

117TH CONGRESS  
2D SESSION

# H. R. 6796

To provide for the establishment of the Bureau of Digital Services Oversight and Safety within the Federal Trade Commission, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2022

Mrs. TRAHAN (for herself, Mr. SCHIFF, and Mr. CASTEN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for the establishment of the Bureau of Digital Services Oversight and Safety within the Federal Trade Commission, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Digital Services Oversight and Safety Act of 2022”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Definitions.
- Sec. 3. Bureau of Digital Services Oversight and Safety.
- Sec. 4. Studies and investigations.
- Sec. 5. Internal complaint-handling systems.
- Sec. 6. Transparency regarding content moderation and related matters.
- Sec. 7. Risk assessment and risk mitigation reporting.
- Sec. 8. Guidance on best practices.
- Sec. 9. Recommender systems.
- Sec. 10. Independent research facilitation.
- Sec. 11. Research fellowship program.
- Sec. 12. Report and disclosure integrity.
- Sec. 13. Enforcement by Federal Trade Commission.
- Sec. 14. Authorization of appropriations.
- Sec. 15. Rule of construction.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADVERTISEMENT.**—The term “advertise-  
4 ment” means information that is—

5 (A) designed to promote the message of a  
6 person, irrespective of whether to achieve com-  
7 mercial or non-commercial purposes; and

8 (B) displayed by a provider of a covered  
9 platform on the online interface of the platform  
10 for remuneration specifically for promoting such  
11 information.

12 (2) **ADVERTISER.**—The term “advertiser”  
13 means a person who purchases advertising services.

14 (3) **ADVERTISING SERVICES.**—The term “adver-  
15 tising services” means tools, services, and interfaces  
16 provided by a provider of a covered platform to place  
17 advertisements.

18 (4) **BIOMETRIC INFORMATION.**—

1 (A) IN GENERAL.—The term “biometric  
2 information” means any personal information  
3 generated from the measurement or specific  
4 technological processing of an individual’s  
5 unique biological, physical, or physiological  
6 characteristics.

7 (B) INCLUSIONS.—The term “biometric in-  
8 formation” includes measurements of finger-  
9 prints, voice prints, iris scans, facial character-  
10 istics, identifying DNA (deoxyribonucleic acid)  
11 information, or other unique biological charac-  
12 teristics, including any mathematical code or al-  
13 gorithmic model generated or extracted from  
14 measurements of such characteristics.

15 (C) EXCLUSIONS.—The term “biometric  
16 information” does not include writing samples,  
17 written signatures, photographs, demographic  
18 data, or physical descriptions such as height,  
19 weight, hair color, or eye color.

20 (5) BUREAU.—The term “Bureau” means the  
21 Bureau of Digital Services Oversight and Safety es-  
22 tablished under section 3(a).

23 (6) CERTIFIED RESEARCHER.—The term “cer-  
24 tified researcher” means an individual certified  
25 under section 10(b).

1           (7) COMMISSION.—The term “Commission”  
2 means the Federal Trade Commission.

3           (8) COMMUNITY STANDARDS.—The term “com-  
4 munity standards” means a policy adopted by a pro-  
5 vider of a hosting service that specifies, at a min-  
6 imum, the user behavior and activities that are per-  
7 mitted on the service and the user behavior and ac-  
8 tivities that may subject a user or an item of content  
9 to a content moderation action.

10          (9) CONSTITUTIONAL LAWYER.—The term  
11 “constitutional lawyer” means a lawyer with exper-  
12 tise regarding the interpretation, implementation,  
13 and amendment of, and how to protect rights guar-  
14 anteed by, the Constitution of the United States and  
15 State constitutions.

16          (10) CONTENT MODERATION.—The term “con-  
17 tent moderation” means the activities undertaken by  
18 a provider of a hosting service aimed at detecting,  
19 identifying, and addressing content provided by  
20 users of such service that is illegal content or con-  
21 tent that is incompatible with the terms and condi-  
22 tions or community standards of such provider, in-  
23 cluding measures taken that affect—

24                   (A) the availability, visibility, and accessi-  
25 bility of such content, such as demotion of, dis-

1           abling of access to, or removal of such content;  
2           or

3                   (B) the users' ability to provide such con-  
4           tent, such as the termination or suspension of  
5           a user's account.

6           (11) COVERED PLATFORM.—

7                   (A) IN GENERAL.—The term “covered  
8           platform” means a hosting service—

9                           (i) that disseminates to the public in-  
10           formation; and

11                           (ii) to which a designation by the  
12           Commission under subparagraph (B) ap-  
13           plies.

14                   (B) DESIGNATION.—

15                           (i) IN GENERAL.—The Commission  
16           shall verify, at least every 2 years, whether  
17           the number of average monthly active  
18           users in the United States of each hosting  
19           service provided by a provider described in  
20           paragraph (22) is equal to or greater than  
21           the number described in subparagraph  
22           (D). On the basis of the verification, the  
23           Commission shall adopt a decision desig-  
24           nating the service as a covered platform  
25           for the purposes of this Act (if the number

1 of average monthly active users of the  
2 service in the United States is equal to or  
3 greater than the number described in sub-  
4 paragraph (D)), or terminating such des-  
5 ignation (if the number of average monthly  
6 active users of the service in the United  
7 States is less than the number described in  
8 subparagraph (D) and a previous designa-  
9 tion under this subparagraph applies to  
10 the service), and communicate such deci-  
11 sion, without undue delay, to the provider.

12 (ii) APPLICABILITY.—A designation  
13 under this subparagraph shall apply, or  
14 cease to apply, beginning on the date that  
15 is 4 months after the publication of the  
16 designation on, or the removal of the des-  
17 ignation from, the list under subparagraph  
18 (C).

19 (C) PUBLICATION OF LIST OF DESIGNATED  
20 COVERED PLATFORMS.—The Commission shall  
21 ensure that the list of covered platforms des-  
22 ignated under subparagraph (B) is published on  
23 the website of the Commission and keep such  
24 list updated.

1           (D) NUMBER OF AVERAGE MONTHLY AC-  
2 TIVE USERS DESCRIBED.—The number of aver-  
3 age monthly active users described in this sub-  
4 paragraph is 10,000,000.

5           (E) ADJUSTMENT.—When the population  
6 of the United States increases or decreases  
7 since the last adjustment under this subpara-  
8 graph (or, before the first adjustment under  
9 this subparagraph is made, since the date of  
10 the enactment of this Act) by 5 percent or  
11 more, the Commission shall adjust the number  
12 described in subparagraph (D) so that such  
13 number is equal to 3 percent of the United  
14 States population at the time of the adjust-  
15 ment, rounded up or down to the nearest mil-  
16 lion.

17           (F) METHODOLOGY.—Not later than 6  
18 months after the date of the enactment of this  
19 Act, the Commission shall issue regulations  
20 under section 553 of title 5, United States  
21 Code, to create a methodology for calculating  
22 the number of average monthly active users of  
23 a hosting service in the United States for pur-  
24 poses of this paragraph and paragraph (18).  
25 The methodology shall specify, in particular,

1           how to determine the United States population  
2           and criteria to determine the number of average  
3           monthly active users of a hosting service in the  
4           United States, taking into account different ac-  
5           cessibility features and business relationships.

6           (G) EXCEPTION.—The term “covered plat-  
7           form” does not include a hosting service with  
8           respect to which the dissemination to the public  
9           of information is merely a minor and purely an-  
10          cillary feature of another service, if such feature  
11          cannot, for objective technical reasons, be used  
12          without such other, principal service, and the  
13          integration of such feature is not a means to  
14          circumvent the applicability of this Act and the  
15          regulations issued under this Act. Such an an-  
16          cillary feature may include a feature such as  
17          the comments section in an online newspaper,  
18          where it is clear that it is ancillary to the main  
19          service represented by the publication of news  
20          under the editorial responsibility of the pub-  
21          lisher.

22          (12) DEIDENTIFY.—The term “deidentify”  
23          means, with respect to information, to take an ac-  
24          tion so that the information cannot reasonably be  
25          used to infer information about, or otherwise be

1 linked to, an individual, a household, or a device  
2 used by an individual or a household.

3 (13) DISSEMINATE TO THE PUBLIC.—The term  
4 “disseminate to the public” means, with respect to  
5 information provided by a user of a covered plat-  
6 form, to make the information available, at the re-  
7 quest of the user, to a potentially unlimited number  
8 of third parties.

9 (14) HOSTING SERVICE.—The term “hosting  
10 service” means an interactive computer service  
11 that—

12 (A) stores information provided by, and at  
13 the request of, a user of the service; and

14 (B) at any point during the preceding 2  
15 calendar years, was owned or controlled by an  
16 entity with net annual sales or a market cap-  
17 italization greater than \$2,500,000, adjusted  
18 annually for inflation on the basis of the Con-  
19 sumer Price Index.

20 (15) ILLEGAL CONTENT.—The term “illegal  
21 content” means any information, which, in itself or  
22 by its reference to an activity, including the sale of  
23 products or provision of services, is not in compli-  
24 ance with Federal law.

1           (16) INFLUENCER MARKETING.—The term  
2 “influencer marketing” means a practice by which a  
3 company compensates an individual who is consid-  
4 ered by the company to have the potential to review,  
5 promote, or sell a product or service online to an in-  
6 tended target audience.

7           (17) INTERACTIVE COMPUTER SERVICE.—The  
8 term “interactive computer service” has the meaning  
9 given such term in section 230(f) of the Communica-  
10 tions Act of 1934 (47 U.S.C. 230(f)).

11           (18) LARGE COVERED PLATFORM.—

12           (A) IN GENERAL.—The term “large cov-  
13 ered platform” means a hosting service—

14                   (i) that disseminates to the public in-  
15 formation; and

16                   (ii) to which a designation by the  
17 Commission under subparagraph (B) ap-  
18 plies.

19           (B) DESIGNATION.—

20                   (i) IN GENERAL.—The Commission  
21 shall verify, at least every 2 years, whether  
22 the number of average monthly active  
23 users in the United States of each hosting  
24 service provided by a provider described in  
25 paragraph (22) is equal to or greater than

1 the number described in subparagraph  
2 (D). On the basis of the verification, the  
3 Commission shall adopt a decision designating the service as a large covered platform for the purposes of this Act (if the  
4 number of average monthly active users of  
5 the service in the United States is equal to  
6 or greater than the number described in  
7 subparagraph (D)), or terminating such  
8 designation (if the number of average  
9 monthly active users of the service in the  
10 United States is less than the number described in subparagraph (D) and a previous designation under this subparagraph applies to the service), and communicate  
11 such decision, without undue delay, to the  
12 provider.

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18 (ii) APPLICABILITY.—A designation  
19 under this subparagraph shall apply, or  
20 cease to apply, beginning on the date that  
21 is 4 months after the publication of the  
22 designation on, or the removal of the designation from, the list under subparagraph  
23 (C).  
24

1 (C) PUBLICATION OF LIST OF DESIGNATED  
2 LARGE COVERED PLATFORMS.—The Commis-  
3 sion shall ensure that the list of large covered  
4 platforms designated under subparagraph (B)  
5 is published on the website of the Commission  
6 and keep such list updated.

7 (D) NUMBER OF AVERAGE MONTHLY AC-  
8 TIVE USERS DESCRIBED.—The number of aver-  
9 age monthly active users described in this sub-  
10 paragraph is 66,000,000.

