

**[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 quarterly filings regarding the content enforcement decisions 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 quarterly filings regarding the content enforcement decisions 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 ENFORCEMENT DE-**  
2 **CISIONS.**

3 (a) **QUARTERLY FILINGS.**—Each covered company  
4 shall submit to the Commission, on a quarterly basis, a  
5 detailed description of such covered company’s content en-  
6 forcement decisions, including the following:

7 (1) Content altered, flagged, or removed from  
8 such covered company’s platform related to the fol-  
9 lowing categories:

10 (A) Child pornography.

11 (B) Child trafficking.

12 (C) Cyberbullying.

13 (D) Illegal sale of drugs.

14 (E) Terrorism content.

15 (F) Counterfeit products, illegal products,  
16 and stolen products and materials.

17 (G) Revenge porn.

18 (H) Doxxing.

19 (2) The number of user accounts suspended  
20 and the corresponding content category for which  
21 such accounts were suspended.

22 (3) The number of user accounts permanently  
23 banned and the corresponding content category for  
24 which such accounts were permanently banned.

25 (b) **PUBLIC AVAILABILITY.**—The Commission shall  
26 make publicly available on the website of the Commission

1 the disclosures required under subsection (a). The covered  
2 company filing such disclosures may claim any informa-  
3 tion included in such filing to be privileged and confiden-  
4 tial and, upon coordination with the Commission, such in-  
5 formation shall be treated as such for purposes of section  
6 552(b)(4) of title 5, United States Code. If the Commis-  
7 sion withholds any information included in the filing, the  
8 Commission shall make publicly available on the website  
9 the category of information withheld and the purposes for  
10 doing so.

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

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

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

20 (c) ACTIONS BY THE COMMISSION.—

21 (1) IN GENERAL.—The Commission shall pre-  
22 vent any person from violating this Act in the same  
23 manner, by the same means, and with the same ju-  
24 risdiction, powers, and duties as though all applica-  
25 ble terms and provisions of the Federal Trade Com-

1 mission Act (15 U.S.C. 41 et seq.) were incor-  
2 porated into and made a part of this Act.

3 (2) PENALTIES AND PRIVILEGES.—Any person  
4 who violates this Act shall be subject to the penalties  
5 and entitled to the privileges and immunities pro-  
6 vided in the Federal Trade Commission Act (15  
7 U.S.C. 41 et seq.).

8 **SEC. 4. DEFINITIONS.**

9 In this Act:

10 (1) COMMISSION.—The term “Commission”  
11 means the Federal Trade Commission.

12 [(2) COUNTERFEIT PRODUCT.—The term  
13 “counterfeit product” means—]

14 [(A) a counterfeit mark (as defined in sec-  
15 tion 2320(f) of title 18, United States Code);  
16 or]

17 [(B) a counterfeit military good or service  
18 (as defined in such section).]

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

22 [(A) generates \$3,000,000,000 or more in  
23 annual revenue; and]

24 [(B) has 300,000,000 or more monthly ac-  
25 tive users.]

1           **[(4) CYBERBULLYING.—**The term  
2 “cyberbullying” means to intentionally engage in a  
3 course of conduct that was reasonably foreseeable  
4 and—**]**

5                   **[(A)** places an individual in reasonable  
6 fear of death or serious bodily injury; and**]**

7                   **[(B)** causes, attempts to cause, or would  
8 be reasonably expected to cause an individual to  
9 commit suicide.**]**

10           **[(5) DOXXING.—**The term “doxxing” means to  
11 intentionally engage in conduct that shares, offers,  
12 or solicits personally identifiable information or  
13 other private information that could lead to physical  
14 or financial harm, including financial, residential,  
15 and medical information.**]**

16           **[(6) ILLEGAL SALE OF DRUGS.—**The term “il-  
17 legal sale of drugs” means to advertise or offer to  
18 sell, deliver, distribute, dispense, or introduce into  
19 interstate commerce a controlled substance (as de-  
20 fined in section 102 of the Controlled Substances  
21 Act (21 U.S.C. 802)) or drug (as defined in section  
22 201 of the Federal Food, Drug, and Cosmetic Act  
23 (21 U.S.C. 321)) in violation of section 401(h) or  
24 403(c)(2) of the Controlled Substances Act (21  
25 U.S.C. 841(h); 843(c)(2)) or section 301(a), 301(d),

1 or 505(a) of the Federal Food, Drug, and Cosmetic  
2 Act (21 U.S.C. 331(a); 331(d); 355(a)).】

3 【(7) INTIMATE IMAGE.—The term “intimate  
4 image” means any photograph, motion picture film,  
5 videotape, digital image, or any other recording or  
6 transmission of another person who is identifiable  
7 from the image itself or from information displayed  
8 with or otherwise connected to the image, and that  
9 was taken in a private setting, is not a matter of  
10 public concern, and depicts—】

11 【(A) sexual activity, including sexual inter-  
12 course and masturbation; or】

13 【(B) a person’s intimate body parts,  
14 whether nude or visible through less than  
15 opaque clothing, including the genitals, pubic  
16 area, anus, or postpubescent female nipple.】

17 【(8) REVENGE PORN.—The term “revenge  
18 porn” means to intentionally engage in conduct that  
19 discloses an intimate image of another person and  
20 the person disclosing the image—】

21 【(A) obtained such image under cir-  
22 cumstances in which a reasonable person would  
23 know or understand the image was to remain  
24 private;】

1           **[(B) knows or should have known that the**  
2           depicted person has not consented to the disclo-  
3           sure; and**]**

4           **[(C) knows or reasonably should know**  
5           that disclosure would cause harm to the de-  
6           picted person.**]**

7           **[(9) TERRORISM CONTENT.—The term “ter-**  
8           rorism content” means—**]**

9           **[(A) any content shared or distributed by**  
10          any foreign organization designated by the Sec-  
11          retary of State as a Foreign Terrorist Organi-  
12          zation pursuant to section 219 of the Immigra-  
13          tion and Nationality Act (8 U.S.C. 1189);**]**

14          **[(B) any content shared or distributed by**  
15          entities with direct or indirect ties to countries  
16          determined to be State Sponsors of Terrorism  
17          by the Secretary of State; or**]**

18          **[(C) any foreign State-affiliated content**  
19          that promotes terrorism, violent extremism, and  
20          genocide of particular groups of individuals  
21          based on their race, sex, religious affiliation,  
22          ethnic grounds, or political affiliation.**]**