved in appeals decisions.

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.**]**