11 (E) ADJUSTMENT.—When the population  
12 of the United States increases or decreases  
13 since the last adjustment under this subpara-  
14 graph (or, before the first adjustment under  
15 this subparagraph is made, since the date of  
16 the enactment of this Act) by 5 percent or  
17 more, the Commission shall adjust the number  
18 described in subparagraph (D) so that such  
19 number is equal to 20 percent of the United  
20 States population at the time of the adjust-  
21 ment, rounded up or down to the nearest mil-  
22 lion.

23 (F) EXCEPTION.—The term “large covered  
24 platform” does not include a hosting service  
25 with respect to which the dissemination to the

1 public of information is merely a minor and  
2 purely ancillary feature of another service, if  
3 such feature cannot, for objective technical rea-  
4 sons, be used without such other, principal serv-  
5 ice, and the integration of such feature is not  
6 a means to circumvent the applicability of this  
7 Act and the regulations issued under this Act.  
8 Such an ancillary feature may include a feature  
9 such as the comments section in an online  
10 newspaper, where it is clear that it is ancillary  
11 to the main service represented by the publica-  
12 tion of news under the editorial responsibility of  
13 the publisher.

14 (19) OFFICE.—The term “Office” means the  
15 Office of Independent Research Facilitation estab-  
16 lished under section 10(a).

17 (20) PERSONAL HEALTH INFORMATION.—The  
18 term “personal health information” includes per-  
19 sonal information that—

20 (A) relates to the physical or mental health  
21 or condition of an individual or the provision of  
22 health care to an individual;

23 (B) is processed for the purpose or in the  
24 course of providing health or wellness services;  
25 or

1 (C) is derived from the testing or examina-  
2 tion of a body part or bodily substance, includ-  
3 ing from genetic data and biological samples.

4 (21) PRECISE GEOSPATIAL INFORMATION.—

5 (A) IN GENERAL.—The term “precise  
6 geospatial information” means information de-  
7 rived from a consumer device through any tech-  
8 nology that is capable of determining with spec-  
9 ificity the spatial location of a person or device,  
10 such as latitude-longitude coordinates with an  
11 accuracy level of below 1,750 feet provided by  
12 GPS, triangulated location provided by network  
13 radios or beacons such as Wi-Fi, or other tech-  
14 nologies and inferences.

15 (B) EXCLUSION.—The term “precise  
16 geospatial information” does not include infor-  
17 mation that is or will be altered prior to subse-  
18 quent processing such that the physical location  
19 of an individual or device cannot be determined  
20 with specificity.

21 (22) PROVIDER.—The term “provider” means,  
22 with respect to a hosting service, covered platform,  
23 or large covered platform, a person, partnership, or  
24 corporation over which the Commission has author-  
25 ity pursuant to section 6(a) of the Federal Trade

1 Commission Act (15 U.S.C. 46(a)) that provides  
2 such service or platform.

3 (23) PUBLIC CONTENT.—The term “public con-  
4 tent” means information on a covered platform that  
5 is available to a potentially unlimited number of  
6 third parties. Such term does not exclude informa-  
7 tion merely because an individual must log into an  
8 account in order to see the information.

9 (24) RECOGNIZED PLACE.—The term “recog-  
10 nized place” means any of the following:

11 (A) Each of the 50 States, the District of  
12 Columbia, the Commonwealth of Puerto Rico,  
13 Guam, American Samoa, the Commonwealth of  
14 the Northern Mariana Islands, and the Virgin  
15 Islands of the United States.

16 (B) Each noncontiguous area of Indian  
17 country (as defined in section 1151 of title 18,  
18 United States Code).

19 (C) A county, municipality, city, town,  
20 township, village, borough, or similar unit of  
21 general government that is—

22 (i) incorporated pursuant to a State  
23 law; or

1 (ii) an incorporated place (as such  
2 term is defined in the most recent glossary  
3 of the Bureau of the Census).

4 (D) A census designated place (as such  
5 term is defined in the most recent glossary of  
6 the Bureau of the Census).

7 (E) A congressional district.

8 (F) A country.

9 (25) RECOMMENDER SYSTEM.—The term “rec-  
10 ommender system” means a fully or partially auto-  
11 mated system used on a covered platform to suggest  
12 in the online interface of the platform specific infor-  
13 mation to users of the platform, including as a re-  
14 sult of a search initiated by a user or otherwise de-  
15 termining the relative order or prominence of infor-  
16 mation displayed.

17 (26) SOCIOTECHNICAL EXPERT.—The term  
18 “sociotechnical expert” means an information  
19 science researcher, privacy or human rights advo-  
20 cate, international data governance expert, sociolo-  
21 gist, psychologist, ethicist, language scholar, statisti-  
22 cian, user interface designer, child development  
23 scholar, or an individual with expertise in another  
24 related field or application.

1           (27) STATE.—The term “State” means each  
2 State of the United States, the District of Columbia,  
3 each commonwealth, territory, or possession of the  
4 United States, and each federally recognized Indian  
5 Tribe.

6           (28) TECHNOLOGIST.—The term “technologist”  
7 means an individual with training and expertise re-  
8 garding the state of the art in information tech-  
9 nology, information security, network security, soft-  
10 ware development, computer science, computer engi-  
11 neering, or another related field or application.

12           (29) TERMS AND CONDITIONS.—The term  
13 “terms and conditions” means all terms and condi-  
14 tions or specifications, irrespective of their name or  
15 form, which govern the contractual relationship be-  
16 tween the provider of a hosting service and users of  
17 the service.

18 **SEC. 3. BUREAU OF DIGITAL SERVICES OVERSIGHT AND**  
19 **SAFETY.**

20           (a) ESTABLISHMENT.—Not later than 6 months after  
21 the date of the enactment of this Act, the Commission  
22 shall establish an administrative unit in the Commission  
23 to be known as the “Bureau of Digital Services Oversight  
24 and Safety”, which shall carry out such duties of the Com-

1 mission under this Act, and such other duties relating to  
2 hosting services, as the Commission considers appropriate.

3 (b) APPOINTMENTS.—

4 (1) DIRECTOR.—The Bureau shall be headed  
5 by a Director, who shall be appointed by the Com-  
6 mission.

7 (2) PERSONNEL.—

8 (A) IN GENERAL.—The Director of the  
9 Bureau shall, without regard to the civil service  
10 laws (including regulations), establish at least  
11 500 positions in the Bureau and appoint cer-  
12 tified professionals to such positions to carry  
13 out the duties of the Bureau. The Director may  
14 fix the rate of basic pay for such positions at  
15 any rate up to the annual rate of basic pay for  
16 Level I of the Executive Schedule under section  
17 5312 of title 5, United States Code.

18 (B) TECHNOLOGISTS.—In appointing cer-  
19 tified professionals under subparagraph (A), the  
20 Director shall appoint at least 80 technologists.

21 (C) SOCIOTECHNICAL EXPERTS.—In ap-  
22 pointing certified professionals under subpara-  
23 graph (A), the Director shall appoint at least  
24 80 sociotechnical experts.

1 (D) CONSTITUTIONAL LAWYERS.—In ap-  
2 pointing certified professionals under subpara-  
3 graph (A), the Director shall appoint at least  
4 15 constitutional lawyers.

5 **SEC. 4. STUDIES AND INVESTIGATIONS.**

6 (a) SENSE OF CONGRESS REGARDING USE OF SEC-  
7 TION 6(b) AUTHORITY.—It is the sense of Congress that  
8 the Commission should do the following:

9 (1) Use the authority of the Commission under  
10 section 6(b) of the Federal Trade Commission Act  
11 (15 U.S.C. 46(b)), on an ongoing basis, to conduct  
12 investigative studies of providers of hosting services.

13 (2) Provide the Bureau with adequate authority  
14 and resources to conduct such investigative studies.

15 (3) Conduct such investigative studies to gain a  
16 better understanding of the following systemic risks:

17 (A) The dissemination of illegal content or  
18 illegal goods, or the facilitation of illegal activ-  
19 ity, through a hosting service.

20 (B) Discrimination against individuals  
21 based on race, color, religion or creed, national  
22 origin or ancestry, sex (including gender, preg-  
23 nancy status, sexual orientation, or gender  
24 identity), age, physical or mental disability, vet-  
25 eran status, genetic information, or citizenship

1 by, or resulting from the activities of, a pro-  
2 vider of a hosting service.

3 (C) Any malfunctioning or intentional ma-  
4 nipulation of a hosting service, including by  
5 means of inauthentic use or coordinated, auto-  
6 mated, or other exploitation of the service or  
7 risks inherent to the intended operation of the  
8 service, including the amplification of illegal  
9 content, and of content that is in breach of the  
10 community standards of the provider of the  
11 service and has an actual or foreseeable nega-  
12 tive effect on the protection of public health,  
13 minors, civic discourse, electoral processes, pub-  
14 lic security, or the safety of vulnerable and  
15 marginalized communities.

16 (b) WHISTLEBLOWER PROTECTIONS.—

17 (1) DEFINITIONS.—In this subsection:

18 (A) COVERED PERSON.—The term “cov-  
19 ered person” means a person who is—

20 (i) a provider of a hosting service;

21 (ii) an officer, employee, contractor,  
22 subcontractor, or agent of a provider of a  
23 hosting service; or

1 (iii) an officer, employee, or agent of  
2 a contractor or subcontractor of a provider  
3 of a hosting service.

4 (B) PROTECTED INDIVIDUAL.—The term  
5 “protected individual” means an individual who  
6 is—

7 (i) an officer, employee, contractor,  
8 subcontractor, or agent of a provider of a  
9 hosting service;

10 (ii) an officer, employee, or agent of a  
11 contractor or subcontractor of a provider  
12 of a hosting service; or

13 (iii) a certified researcher.

14 (2) WHISTLEBLOWER PROTECTION.—

15 (A) IN GENERAL.—A covered person may  
16 not discharge, demote, suspend, threaten, har-  
17 ass, or in any other manner discriminate  
18 against (in the terms and conditions of employ-  
19 ment or otherwise) a protected individual if  
20 such discrimination is due, in whole or in part,  
21 to the protected individual’s lawful, good faith  
22 act done, or perceived by the covered person to  
23 have been done or about to be done, because  
24 the protected individual—

1 (i) provides information, causes infor-  
2 mation to be provided, or otherwise assists  
3 in an investigation regarding any conduct  
4 which the protected individual reasonably  
5 believes constitutes a violation of this Act  
6 or the regulations issued by the Commis-  
7 sion under this Act when the information  
8 or assistance is provided to or the inves-  
9 tigation is conducted by—

10 (I) a Federal regulatory or law  
11 enforcement agency;

12 (II) any Member of Congress or  
13 any committee of Congress; or

14 (III) in the case of a protected  
15 individual who is an employee of a  
16 provider of a hosting service or of a  
17 contractor or subcontractor of such a  
18 provider, a person with supervisory  
19 authority over the employee (or such  
20 other person working for the provider,  
21 contractor, or subcontractor who has  
22 the authority to investigate, discover,  
23 or terminate misconduct); or

24 (ii) files, causes to be filed, testifies  
25 in, participates in, or otherwise assists in

1 a proceeding filed or about to be filed re-  
2 lating to an alleged violation of this Act or  
3 the regulations issued by the Commission  
4 under this Act.

5 (B) PROHIBITION ON SERVICE DISCRIMI-  
6 NATION.—In addition to the discrimination pro-  
7 hibited by subparagraph (A), a provider of a  
8 hosting service may not condition, degrade, or  
9 otherwise discriminate in the provision of a  
10 service or product to a protected individual be-  
11 cause the protected individual engaged in any  
12 action described in clause (i) or (ii) of such sub-  
13 paragraph.

14 (3) ENFORCEMENT ACTION.—

15 (A) IN GENERAL.—A protected individual  
16 who alleges discharge or other discrimination by  
17 any covered person in violation of paragraph  
18 (2) may seek relief under paragraph (4) by—

19 (i) filing a complaint with the Sec-  
20 retary of Labor; or

21 (ii) if the Secretary has not issued a  
22 final decision within 180 days after the fil-  
23 ing of the complaint under clause (i) and  
24 there is no showing that such delay is due  
25 to the bad faith of the protected individual,

1 bringing an action at law or equity for de  
2 novo review in the appropriate district  
3 court of the United States, which shall  
4 have jurisdiction over such an action with-  
5 out regard to the amount in controversy.

6 (B) PROCEDURE.—

7 (i) IN GENERAL.—Any proceeding  
8 with respect to a complaint under subpara-  
9 graph (A)(i) shall be governed under the  
10 rules and procedures set forth in section  
11 42121(b) of title 49, United States Code.

12 (ii) EXCEPTION.—Notification made  
13 under section 42121(b)(1) of title 49,  
14 United States Code, shall be made to the  
15 covered person named in the complaint  
16 and, in the case of a complaint filed by a  
17 protected individual who is an employee of  
18 a provider of a hosting service or of a con-  
19 tractor or subcontractor of such a provider,  
20 to the provider, contractor, or subcon-  
21 tractor.

22 (iii) BURDENS OF PROOF.—An action  
23 brought under subparagraph (A)(ii) shall  
24 be governed by the legal burdens of proof

1 set forth in section 42121(b) of title 49,  
2 United States Code.

3 (iv) STATUTE OF LIMITATIONS.—A  
4 complaint under subparagraph (A)(i) shall  
5 be filed not later than 180 days after the  
6 later of—

7 (I) the date on which the viola-  
8 tion occurs; or

9 (II) the date on which the pro-  
10 tected individual becomes aware of the  
11 violation.

12 (v) JURY TRIAL.—A party to an ac-  
13 tion brought under subparagraph (A)(ii)  
14 shall be entitled to trial by jury.

15 (4) RELIEF.—

16 (A) IN GENERAL.—A protected individual  
17 prevailing in any proceeding or action under  
18 paragraph (3)(A) shall be entitled to all relief  
19 necessary to make the protected individual  
20 whole, including compensation for any special  
21 damages sustained as a result of the discrimi-  
22 nation, including litigation costs, expert witness  
23 fees, and reasonable attorney fees.

24 (B) FOR EMPLOYEES.—In the case of a  
25 protected individual who is an employee of a

1 provider of a hosting service or of a contractor  
2 or subcontractor of such a provider, if the em-  
3 ployee prevails in any proceeding or action  
4 under paragraph (3)(A) against the provider,  
5 contractor, or subcontractor, relief under sub-  
6 paragraph (A) of this paragraph may include—

7 (i) reinstatement with the same se-  
8 niority status that the employee would  
9 have had, but for the discrimination; and

10 (ii) the amount of back pay, with in-  
11 terest.

12 (5) RIGHTS RETAINED BY PROTECTED INDI-  
13 VIDUAL.—Nothing in this subsection shall be con-  
14 strued to diminish the rights, privileges, or remedies  
15 of any protected individual under any Federal or  
16 State law, or under any collective bargaining agree-  
17 ment.

18 (6) NONENFORCEABILITY OF CERTAIN PROVI-  
19 SIONS WAIVING RIGHTS AND REMEDIES OR REQUIR-  
20 ING ARBITRATION OF DISPUTES.—

21 (A) WAIVER OF RIGHTS AND REMEDIES.—

22 The rights and remedies provided for in this  
23 subsection may not be waived, including by a  
24 predispute arbitration agreement.

1 (B) PREDISPUTE ARBITRATION AGREE-  
2 MENTS.—No predispute arbitration agreement  
3 shall be valid or enforceable, if the agreement  
4 requires arbitration of a dispute arising under  
5 this subsection.

6 (7) NO CONDITIONAL SERVICE.—A provider of  
7 a hosting service may not condition, degrade, or oth-  
8 erwise discriminate in the provision of a service or  
9 product to a protected individual based on the pro-  
10 tected individual’s waiver of or refusal to waive any  
11 right or remedy provided for in this subsection.

12 (8) PROHIBITION ON DISCLOSURE OF IDENTITY  
13 OF PROTECTED INDIVIDUAL.—

14 (A) BY FEDERAL AGENCIES.—Except with  
15 the written consent of the protected individual,  
16 an agency (as defined in section 552(f) of title  
17 5, United States Code) may not disclose any in-  
18 formation that may be used to identify a pro-  
19 tected individual who has provided information  
20 about an alleged violation of this Act or the  
21 regulations issued by the Commission under  
22 this Act, except in accordance with the provi-  
23 sions of section 552a of title 5, United States  
24 Code, unless and until required to be disclosed  
25 to a defendant or respondent in connection with

1 a public proceeding instituted by the agency.  
2 Any information that may be used to identify a  
3 protected individual shall be exempt from dis-  
4 closure under section 552(b)(3)(B) of title 5,  
5 United States Code.

6 (B) BY COVERED PERSONS.—Except with  
7 the written consent of the protected individual,  
8 a covered person may not disclose any informa-  
9 tion that may be used to identify a protected in-  
10 dividual who has provided information about an  
11 alleged violation of this Act or the regulations  
12 issued by the Commission under this Act, un-  
13 less and until required to be disclosed by law  
14 (including pursuant to an order issued by a  
15 court of competent jurisdiction).

16 (c) INTERAGENCY REPORTS.—

17 (1) IN GENERAL.—Upon request by an agency  
18 described in paragraph (2), the Commission may, at  
19 the discretion of the Commission—

20 (A) investigate conduct by a provider of a  
21 hosting service that may be unlawful under a  
22 provision of law enforced by or a regulation  
23 issued by such agency; and

24 (B) issue a report to such agency on the  
25 results of the investigation.

1           (2) AGENCIES DESCRIBED.—The agencies de-  
2       scribed in this paragraph are the following:

3           (A) The Department of Education.

4           (B) The Department of Labor.

5           (C) The Department of Housing and  
6       Urban Development.

7           (D) The Department of Commerce.

8           (E) The Department of Health and  
9       Human Services.

10          (F) The Department of Veterans Affairs.

11          (G) The Equal Employment Opportunity  
12       Commission.

13          (H) The Bureau of Consumer Financial  
14       Protection.

15          (I) The Federal Communications Commis-  
16       sion.

17          (J) The Federal Election Commission.

18          (K) The Department of State.

19          (3) PUBLIC AVAILABILITY OF REPORTS.—A re-  
20       port issued by the Commission under paragraph (1)  
21       shall be made publicly available by the Commission  
22       consistent with section 552 of title 5, United States  
23       Code (commonly known as the “Freedom of Infor-  
24       mation Act”).

1 **SEC. 5. INTERNAL COMPLAINT-HANDLING SYSTEMS.**

2 (a) IN GENERAL.—Not later than 1 year after the  
3 date of the enactment of this Act, the Commission shall  
4 issue regulations under section 553 of title 5, United  
5 States Code, that require a provider of a covered platform  
6 to provide a user of the platform, for a period of at least  
7 6 months after a content moderation action described in  
8 subsection (b) with respect to information provided by the  
9 user, with access to an internal complaint-handling system  
10 that allows the user to appeal the content moderation ac-  
11 tion.

12 (b) COVERED CONTENT MODERATION ACTIONS.—  
13 The content moderation actions described in this sub-  
14 section are the following:

15 (1) A decision to remove or disable access to  
16 the information.

17 (2) A decision to suspend or terminate the pro-  
18 vision of the service, in whole or in part, to the user.

19 (3) A decision to suspend or terminate the  
20 user's account.

21 (c) REQUIREMENTS.—In issuing regulations under  
22 subsection (a), the Commission shall require a provider  
23 of a covered platform to do the following:

24 (1) To ensure that the internal complaint-han-  
25 dling system is easy to access (including for individ-  
26 uals with disabilities), is user-friendly, and enables

1 and facilitates the submission of sufficiently precise  
2 and adequately substantiated complaints.

3 (2) To ensure that the internal complaint-hand-  
4 dling system is available in each language in which  
5 the covered platform operates.

6 (3) To handle complaints submitted through  
7 the internal complaint-handling system in a timely,  
8 diligent, and objective manner.

9 (4) To inform a complainant without undue  
10 delay of the decision the provider has taken regard-  
11 ing the complaint and the reasoning for the decision.

12 (5) To ensure that a decision regarding a com-  
13 plaint is not taken solely on the basis of automated  
14 means, subject to exceptions specified by the Com-  
15 mission for circumstances such as frivolous com-  
16 plaints submitted by automated means, repetitive  
17 complaints, or coordinated abuse of the complaint-  
18 handling system.

19 (d) EXCEPTIONS.—In issuing regulations under sub-  
20 section (a), the Commission shall consider exceptions to  
21 when a provider of a covered platform is required to re-  
22 spond to a complaint submitted through the internal com-  
23 plaint-handling system, such as if providing a response  
24 would risk imminent harm to any person or impede law  
25 enforcement activities.

1 (e) VARIATION BASED ON SIZE AND SCOPE.—In  
2 issuing regulations under subsection (a), the Commission  
3 shall vary the requirements based on the size and scope  
4 of a covered platform, including by having different re-  
5 quirements for different services such as social media serv-  
6 ices, online marketplaces, augmented reality and virtual  
7 reality services, and digital advertising placement services.

8 **SEC. 6. TRANSPARENCY REGARDING CONTENT MODERA-**  
9 **TION AND RELATED MATTERS.**

10 (a) COMMUNITY STANDARDS.—

11 (1) IN GENERAL.—Not later than 1 year after  
12 the date of the enactment of this Act, the Commis-  
13 sion shall issue regulations under section 553 of title  
14 5, United States Code, that require a provider of a  
15 hosting service to include in the community stand-  
16 ards of the provider the following information:

17 (A) Information on any restrictions that  
18 the provider imposes with respect to informa-  
19 tion provided by users of the service, including  
20 information on any policies, procedures, meas-  
21 ures, or tools used for the purpose of content  
22 moderation, including algorithmic decision mak-  
23 ing and human review.

24 (B) Historical versions of the community  
25 standards and change logs.

1 (C) Anything else determined to be nec-  
2 essary by the Commission.

3 (2) FORMAT.—The information required by  
4 paragraph (1) shall be provided in clear and unam-  
5 biguous language and shall be publicly available in  
6 an electronic format in which pieces of information  
7 are identified using an interactive data standard,  
8 such as eXtensible Markup Language (XML), that  
9 is a standardized list of electronic tags that mark  
10 the information required by paragraph (1) within  
11 the community standards of a provider of a hosting  
12 service.

13 (b) TRANSPARENCY REPORTS.—

14 (1) IN GENERAL.—Not later than 1 year after  
15 the date of the enactment of this Act, the Commis-  
16 sion shall issue regulations under section 553 of title  
17 5, United States Code, that require a provider of a  
18 hosting service to issue publicly available trans-  
19 parency reports relating to content moderation by  
20 the provider with respect to the service.

21 (2) INFORMATION TO BE INCLUDED.—The reg-  
22 ulations issued under paragraph (1) shall require the  
23 transparency reports to include information (both  
24 quantitative and qualitative) on the following, as ap-  
25 plicable:

1 (A) A description of the content modera-  
2 tion practices of the provider, including statis-  
3 tics regarding the amount and type of content  
4 moderation actions taken that affect the avail-  
5 ability, visibility, and accessibility of informa-  
6 tion provided by users and the ability of users  
7 to provide information, categorized by the type  
8 of action and reason for taking the action.

9 (B) Statistics regarding the method of de-  
10 tection of information with respect to which a  
11 content moderation enforcement action was  
12 taken, such as employees or contractors of the  
13 provider, artificial intelligence software, trusted  
14 organizations, users, or shared databases.

15 (C) Statistics regarding the number of le-  
16 gally enforceable government requirements,  
17 non-legally enforceable government referrals  
18 (specifying the portion that came from internet  
19 referral units alleging violations of the commu-  
20 nity standards of the providers), and requests  
21 from other entities or private third parties, to—

22 (i) provide content or personal infor-  
23 mation of users; or

24 (ii) restrict access to or block content.

1 (D) Statistics regarding the number of  
2 complaints received through the internal com-  
3 plaint-handling system required by section 5,  
4 the basis for such complaints, decisions taken  
5 with respect to such complaints, the time need-  
6 ed for taking such decisions, and the number of  
7 instances in which such decisions were reversed.

8 (E) Statistics regarding user exposure to  
9 illegal content or content that violates the com-  
10 munity standards of the provider, including the  
11 type of content the user was exposed to, where  
12 and how the content was surfaced to the user  
13 (including whether the content was promoted  
14 through a creator or account the user follows  
15 and whether the content was algorithmically  
16 recommended or otherwise amplified by the  
17 service) and whether the content was public  
18 content.

19 (F) Aggregate reporting on the language  
20 fluency of the employees, contractors, and sub-  
21 contractors of the provider involved in content  
22 moderation, broken down by type of employ-  
23 ment and regional assignment.

24 (G) Significant changes during the period  
25 covered by the report from the previous report

1 under this subsection issued by the provider  
2 with respect to the service.

3 (H) Any other information the Commission  
4 considers appropriate.

5 (3) CONSIDERATIONS.—In issuing regulations  
6 under paragraph (1), the Commission shall ensure  
7 that the reporting requirements—

8 (A) take into consideration the rights and  
9 interests of providers and users of hosting serv-  
10 ices, including the protection of personal infor-  
11 mation, the protection of confidential informa-  
12 tion, and maintaining the security of such serv-  
13 ices;

14 (B) specify how providers of hosting serv-  
15 ices should count and communicate their meth-  
16 ods for counting content moderation actions, in-  
17 cluding in the case that content spans multiple  
18 reasons for removal or repeated notifications re-  
19 lated to the same user or content;

20 (C) specify when and how posts moderated  
21 by volunteer moderators in a hosted community  
22 should be reported;

23 (D) take into consideration relevant stand-  
24 ards issued by international standards-setting  
25 organizations; and

1           (E) require the reports to be machine-read-  
2           able and formatted to allow access by users  
3           with disabilities.

4           (4) FREQUENCY.—In issuing regulations under  
5           paragraph (1), the Commission shall specify the fre-  
6           quency with which a provider of a hosting service is  
7           required to issue the transparency reports required  
8           by such regulations and may vary such frequency  
9           under subsection (e) based on the size and scope of  
10          the service or the provider. The Commission shall re-  
11          quire such reports to be issued at least annually for  
12          hosting services and at least quarterly for large cov-  
13          ered platforms.

14          (c) LEVEL OF DETAIL OF REQUIRED DISCLO-  
15          SURES.—In issuing regulations under this section, the  
16          Commission shall consider the level of detail needed to in-  
17          form users of hosting services while not impeding the abil-  
18          ity of hosting services to mitigate systemic risks, including  
19          the systemic risks described in section 4(a)(3).

20          (d) LANGUAGE OF REQUIRED DISCLOSURES.—In  
21          issuing regulations under this section, the Commission  
22          shall require a provider of a hosting service to make avail-  
23          able the information required to be included in the com-  
24          munity standards of the provider under subsection (a) and

1 the transparency reports issued under subsection (b) in  
2 each language in which the hosting service operates.

3 (e) VARIATION BASED ON SIZE AND SCOPE.—In  
4 issuing regulations under this section, the Commission  
5 shall vary the requirements based on the size and scope  
6 of the hosting service, including by having different re-  
7 quirements for different services such as social media serv-  
8 ices, online marketplaces, augmented reality and virtual  
9 reality services, digital advertising placement services, and  
10 cloud and web hosting services.

11 (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
12 tion may be construed to require a provider of a hosting  
13 service to collect personal information that the provider  
14 would not otherwise collect.

15 **SEC. 7. RISK ASSESSMENT AND RISK MITIGATION REPORT-**  
16 **ING.**

17 (a) RISK ASSESSMENT AND RISK MITIGATION RE-  
18 PORTS FOR LARGE COVERED PLATFORMS.—

19 (1) IN GENERAL.—Not later than 18 months  
20 after the date of the enactment of this Act, the  
21 Commission shall issue regulations under section  
22 553 of title 5, United States Code, that require a  
23 provider of a large covered platform to—

24 (A) conduct risk assessments with respect  
25 to the platform; and

1 (B) based on the risk assessments con-  
2 ducted under subparagraph (A), submit to the  
3 Commission risk assessment and risk mitigation  
4 reports with respect to the platform.

5 (2) RISK ASSESSMENT.—

6 (A) IDENTIFICATION, ANALYSIS, AND AS-  
7 SESSMENT OF SYSTEMIC RISKS.—The regula-  
8 tions issued under paragraph (1) shall require  
9 a provider of a large covered platform, in con-  
10 ducting a risk assessment and preparing a re-  
11 port required by such regulations, to identify,  
12 analyze, and assess, in a manner specific to the  
13 large covered platform, any significant systemic  
14 risks arising from the functioning and use of  
15 the platform, including the systemic risks de-  
16 scribed in section 4(a)(3).

17 (B) INFLUENCE OF CONTENT MODERA-  
18 TION AND OTHER SYSTEMS.—The regulations  
19 issued under paragraph (1) shall require a pro-  
20 vider of a large covered platform, in conducting  
21 a risk assessment and preparing a report re-  
22 quired by such regulations, to take into account  
23 how its content moderation systems, terms and  
24 conditions, community standards, algorithmic  
25 systems, recommender systems, and systems for

1 selecting and displaying advertisements, as well  
2 as the underlying data collection, processing,  
3 and profiling, influence any of the systemic  
4 risks identified under subparagraph (A), includ-  
5 ing the potentially rapid and wide dissemination  
6 of illegal content and of information that is in-  
7 compatible with its community standards.

8 (3) RISK MITIGATION DOCUMENTATION.—The  
9 regulations issued under paragraph (1) shall require  
10 a provider of a large covered platform, in preparing  
11 a report required by such regulations, to document  
12 with particularity the measures used to mitigate any  
13 systemic risk identified by the provider under para-  
14 graph (2)(A). Such measures may include, where ap-  
15 plicable, the following:

16 (A) Integrating threat modeling and red-  
17 teaming processes to guard against systemic  
18 risks identified under paragraph (2)(A) in the  
19 early stages of product design, and to test po-  
20 tential mitigations prior to the release of a  
21 product.

22 (B) Adapting the content moderation or  
23 recommender systems (including policies and  
24 enforcement) of the provider, the decision-mak-  
25 ing processes of the provider, the features or

1 functioning of the platform, or the terms and  
2 conditions or community standards of the pro-  
3 vider.

4 (C) Targeted measures aimed at limiting  
5 the display of advertisements in association  
6 with the platform or the alternative placement  
7 and display of public service advertisements or  
8 other related factual (as determined by the pro-  
9 vider) information.

10 (D) Reinforcing the internal processes or  
11 supervision of any of the activities of the pro-  
12 vider, particularly regarding the detection of  
13 systemic risks identified under paragraph  
14 (2)(A).

15 (E) User-friendly notification and action  
16 mechanisms that allow any person to notify the  
17 provider of the presence on the platform of any  
18 content the person believes to be—

19 (i) illegal content; or

20 (ii) in violation of the terms and con-  
21 ditions or community standards of the pro-  
22 vider.

23 (F) Crisis protocols, including a descrip-  
24 tion of what constitutes the specific extraor-  
25 dinary circumstance the crisis protocol seeks to

1 address and the objectives the crisis protocol  
2 pursues.

3 (G) Testing for effectiveness and discrimi-  
4 natory bias within any algorithms used in the  
5 content moderation process.

6 (H) Hiring and training of human content  
7 moderators, trust and safety personnel, engi-  
8 neers focused on detecting and reducing sys-  
9 temic risks identified under paragraph (2)(A),  
10 and others with appropriate subject-matter ex-  
11 pertise and cultural competence.

12 (I) Protections for the health and well-  
13 being of human content moderators.

14 (J) Deliberative approaches to platform  
15 governance, including creating citizen panels,  
16 assemblies, or independent oversight bodies, or  
17 using crowdsourcing mechanisms, to make or  
18 inform content moderation decisions or policies.

19 (K) Age-appropriate design that adjusts  
20 features on the platform based on what is in  
21 the best interest of children and adolescents,  
22 given variations in brain development.

23 (L) Other risk-mitigation techniques con-  
24 sidered relevant by the Commission.

1 (4) VARIATION BASED ON SIZE AND SCOPE.—

2 In issuing regulations under paragraph (1), the  
3 Commission shall vary the requirements based on  
4 the size and scope of a large covered platform, in-  
5 cluding by having different requirements for dif-  
6 ferent services such as social media services, online  
7 marketplaces, augmented reality and virtual reality  
8 services, and digital advertising placement services.

9 (5) FREQUENCY.—In issuing regulations under  
10 paragraph (1), the Commission shall specify the fre-  
11 quency with which a provider of a large covered plat-  
12 form is required to conduct the risk assessments and  
13 submit to the Commission the reports required by  
14 such regulations and may vary such frequency under  
15 paragraph (4) based on the size and scope of the  
16 platform or the provider. The Commission shall re-  
17 quire such risk assessments to be conducted and  
18 such reports to be submitted at least annually.

19 (6) FOIA EXEMPTION.—The reports required  
20 by the regulations issued under paragraph (1) shall  
21 be exempt from disclosure under section  
22 552(b)(3)(B) of title 5, United States Code.

23 (b) ANNUAL REPORTS BY COMMISSION ON SYSTEMIC  
24 RISKS POSED BY LARGE COVERED PLATFORMS.—The  
25 Commission shall publish an annual report on systemic

1 risks posed by large covered platforms that includes the  
2 following:

3           (1) Identification and assessment of the most  
4 prominent and recurrent systemic risks posed by  
5 large covered platforms, based on the reports sub-  
6 mitted by providers of such platforms under sub-  
7 section (a), information obtained by the Commission  
8 under section 6(b) of the Federal Trade Commission  
9 Act (15 U.S.C. 46(b)), or other information avail-  
10 able to the Commission.

11           (2) Assessment of the effectiveness of providers  
12 of large covered platforms at reducing systemic  
13 risks, including successful approaches that have  
14 worked across platforms.

15           (c) INDEPENDENT AUDITS FOR LARGE COVERED  
16 PLATFORMS.—

17           (1) IN GENERAL.—Not later than 1 year after  
18 the date of the enactment of this Act, the Commis-  
19 sion shall issue regulations under section 553 of title  
20 5, United States Code, that require a provider of a  
21 large covered platform to obtain an annual audit of  
22 the risk assessment and risk mitigation measures  
23 documented by the provider in the most recent re-  
24 port submitted under subsection (a) with respect to  
25 the platform, the accuracy of the most recent trans-

1       parency report submitted under section 6(b) with re-  
2       spect to the platform, and the compliance by the  
3       provider with respect to the platform with the regu-  
4       lations issued under section 10, by an organization  
5       that—

6               (A) is independent from the provider;

7               (B) has proven expertise in the area of risk  
8       management;

9               (C) has the technical competence and tech-  
10       nical capabilities necessary to perform the  
11       audit;

12              (D) has proven objectivity and professional  
13       ethics, based on adherence to codes of practice  
14       or other appropriate standards; and

15              (E) meets any other requirements consid-  
16       ered necessary by the Commission.

17       (2) REPORT.—The regulations issued under  
18       paragraph (1) shall require an organization that per-  
19       forms an audit under such paragraph to prepare a  
20       written report on the audit, which shall include the  
21       following:

22              (A) The name, address, and point of con-  
23       tact of the provider of the large covered plat-  
24       form.

1 (B) The name, address, and point of con-  
2 tact of the organization performing the audit.

3 (C) The period covered by the audit.

4 (D) A description of the specific elements  
5 audited, and the methodology applied.

6 (E) A description of the main findings  
7 drawn from the audit.

8 (F) An audit opinion on whether the pro-  
9 vider of the platform accurately, fully, and  
10 meaningfully described all of the systemic risks  
11 known to the provider which were required to  
12 be included in the report submitted under sub-  
13 section (a) to which the audit relates.

14 (G) An audit opinion on the adequacy of  
15 the processes and procedures of the provider of  
16 the platform for identifying, assessing, and re-  
17 porting systemic risks as required under sub-  
18 section (a).

19 (H) An audit opinion on whether the pro-  
20 vider implemented the risk mitigation measures  
21 documented in the report submitted under sub-  
22 section (a) to which the audit relates.

23 (I) An audit opinion on the accuracy of  
24 and thoroughness of the transparency report

1 submitted under section 6(b) to which the audit  
2 relates.

3 (J) An audit opinion on the compliance by  
4 the provider with respect to the platform with  
5 the regulations issued under section 10.

6 (K) Recommendations for changes the pro-  
7 vider could make to better address systemic  
8 risks.

9 (L) Any additional information considered  
10 necessary by the Commission.

11 (3) SUBMISSION OF REPORT.—The regulations  
12 issued under paragraph (1) shall require a provider  
13 of a large covered platform to submit to the Com-  
14 mission the report prepared under paragraph (2).

15 (4) INFORMATION TO BE DISCLOSED TO AUDIT  
16 ORGANIZATION.—The regulations issued under para-  
17 graph (1) shall—

18 (A) specify what information a provider of  
19 a large covered platform and the contractors of  
20 the provider are required to disclose to an orga-  
21 nization performing an audit under such para-  
22 graph; and

23 (B) require the organization to comply  
24 with privacy measures similar to those for cer-  
25 tified researchers under section 10 and any

1 other measures determined appropriate by the  
2 Commission to protect the privacy of users of  
3 large covered platforms and employees and con-  
4 tractors of providers of large covered platforms.

5 **SEC. 8. GUIDANCE ON BEST PRACTICES.**

6 (a) **IN GENERAL.**—The Commission shall, on an on-  
7 going basis, issue a series of evidence-based nonbinding  
8 guidance on best practices for providers of large covered  
9 platforms to address the systemic risks described in sec-  
10 tion 4(a)(3). The guidance shall focus on product design  
11 features and content moderation processes that aim to be  
12 content neutral.

13 (b) **REGISTRY.**—The Commission shall maintain, and  
14 make publicly available on the website of the Commission,  
15 a registry of all large covered platforms with a list of the  
16 guidance issued under this section that each platform fol-  
17 lows, according to the independent audits conducted under  
18 section 7(c) or other information provided to the Commis-  
19 sion under this Act.

20 (c) **ADVISORY COMMITTEES.**—The Commission may  
21 create advisory committees (as defined in section 3 of the  
22 Federal Advisory Committee Act (5 U.S.C. App.)) to so-  
23 licit views regarding the guidance under this section from  
24 stakeholders, including communities most impacted by the  
25 systemic risks described in section 4(a)(3) and content

1 moderators and employees (current or former) at covered  
2 platforms focused on mitigating such risks.

3 **SEC. 9. RECOMMENDER SYSTEMS.**

4 (a) IN GENERAL.—Not later than 2 years after the  
5 date of the enactment of this Act, the Commission shall  
6 issue regulations under section 553 of title 5, United  
7 States Code, that require a provider of a large covered  
8 platform that uses a recommender system to do the fol-  
9 lowing:

10 (1) To specify in the terms and conditions of  
11 the provider, in a clear, accessible, and easily com-  
12 prehensible manner—

13 (A) the most salient features, inputs, or  
14 parameters used by the recommender system;

15 (B) how any personal information used by  
16 the recommender system is collected or inferred  
17 about a user of the platform, and the categories  
18 of such information (including demographic, be-  
19 havioral, and any other categories defined by  
20 the Commission); and

21 (C) any options that the provider makes  
22 available for a user of the platform to modify  
23 the profile of the user or to influence the fea-  
24 tures, inputs, or parameters used by the rec-  
25 ommender system.

1           (2) To provide an option that does not rely on  
2           any of the user’s personal information (either col-  
3           lected or inferred) to determine the order of infor-  
4           mation presented to the user. The Commission may  
5           determine reasonable exceptions to ensure product  
6           functionality, such as the user’s language preference  
7           or recognized place. Such option shall be set as a de-  
8           fault or presented prominently within the main  
9           interface containing the results of the recommender  
10          system. The provider shall present the options in  
11          good faith, and avoid misleading or harassing con-  
12          sumers into making different choices, failing to  
13          maintain parity of unrelated features, or other meas-  
14          ures as determined by the Commission.

15          (b) OPT-IN FOR CERTAIN PERSONAL INFORMA-  
16          TION.—In issuing regulations under subsection (a), the  
17          Commission may determine that certain personal informa-  
18          tion may not be used to customize a recommender system  
19          without specific opt-in consent from users. In the case of  
20          such a determination, a provider of a large covered plat-  
21          form shall independently obtain opt-in consent for sepa-  
22          rate categories of personal information (as categorized and  
23          according to standards set by the Commission) rather  
24          than obtaining a global opt-in consent for all personal in-

1 formation or multiple categories of personal information  
2 simultaneously.

3 (c) CONSIDERATIONS FOR RULEMAKING.—In issuing  
4 regulations under subsection (a), the Commission shall  
5 consider—

6 (1) the ways recommender systems may be used  
7 to help providers of large covered platforms mitigate  
8 systemic risks described in section 4(a)(3);

9 (2) the frequency with which recommendation  
10 algorithms are trained; and

11 (3) the technical feasibility of disabling or modi-  
12 fying use of features, inputs, or parameters for each  
13 user.

14 (d) VARIATION BASED ON SIZE AND SCOPE OF PLAT-  
15 FORM AND TYPE OF RECOMMENDER SYSTEM.—In issuing  
16 regulations under subsection (a), the Commission shall  
17 vary the requirements based on the size and scope of the  
18 large covered platform, including by having different re-  
19 quirements and for different types of recommender sys-  
20 tems.

21 **SEC. 10. INDEPENDENT RESEARCH FACILITATION.**

22 (a) OFFICE OF INDEPENDENT RESEARCH FACILITA-  
23 TION.—In establishing the Bureau under section 3(a), the  
24 Commission shall establish within the Bureau an office to  
25 be known as the “Office of Independent Research Facilita-

1 tion”, which shall carry out such duties of the Commission  
2 under this section, and such other duties relating to facili-  
3 tation of independent research on covered platforms, as  
4 the Commission considers appropriate.

5 (b) RESEARCHER CERTIFICATION PROCESS.—

6 (1) IN GENERAL.—Not later than 18 months  
7 after the date of the enactment of this Act, the  
8 Commission shall issue regulations under section  
9 553 of title 5, United States Code, to establish a  
10 process by which—

11 (A) an organization may, upon application  
12 to the Commission, be qualified as a host orga-  
13 nization; and

14 (B) an individual who is affiliated with a  
15 host organization may, upon application to the  
16 Commission, be certified in order to obtain ac-  
17 cess to information under this section for the  
18 purposes described in paragraph (2).

19 (2) PURPOSES OF ACCESS TO INFORMATION.—

20 The purposes described in this paragraph are to  
21 gain understanding and measure the impacts of the  
22 content moderation, product design decisions, and  
23 algorithms of covered platforms on society, politics,  
24 the spread of hate, harassment, and extremism, se-  
25 curity, privacy, and physical and mental health.

1           (3) REQUIREMENTS AND COMMITMENTS TO BE  
2 QUALIFIED AS HOST ORGANIZATION.—

3           (A) IN GENERAL.—In order to be qualified  
4 as a host organization under paragraph (1)(A),  
5 an organization shall—

6           (i) meet the requirements described in  
7 subparagraph (B); and

8           (ii) make the commitments described  
9 in subparagraph (C).

10          (B) REQUIREMENTS.—The requirements  
11 described in this subparagraph for an organiza-  
12 tion are the following:

13           (i) The organization—

14           (I) is described in section  
15 501(c)(3) of the Internal Revenue  
16 Code of 1986 and is exempt from tax-  
17 ation under section 501(a) of such  
18 Code; or

19           (II) is an institution of higher  
20 education (as defined in section  
21 101(a) of the Higher Education Act  
22 of 1965 (20 U.S.C. 1001(a))).

23           (ii) The mission of the organization  
24 includes developing a deeper understanding

1 of the impacts of covered platforms de-  
2 scribed in paragraph (2).

3 (iii) The organization has the capacity  
4 to—

5 (I) comply with the rules issued  
6 under subsection (c) relating to infor-  
7 mation security; and

8 (II) analyze information to which  
9 access is provided under this section  
10 using data science and best practices  
11 for investigative and qualitative re-  
12 search.

13 (iv) Any additional requirements es-  
14 tablished by the Commission in the regula-  
15 tions issued under paragraph (1).

16 (C) COMMITMENTS.—The commitments  
17 described in this subparagraph for an organiza-  
18 tion are the following:

19 (i) To provide training to certified re-  
20 searchers affiliated with the organization  
21 to ensure that the researchers abide by the  
22 commitments described in paragraph  
23 (4)(C).

24 (ii) With respect to a project or study  
25 being carried out by a certified researcher

1 affiliated with the organization using infor-  
2 mation to which access is obtained under  
3 this section, to conduct a review of the  
4 project or study to ensure that—

5 (I) the project or study is con-  
6 sistent with the purposes of access de-  
7 scribed in paragraph (2); and

8 (II) the researcher has sought  
9 the approval of an institutional review  
10 board for the project or study, if ap-  
11 plicable.

12 (iii) Any additional commitments es-  
13 tablished by the Commission in the regula-  
14 tions issued under paragraph (1).

15 (4) REQUIREMENTS AND COMMITMENTS TO BE  
16 CERTIFIED AS A CERTIFIED RESEARCHER.—

17 (A) IN GENERAL.—In order to be certified  
18 as a certified researcher under paragraph  
19 (1)(B), an individual shall—

20 (i) meet the requirements described in  
21 subparagraph (B); and

22 (ii) make the commitments described  
23 in subparagraph (C).

1 (B) REQUIREMENTS.—The requirements  
2 described in this subparagraph for an individual  
3 are the following:

4 (i) The individual is affiliated with an  
5 organization that is qualified as a host or-  
6 ganization under this subsection.

7 (ii) The individual is not under review  
8 by the host organization for research mis-  
9 conduct.

10 (iii) Any additional requirements es-  
11 tablished by the Commission in the regula-  
12 tions issued under paragraph (1).

13 (C) COMMITMENTS.—The commitments  
14 described in this subparagraph for an individual  
15 are the following:

16 (i) To have the capacity to comply  
17 with, and to comply with, any information  
18 security or confidentiality requirements the  
19 Commission considers appropriate with re-  
20 spect to information accessed under this  
21 section.

22 (ii) Not to reidentify, or to attempt to  
23 reidentify, the individual to whom informa-  
24 tion accessed under this section relates.

1 (iii) Not to publish personal informa-  
2 tion derived from information accessed  
3 under this section.

4 (iv) To comply with applicable Fed-  
5 eral, State, and local information sharing  
6 and privacy laws and regulations.

7 (v) To complete Responsible Conduct  
8 of Research training provided by the Office  
9 of Research Integrity of the Department of  
10 Health and Human Services.

11 (vi) To disseminate the results of the  
12 research conducted using information  
13 accessed under this section to the public.

14 (vii) To comply with limits on com-  
15 mercial use of information accessed under  
16 this section or research conducted using  
17 such information, as specified by the Com-  
18 mission in regulations issued under this  
19 section.

20 (viii) To seek a certificate of confiden-  
21 tiality issued by the Secretary of Health  
22 and Human Services under section 301(d)  
23 of the Public Health Service Act (42  
24 U.S.C. 241(d)), if applicable.

1 (ix) Any additional commitments es-  
2 tablished by the Commission in the regula-  
3 tions issued under paragraph (1).

4 (5) REQUALIFICATION AND RECERTIFICATION  
5 REQUIRED.—

6 (A) REQUALIFICATION.—In issuing regula-  
7 tions under paragraph (1), the Commission  
8 shall provide for the qualification of an organi-  
9 zation as a host organization to expire at the  
10 end of a 3-year period and for the organization,  
11 upon application to the Commission, to be  
12 qualified as a host organization for a 3-year pe-  
13 riod in addition to the initial or any subsequent  
14 such period, if the organization—

15 (i) continues to meet the requirements  
16 described in paragraph (3)(B);

17 (ii) abided by the commitments de-  
18 scribed in paragraph (3)(C) that the orga-  
19 nization made with respect to the previous  
20 such period; and

21 (iii) makes the commitments described  
22 in paragraph (3)(C) for the next such pe-  
23 riod.

24 (B) RECERTIFICATION.—In issuing regula-  
25 tions under paragraph (1), the Commission

1 shall provide for the certification of an indi-  
2 vidual as a certified researcher to expire at the  
3 end of a 1-year period and for the individual,  
4 upon application to the Commission, to be cer-  
5 tified as a certified researcher for a 1-year pe-  
6 riod in addition to the initial or any subsequent  
7 such period, if the individual—

8 (i) continues to meet the requirements  
9 described in paragraph (4)(B);

10 (ii) abided by the commitments de-  
11 scribed in paragraph (4)(C) that the indi-  
12 vidual made with respect to the previous  
13 such period; and

14 (iii) makes the commitments described  
15 in paragraph (4)(C) for the next such pe-  
16 riod.

17 (6) REVOCATION OF QUALIFICATION OR CER-  
18 TIFICATION.—

19 (A) QUALIFICATION.—In issuing regula-  
20 tions under paragraph (1), the Commission  
21 shall provide for the revocation of the qualifica-  
22 tion of an organization as a host organization  
23 if the Commission determines that the organi-  
24 zation—

1 (i) no longer meets the requirements  
2 described in paragraph (3)(B); or

3 (ii) is not abiding by the commitments  
4 described in paragraph (3)(C) that the or-  
5 ganization made with respect to the appli-  
6 cable qualification period.

7 (B) CERTIFICATION.—In issuing regula-  
8 tions under paragraph (1), the Commission  
9 shall provide for the revocation of the certifi-  
10 cation of an individual as a certified researcher  
11 if the Commission determines that the indi-  
12 vidual—

13 (i) no longer meets the requirements  
14 described in paragraph (4)(B); or

15 (ii) is not abiding by the commitments  
16 described in paragraph (4)(C) that the in-  
17 dividual made with respect to the applica-  
18 ble certification period.

19 (7) NONDISCRIMINATION.—No person on  
20 grounds of race, color, age, sex, national origin, po-  
21 litical affiliation, or disability shall be excluded from  
22 participation in, be denied the benefits of, or be sub-  
23 jected to discrimination under the researcher certifi-  
24 cation process established under this subsection.

1           (8) CONSULTATION.—In issuing regulations  
2           under paragraph (1), the Commission shall consult  
3           with the Director of the National Science Founda-  
4           tion, the Secretary of Health and Human Services,  
5           and the Federal Statistical Research Data Centers  
6           of the Bureau of the Census.

7           (9) GAO AUDIT AND REPORT.—

8           (A) AUDIT.—Not later than 3 years after  
9           the date on which the Commission issues the  
10          regulations required by paragraph (1), the  
11          Comptroller General of the United States shall  
12          complete an audit of the process established by  
13          such regulations.

14          (B) REPORT.—

15          (i) IN GENERAL.—Not later than 90  
16          days after the date on which the audit re-  
17          quired by subparagraph (A) is completed,  
18          the Comptroller General—

19                  (I) shall submit to Congress a re-  
20                  port on the audit; and

21                  (II) shall make the report re-  
22                  quired by subclause (I) available to  
23                  the Speaker of the House of Rep-  
24                  resentatives, the majority and minor-  
25                  ity leaders of the House of Represent-

1           atives, the majority and minority lead-  
2           ers of the Senate, the Chairman and  
3           Ranking Member of the committee  
4           and each subcommittee of jurisdiction  
5           in the House of Representatives and  
6           the Senate, and any other Member of  
7           Congress who requests the report.

8           (ii) CONTENTS.—The report required  
9           by clause (i)(I) shall include—

10                   (I) an assessment of the process,  
11                   including whether the Office is effec-  
12                   tively balancing information security  
13                   with the need for rigorous inde-  
14                   pendent research, done in a timely  
15                   manner, for the purposes described in  
16                   paragraph (2);

17                   (II) any signs of discrimination  
18                   in the process of certifying research-  
19                   ers; and

20                   (III) recommendations for im-  
21                   provements to the process.

22           (c) SECURE RESEARCH ACCESS.—

23                   (1) IN GENERAL.—Not later than 2 years after  
24                   the date of the enactment of this Act, the Commis-

1 sion shall issue regulations under section 553 of title  
2 5, United States Code, to specify—

3 (A) the types of information that should be  
4 made available to certified researchers by pro-  
5 viders of covered platforms;

6 (B) the manner in which such information  
7 is accessed; and

8 (C) under what circumstances the provi-  
9 sion of access to such information to certified  
10 researchers by providers of covered platforms is  
11 required or optional.

12 (2) TIERED ACCESS.—In issuing the regula-  
13 tions required by paragraph (1), the Commission  
14 shall create a system of tiered access in which infor-  
15 mation about users of covered platforms that the  
16 Commission considers more sensitive has more safe-  
17 guards in place and is accessed by fewer certified re-  
18 searchers than information that the Commission  
19 considers less sensitive.

20 (3) TYPES OF INFORMATION TO BE CONSID-  
21 ERED.—The types of information to be considered  
22 by the Commission in issuing the regulations re-  
23 quired by paragraph (1) shall include the following:

24 (A) Information related to how covered  
25 platforms conduct internal studies, including

1 the metrics used to evaluate the platform’s suc-  
2 cess and quality of content.

3 (B) Information related to content modera-  
4 tion decisions (including choices related to the  
5 ranking, ordering, promotion, or recommenda-  
6 tion of content and requests for removal of con-  
7 tent), the setting of policies for content modera-  
8 tion, and the demographics of individuals set-  
9 ting such policies.

10 (C) The demographics, cultural com-  
11 petency, and content category-specific expertise  
12 of individuals setting content moderation poli-  
13 cies and making content moderation decisions.

14 (D) Requests to a provider of a covered  
15 platform from a third party to act on a user,  
16 account, or content (such as user-flagged con-  
17 tent, content removal requests, account suspen-  
18 sion requests, and network shutdowns).

19 (E) Information related to engagement  
20 (such as sharing and likes) with content (such  
21 as news articles and video clips), including the  
22 demographic breakdown of users that interact  
23 with content (to the extent such breakdown is  
24 known or inferred) and the source of engage-

1           ment (such as organic search or recommenda-  
2           tion).

3           (F) Information related to exposure (such  
4           as viewership or impressions) to content (such  
5           as news articles and video clips), including the  
6           demographic breakdown of users that interact  
7           with content (to the extent such breakdown is  
8           known or inferred) and the source of exposure  
9           (such as organic search or recommendation).

10          (G) Classification of information sources,  
11          such as opinion, sports, entertainment, and pol-  
12          itics.

13          (H) Archives of removed content.

14          (I) Archives of accounts that have been re-  
15          moved by a provider of a covered platform, in-  
16          cluding—

17                 (i) any special treatment of accounts  
18                 that previously belonged to high-profile in-  
19                 dividuals;

20                 (ii) archives of fake or bot accounts  
21                 that have been removed; and

22                 (iii) archives of coordinated influence  
23                 operation accounts that have been re-  
24                 moved.

1           (J) Advertisements and influencer mar-  
2           keting content, in addition to the information  
3           described in subsection (f).

4           (K) Materials used to train content mod-  
5           erators.

6           (L) Detailed information related to the al-  
7           gorithms of a covered platform, including fea-  
8           ture importance, optimization objectives (such  
9           as predictions of user behavior or engagement),  
10          descriptions of datasets used in model develop-  
11          ment including its composition, collection proc-  
12          ess, and any preprocessing (including cleaning  
13          or labeling) done on the data.

14          (M) Any other information the Commission  
15          considers necessary.

16          (4) CONSIDERATIONS RELATING TO MANNER OF  
17          ACCESS.—In issuing the regulations required by  
18          paragraph (1), the Commission shall consider the  
19          following:

20                (A) Size and sampling techniques used to  
21                create the data sets containing the information  
22                described in paragraph (3) to which access is  
23                provided under this subsection.

1 (B) Limits on time and amount of infor-  
2 mation stored, broken down by the type of in-  
3 formation.

4 (C) Under what circumstances privacy pre-  
5 serving techniques such as differential privacy  
6 and statistical noise should be used.

7 (D) Information security standards, such  
8 as those included in the National Institute of  
9 Standards and Technology portfolio.

10 (E) When aggregation of demographic in-  
11 formation is required and the required level of  
12 aggregation.

13 (F) When standardized variable names  
14 should be used across covered platforms and for  
15 what types of information.

16 (G) Under what circumstances secure ap-  
17 plication computer interfaces are required and  
18 the specific level of security.

19 (H) Designation of secure facilities and  
20 computers to analyze information through a  
21 Federally Funded Research and Development  
22 Center described in paragraph (7) or as other-  
23 wise determined by the Commission.

24 (I) Under what circumstances to limit ac-  
25 cess to information to a subset of certified re-

1           searchers based on the nature of the study or  
2           when to require preliminary results prior to  
3           more restricted access.

4           (J) The technical feasibility for a provider  
5           of a covered platform to provide access to infor-  
6           mation.

7           (5) CONSIDERATION OF WHEN COMMISSION RE-  
8           VIEW PRIOR TO PUBLICATION IS REQUIRED.—In  
9           issuing the regulations required by paragraph (1),  
10          the Commission shall consider under what cir-  
11          cumstances the Commission will review a publication  
12          based on information accessed under this section  
13          prior to publication to determine whether the publi-  
14          cation violates the privacy of a user of the covered  
15          platform or would reveal trade secrets of the pro-  
16          vider of the covered platform.

17          (6) USER PRIVACY.—

18                 (A) PROTECTION OF REASONABLE EXPEC-  
19                 TATIONS OF PERSONAL PRIVACY.—

20                         (i) IN GENERAL.—In issuing the regu-  
21                         lations required by paragraph (1), the  
22                         Commission shall ensure that the provision  
23                         of access to information under this section  
24                         does not infringe upon reasonable expecta-  
25                         tions of personal privacy of users of cov-

1           ered platforms or of other individuals, in-  
2           cluding by requiring a provider of a cov-  
3           ered platform—

4                   (I) to deidentify any information  
5                   described in clause (ii) before pro-  
6                   viding certified researchers with ac-  
7                   cess to such information; and

8                   (II) in the case of location infor-  
9                   mation to which certified researchers  
10                  are provided access, to ensure that  
11                  such access—

12                           (aa) is provided at a level  
13                           that is not more specific than a  
14                           recognized place; and

15                           (bb) does not include access  
16                           to precise geospatial information.

17                  (ii) INFORMATION DESCRIBED.—The  
18                  information described in this clause is the  
19                  following:

20                           (I) Information that is not (or  
21                           was not before removal from the cov-  
22                           ered platform) public content.

23                           (II) Personal health information.

24                           (III) Biometric information.

1 (IV) Information relating to an  
2 individual under 13 years of age.

3 (B) NOTICE TO PLATFORM USERS.—In  
4 issuing the regulations required by paragraph  
5 (1), the Commission shall require a provider of  
6 a covered platform, through the posting of no-  
7 tices or other appropriate means, to keep users  
8 informed of the types of information to which  
9 the provider is required or permitted to provide  
10 access to certified researchers under this section  
11 and the privacy protections applicable to such  
12 access.

13 (C) USER OPT-OUT.—In issuing the regu-  
14 lations required by paragraph (1), the Commis-  
15 sion shall require a provider of a covered plat-  
16 form to make available to a user whose profile  
17 does not host public content an opportunity to  
18 opt out of having access to the information of  
19 such user provided to a certified researcher  
20 under this section.

21 (D) PROHIBITION AGAINST COMPELLED  
22 DISCLOSURE TO GOVERNMENTAL ENTITIES.—A  
23 certified researcher, or an organization that is  
24 qualified as a host organization under this sec-  
25 tion, may not be required (by a subpoena, court

1 order, or otherwise) to divulge to a govern-  
2 mental entity (as defined in section 2711 of  
3 title 18, United States Code) any information  
4 obtained from a provider of a covered platform  
5 under this section.

6 (E) RELATIONSHIP TO OTHER LAW.—Sec-  
7 tion 2702(b) of title 18, United States Code, is  
8 amended—

9 (i) in paragraph (8), by striking “;  
10 or” and inserting a semicolon;

11 (ii) in paragraph (9), by striking the  
12 period at the end and inserting “; or”; and

13 (iii) by adding at the end the fol-  
14 lowing:

15 “(10) to a certified researcher under section 10  
16 of the Digital Services Oversight and Safety Act of  
17 2022 in accordance with such section and the regu-  
18 lations issued by the Federal Trade Commission  
19 under such section.”.

20 (7) FEDERALLY FUNDED RESEARCH AND DE-  
21 VELOPMENT CENTER.—

22 (A) IN GENERAL.—The Commission may  
23 sponsor a Federally Funded Research and De-  
24 velopment Center as described in section 35.017  
25 of title 48, Code of Federal Regulations (or any

1 successor regulation), to facilitate information  
2 sharing between covered platforms and certified  
3 researchers.

4 (B) CONSORTIUM REQUIRED.—A Federally  
5 Funded Research and Development Center  
6 sponsored by the Commission under subpara-  
7 graph (A) shall be comprised of at least 3 orga-  
8 nizations that are qualified as host organiza-  
9 tions under subsection (b).

10 (C) MISSION.—The mission of a Federally  
11 Funded Research and Development Center  
12 sponsored by the Commission under subpara-  
13 graph (A) may include the following:

14 (i) Enabling certified researchers to  
15 perform studies requiring information from  
16 multiple covered platforms.

17 (ii) Serving as a means to provide cer-  
18 tified researchers access to information as  
19 described in paragraph (4)(H).

20 (iii) Upon request of the Director of  
21 the Bureau, supporting and assisting in  
22 the development of guidance under section  
23 8.

1 (iv) Collaborating with international  
2 research organizations with a similar mis-  
3 sion.

4 (8) VARIATION BASED ON SIZE AND SCOPE.—

5 In issuing the regulations required by paragraph (1),  
6 the Commission shall vary the specifications based  
7 on the size and scope of a covered platform, includ-  
8 ing by having different specifications for different  
9 services such as social media services, online market-  
10 places, augmented reality and virtual reality services,  
11 and digital advertising placement services. In the  
12 case of a large covered platform, the regulations  
13 issued under paragraph (1) shall apply in addition  
14 to the regulations issued under subsections (f) and  
15 (g), and the Commission shall also vary the require-  
16 ments of the regulations issued under such sub-  
17 sections based on the size and scope of a large cov-  
18 ered platform.

19 (9) SAFE HARBOR FOR PROVIDERS.—If a pro-  
20 vider of a covered platform provides a certified re-  
21 searcher with access to information in accordance  
22 with the regulations required by paragraph (1) (re-  
23 gardless of whether such access is optional or re-  
24 quired), the Commission may not bring an enforce-  
25 ment action against the provider based solely on the

1 act of disclosing such information to the certified re-  
2 searcher.

3 (10) SAFE HARBOR FOR RESEARCHER AC-  
4 COUNTS AND DATA DONATIONS.—

5 (A) IMMUNITY FROM LIABILITY.—A cer-  
6 tified researcher shall not be liable under any  
7 Federal, State, or local law, or for a violation  
8 of the terms and conditions of a covered plat-  
9 form, for any of the following:

10 (i) The creation and use of an account  
11 or accounts on a covered platform that are  
12 created for and used solely for a research  
13 project carried out for the purposes de-  
14 scribed in subsection (b)(2), if—

15 (I) the certified researcher takes  
16 reasonable measures to avoid mis-  
17 leading users of the covered platform  
18 in the creation and use of the account  
19 or accounts; and

20 (II) the creation and use of the  
21 account or accounts does not materi-  
22 ally burden the technical operation of  
23 the covered platform.

24 (ii) The collection of information pro-  
25 vided for research purposes by a user of a

1 covered platform, including through a  
2 browser extension or plug-in, if the cer-  
3 tified researcher obtains informed consent  
4 for such collection in accordance with sec-  
5 tion 46.116 of title 45, Code of Federal  
6 Regulations (or any successor regulation).

7 (B) PROHIBITION ON SERVICE DISCRIMI-  
8 NATION.—A provider of a covered platform may  
9 not condition, degrade, or otherwise discrimi-  
10 nate in the provision of a service or product to  
11 a certified researcher because the certified re-  
12 searcher takes an action described in clause (i)  
13 or (ii) of subparagraph (A).

14 (d) SUBMISSION OF DATA DICTIONARIES.—Not later  
15 than 18 months after the date of the enactment of this  
16 Act, the Commission shall issue regulations under section  
17 553 of title 5, United States Code, to—

18 (1) require a provider of a covered platform,  
19 not later than 6 months after the date on which  
20 such regulations are issued, and every 12 months  
21 thereafter, to submit to the Commission a data dic-  
22 tionary created by the provider during the period  
23 covered by the submission, which shall include a de-  
24 scription of the information collected by the provider  
25 that may be meaningful to a certified researcher, in-

1 including the meaning, relationship to other informa-  
2 tion, origin, and format of the information; and

3 (2) establish a process by which the Commis-  
4 sion will consult a data dictionary submitted under  
5 paragraph (1) in offering advice to a certified re-  
6 searcher under subsection (e)(1).

7 (e) CONSULTATION.—

8 (1) RESEARCHER CONSULTATION.—The Com-  
9 mission shall offer a certified researcher attempting  
10 to formulate studies using information to which ac-  
11 cess is provided under this section, or to negotiate  
12 a memorandum of understanding with a provider of  
13 a covered platform to conduct research, advice re-  
14 lated to—

15 (A) the types of information to which the  
16 researcher could obtain access; and

17 (B) ways to protect the security of such in-  
18 formation in accordance with this section and  
19 the regulations issued under this section.

20 (2) COVERED PLATFORM CONSULTATION.—The  
21 Commission shall offer a provider of a covered plat-  
22 form support and assistance in complying with this  
23 section and the regulations issued under this section  
24 in the provision of access to information to certified  
25 researchers, regardless of whether the provision of

1 such access is required or optional under this sec-  
2 tion.

3 (f) ADVERTISEMENT LIBRARIES.—

4 (1) IN GENERAL.—Not later than 18 months  
5 after the date of the enactment of this Act, the  
6 Commission shall issue regulations under section  
7 553 of title 5, United States Code, that require the  
8 following:

9 (A) A provider of a large covered platform  
10 that sells advertising services to maintain and  
11 grant certified researchers and the Commission  
12 access to an advertisement library that contains  
13 in a searchable, machine-readable format the  
14 following information (which may be updated by  
15 the Commission as the Commission determines  
16 to be necessary) related to any advertiser that  
17 purchases \$500 or more of advertising services  
18 from the provider in a calendar year:

19 (i) The legal name and unique identi-  
20 fication number for each advertiser.

21 (ii) The full content contained within  
22 the advertisement, including machine-read-  
23 able text and textual descriptions of any  
24 images.

1 (iii) The method used, as selected ei-  
2 ther by the advertiser or by the provider,  
3 to target an advertisement to users of the  
4 large covered platform, including uploaded  
5 lists of users, pre-set categories of users,  
6 key words, and contextual information.

7 (iv) The optimization objective chosen  
8 by the advertiser (such as awareness,  
9 reach, traffic, and engagement).

10 (v) A description of the targeted audi-  
11 ence for each advertisement, including in-  
12 formation (that may have been collected  
13 from the profile of a user or based on an  
14 algorithm) on the demographics of the au-  
15 dience (including age, gender, geographic  
16 location, race, ethnicity, language, and po-  
17 litical affiliation), interests of the audience,  
18 and any other description of the targeted  
19 audience determined to be reasonable by  
20 the Commission.

21 (vi) A description of the delivery audi-  
22 ence of the advertisement determined by a  
23 count of users who viewed the advertise-  
24 ment, including information (that may  
25 have been collected from the profile of a

1 user or based on an algorithm) on the de-  
2 mographics of the audience (including age,  
3 gender, geographic location, race, ethnicity,  
4 language, and political affiliation), inter-  
5 ests of the audience, and any other de-  
6 scription of the delivery audience deter-  
7 mined to be reasonable by the Commission.

8 (vii) The number of times the adver-  
9 tisement was viewed by users.

10 (viii) Advertisement conversion (in-  
11 cluding how often an advertisement was  
12 shared, liked, or clicked-through) and over  
13 what timeframe.

14 (ix) The date and time that the adver-  
15 tisement was first displayed and last dis-  
16 played.

17 (x) The amount the advertiser budg-  
18 eted for advertising services with respect to  
19 the advertisement on the large covered  
20 platform and the amount paid for such ad-  
21 vertising services.

22 (xi) The category of the advertisement  
23 as defined by the provider (such as politics,  
24 employment opportunity, housing oppor-  
25 tunity, or apparel).

1                   (xii) Each language contained within  
2                   the advertisement.

3                   (xiii) Any advertising services policy  
4                   of the provider that is made available to  
5                   advertisers.

6                   (xiv) Whether the advertisement was  
7                   determined to violate any policy described  
8                   in clause (xiii).

9                   (xv) Any other information the Com-  
10                  mission considers necessary.

11                 (B) The methodology used by the large  
12                 covered platform to calculate the demographics  
13                 of the targeted audience described in subpara-  
14                 graph (A)(v) to be the same as the methodology  
15                 used to calculate the demographics of the deliv-  
16                 ery audience described in subparagraph (A)(vi).

17                 (C) In the case of advertisements that are  
18                 deleted by an advertiser or blocked by the ad-  
19                 vertising services policy of a provider of a large  
20                 covered platform, the provider to treat such ad-  
21                 vertisements (with respect to whether or how  
22                 such advertisements are made available in the  
23                 advertisement library) as specified in such regu-  
24                 lations.

1 (D) A provider of a large covered platform  
2 to make an advertisement available in the ad-  
3 vertisement library within an amount of time  
4 specified in such regulations after the advertise-  
5 ment is posted on the platform.

6 (E) A provider of a large covered platform  
7 to make an advertisement available in the ad-  
8 vertisement library for an amount of time speci-  
9 fied in such regulations.

10 (F) A provider of a large covered platform  
11 to ensure that the advertisement library cannot  
12 be used to identify an individual targeted by an  
13 advertisement.

14 (2) NO ADDITIONAL INFORMATION COLLECTION  
15 REQUIRED.—The regulations issued under para-  
16 graph (1) shall specify that a provider of a large  
17 covered platform is not required to collect any infor-  
18 mation for the advertisement library that the pro-  
19 vider does not collect in the ordinary course of busi-  
20 ness.

21 (3) PUBLIC AVAILABILITY.—The regulations  
22 issued under paragraph (1) shall require a provider  
23 of a large covered platform to make available to the  
24 public a version of the advertisement library main-  
25 tained under such regulations. Such regulations may

1 specify that such public version is not required to  
2 contain certain information required to be included  
3 in the version to which the Commission and certified  
4 researchers are granted access.

5 (g) HIGH-REACH PUBLIC CONTENT STREAM.—

6 (1) IN GENERAL.—Not later than 18 months  
7 after the date of the enactment of this Act, the  
8 Commission shall issue regulations under section  
9 553 of title 5, United States Code, that require a  
10 provider of a large covered platform to maintain,  
11 and grant certified researchers and the Commission  
12 access to, a high-reach public content stream that  
13 contains in a searchable, machine-readable format  
14 the following information (which may be updated by  
15 the Commission as the Commission determines to be  
16 necessary):

17 (A) The pieces of high-reach and high-en-  
18 gagement public content, such as user-gen-  
19 erated posts, texts, hyperlinks, images, and vid-  
20 eos, made available on the large covered plat-  
21 form.

22 (B) The frequency with which such pieces  
23 of content are shared over a period of time  
24 within a recognized place.

1           (C) Engagement (such as sharing and  
2 likes) with such pieces of content, including the  
3 demographic breakdown of users that interact  
4 with the content (to the extent such breakdown  
5 is known or inferred).

6           (D) Exposure (such as viewership or im-  
7 pressions) to such pieces of content, including  
8 the demographic breakdown of users exposed to  
9 the content (to the extent such breakdown is  
10 known or inferred).

11           (E) Public high-profile accounts involved in  
12 the spread of such pieces of content.

13           (F) Any other information relating to such  
14 pieces of content that the Commission considers  
15 appropriate.

16           (2) CONSIDERATIONS.—In issuing regulations  
17 under paragraph (1), the Commission shall consider  
18 the following:

19           (A) What constitutes high-reach and high-  
20 engagement public content for purposes of such  
21 regulations.

22           (B) The time by which a piece of content  
23 is required to become available, and the period  
24 of time for which the piece of content is re-  
25 quired to remain available, in the high-reach

1 public content stream, with the goal of pro-  
2 viding a near real-time understanding of high-  
3 reach and high-engagement public content on  
4 the platform.

5 (C) What constitutes a public high-profile  
6 account, considering not only that the profile is  
7 set to public but that the number of followers  
8 is greater than 25,000 users.

9 (D) Any other matters the Commission  
10 considers appropriate.

11 (3) NO ADDITIONAL INFORMATION COLLECTION  
12 REQUIRED.—The regulations issued under para-  
13 graph (1) shall specify that a provider of a large  
14 covered platform is not required to collect any infor-  
15 mation about users for the high-reach public content  
16 stream that the provider does not collect in the ordi-  
17 nary course of business.

18 (4) PUBLIC AVAILABILITY.—The regulations  
19 issued under paragraph (1) may require a provider  
20 of a large covered platform to make available to the  
21 public a version of the high-reach public content  
22 stream maintained under such regulations. Such  
23 regulations may specify that such public version is  
24 not required to contain certain information required  
25 to be included in the version to which the Commis-

1 sion and certified researchers are granted access be-  
2 cause of national security or privacy concerns.

3 **SEC. 11. RESEARCH FELLOWSHIP PROGRAM.**

4 (a) ESTABLISHMENT.—Not later than 1 year after  
5 the date of the enactment of this Act, the Commission  
6 shall issue regulations under section 553 of title 5, United  
7 States Code, to establish within the Bureau a fellowship  
8 program (in this section referred to as the “program”)  
9 in accordance with this section that offers individuals ap-  
10 pointments as fellows to conduct—

11 (1) research relating to understanding of and  
12 mitigating systemic risks described in section  
13 4(a)(3), with a focus on research that requires infor-  
14 mation that is difficult or impossible for a certified  
15 researcher to obtain under section 10; and

16 (2) research projects with a focus on domestic  
17 and global information ecosystem studies that re-  
18 quire information from or about multiple hosting  
19 services and longer time horizons.

20 (b) APPLICATIONS.—The Commission shall prescribe  
21 the process for an individual to apply for appointment as  
22 a fellow under the program.

23 (c) ELIGIBILITY.—

1           (1) IN GENERAL.—To be eligible for appoint-  
2           ment as a fellow under the program, an individual  
3           shall meet the following requirements:

4                   (A) The individual shall be a national of  
5                   the United States or lawfully admitted to the  
6                   United States for permanent residence.

7                   (B) The individual may not be a current  
8                   Commission employee as of the time when the  
9                   individual is appointed as a fellow.

10                   (C) The individual may not have a conflict  
11                   of interest (as determined by the Commission).

12           (2) NO CONSECUTIVE TERMS.—An individual  
13           may not serve consecutive terms as a fellow under  
14           the program.

15           (d) NUMBER.—The Commission shall maintain at  
16           least 15 fellows under the program at any time.

17           (e) TERM.—A fellow appointed under the program  
18           shall serve a term of not less than 1 year and not more  
19           than 3 years.

20           (f) PAY.—The Commission shall establish annual  
21           rates of pay, benefits, and standards for fellows under the  
22           program.

23           (g) FELLOWSHIP AGREEMENT.—The Commission  
24           and a fellow appointed under the program shall enter into  
25           a fellowship agreement, which shall state the amount of

1 compensation to be received by the fellow and the terms  
2 and conditions governing the fellowship.

3 (h) COMPLIANCE WITH INFORMATION SECURITY  
4 PRACTICES.—A fellow appointed under the program shall  
5 comply with information security practices established by  
6 the Commission.

7 (i) ACCESS TO INFORMATION.—A fellow appointed  
8 under the program shall have access to—

9 (1) the same information as a certified re-  
10 searcher; and

11 (2) information relating to hosting services and  
12 providers of hosting services obtained under section  
13 6(b) of the Federal Trade Commission Act (15  
14 U.S.C. 46(b)).

15 (j) PROHIBITION ON CARRYING OUT ENFORCEMENT  
16 DUTIES.—A fellow appointed under the program may not  
17 perform work for purposes of an enforcement action by  
18 the Commission.

19 (k) INAPPLICABILITY OF CERTAIN RULES.—Any rule  
20 of the Commission that restricts an individual formerly  
21 employed by the Commission from accepting other employ-  
22 ment shall not apply to an individual by reason of the serv-  
23 ice of the individual as a fellow under the program.

1 **SEC. 12. REPORT AND DISCLOSURE INTEGRITY.**

2 In the case of any report or other disclosure required  
3 to be made by a provider of a hosting service under this  
4 Act, it shall be a violation of this Act for such report or  
5 other disclosure to include any untrue statement of a ma-  
6 terial fact or to omit to state any material fact required  
7 to be stated therein or necessary to make the statements  
8 therein, in the light of the circumstances under which the  
9 report or other disclosure is made, not misleading.

10 **SEC. 13. ENFORCEMENT BY FEDERAL TRADE COMMISSION.**

11 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—

12 A violation of this Act or a regulation issued under this  
13 Act shall be treated as a violation of a regulation under  
14 section 18(a)(1)(B) of the Federal Trade Commission Act  
15 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive  
16 acts or practices.

17 (b) POWERS OF COMMISSION.—The Commission

18 shall enforce this Act and the regulations issued under this  
19 Act in the same manner, by the same means, and with  
20 the same jurisdiction, powers, and duties as though all ap-  
21 plicable terms and provisions of the Federal Trade Com-  
22 mission Act (15 U.S.C. 41 et seq.) were incorporated into  
23 and made a part of this Act, and any person who violates  
24 this Act or a regulation issued under this Act shall be sub-  
25 ject to the penalties and entitled to the privileges and im-  
26 munities provided in the Federal Trade Commission Act.

1 (c) COMMISSION LITIGATION AUTHORITY.—Section  
2 16(a)(2) of the Federal Trade Commission Act (15 U.S.C.  
3 56(a)(2)) is amended—

4 (1) in subparagraph (D), by striking “or” after  
5 the semicolon;

6 (2) in subparagraph (E)—

7 (A) by moving the margins 2 ems to the  
8 left; and

9 (B) by inserting “or” after the semicolon;  
10 and

11 (3) by inserting after subparagraph (E) the fol-  
12 lowing:

13 “(F) under subsection (l) or (m) of section 5 of  
14 this Act that arises from a violation of the Digital  
15 Services Oversight and Safety Act of 2022 or a reg-  
16 ulation issued under such Act;”.

17 (d) REGULATIONS.—The Commission may issue reg-  
18 ulations under section 553 of title 5, United States Code,  
19 to implement this Act.

20 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated to the Com-  
22 mission to carry out this Act, and to remain available until  
23 expended, \$500,000,000 for each fiscal year beginning  
24 with fiscal year 2022.

1 **SEC. 15. RULE OF CONSTRUCTION.**

2       Nothing in section 230 of the Communications Act  
3 of 1934 (47 U.S.C. 230) may be construed to limit the  
4 application of, or to impair or limit the enforcement of—

5           (1) this Act or a regulation issued under this  
6 Act; or

7           (2) section 6(b) of the Federal Trade Commis-  
8 sion Act (15 U.S.C. 46(b)).

○