

116TH CONGRESS
2D SESSION

H. R. 8323

To require social media companies to establish an office dedicated to identifying and removing violent and gory content that violates such company's social media platform content moderation standards.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2020

Mr. BRINDISI introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To require social media companies to establish an office dedicated to identifying and removing violent and gory content that violates such company's social media platform content moderation standards.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Bianca’s Law”.

5 **SEC. 2. OFFICE DEDICATED TO IDENTIFYING AND REMOV-**
6 **ING VIOLENT AND GORY CONTENT.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of the enactment of this Act, each social media com-

1 pany shall establish an office to identify and address vio-
2 lent and gory content that violates such company's social
3 media platform content moderation standards or terms of
4 service agreements. At least one dedicated staff member
5 who reports directly to the highest official at the social
6 media company who shall, either directly or through a su-
7 pervised designee—

8 (1) educate and train employees about compli-
9 ance requirements that are consistent with the social
10 media company's company's social media platform
11 content moderation standards or terms of service
12 agreements;

13 (2) train employees involved in processing of
14 content on the social media platform that violates
15 such standards or agreements;

16 (3) conduct regular, comprehensive audits to
17 ensure compliance and make records of such audits
18 publicly available on the social media platform;

19 (4) maintain updated, clear, and understand-
20 able records of all relevant practices undertaken by
21 the social media company; and

22 (5) serve as the point of contact between the so-
23 cial media company and the Federal Trade Commis-
24 sion.

1 (b) NAME AND CONTACT INFORMATION.—The com-
2 pany shall also make the name and contact information
3 (including phone number) for this officer publicly avail-
4 able.

5 (c) DEFINITIONS.—As used in this Act—

6 (1) the term “social media company” means
7 any person that owns, manages, or operates a social
8 media platform and has an annual revenue in excess
9 of \$10,000,000;

10 (2) the term “social media platform”—

11 (A) means a website or internet medium,
12 including a mobile application, that—

13 (i) permits a person to become a reg-
14 istered user, establish an account, or create
15 a profile for the purpose of allowing users
16 to create, share, and view user-generated
17 content through such an account or profile;

18 (ii) enables one or more users to gen-
19 erate content that can be viewed by other
20 users of the medium; and

21 (iii) serves as a medium for users to
22 view content generated by other users of
23 the medium; and

24 (B) does not include—

1 (i) any such platform that serves
2 fewer than 100,000 users who access their
3 account or profile at least once a month; or

4 (ii) an email program, email distribu-
5 tion lists, multi-person text message
6 groups, or a website that is primarily for
7 the purpose of internet commerce;

8 (iii) a private platform or messaging
9 service used by an entity solely to commu-
10 nicate with others employed by or affiliated
11 with such entity; or

12 (iv) an internet-based platform whose
13 primary purpose is—

14 (I) to allow users to post product
15 reviews, business reviews, travel infor-
16 mation and reviews; or

17 (II) to provide news or entertain-
18 ment content, but that may also in-
19 clude a comment section for users to
20 discuss such news or entertainment
21 content if such comment section does
22 not include functionality that permits
23 a user to share images, videos, or
24 other visual depictions; and

1 (3) the term “violent and gory content” means
2 images, video, or other visual depictions of graphic,
3 serious injury or death in a manner that has no or
4 limited cultural or social value.

5 **SEC. 3. ENFORCEMENT.**

6 (a) ENFORCEMENT BY THE FEDERAL TRADE COM-
7 MISSION.—

8 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
9 TICES.—A violation of this Act or a regulation pro-
10 mulgated under this Act shall be treated as a viola-
11 tion of a rule defining an unfair or deceptive act or
12 practice prescribed under section 18(a)(1)(B) of the
13 Federal Trade Commission Act (15 U.S.C.
14 57a(a)(1)(B)).

15 (2) POWERS OF THE COMMISSION.—

16 (A) IN GENERAL.—The Commission shall
17 enforce this Act and any regulations promul-
18 gated under this Act in the same manner, by
19 the same means, and with the same jurisdic-
20 tion, powers, and duties as though all applicable
21 terms and provisions of the Federal Trade
22 Commission Act (15 U.S.C. 41 et seq.) were in-
23 corporated into and made a part of this Act,
24 and any person who violates this Act or a regu-
25 lation promulgated under this Act shall be sub-

1 ject to the penalties and entitled to the privi-
2 leges and immunities provided in the Federal
3 Trade Commission Act.

4 (B) REGULATIONS.—The Commission
5 may, under section 553 of title 5, United States
6 Code, prescribe any regulations it determines
7 necessary to carry out this Act.

8 (C) EFFECT ON OTHER LAWS.—Nothing in
9 this Act shall be construed in any way to limit
10 the authority of the Commission under any
11 other provision of law.

12 (b) ENFORCEMENT BY STATE ATTORNEYS GEN-
13 ERAL.—

14 (1) IN GENERAL.—If the chief law enforcement
15 officer of a State, or an official or agency designated
16 by a State, has reason to believe that any person has
17 violated or is violating section 2, the attorney gen-
18 eral, official, or agency of the State, in addition to
19 any authority it may have to bring an action in
20 State court under its consumer protection law, may
21 bring a civil action in any appropriate United States
22 district court or in any other court of competent ju-
23 risdiction, including a State court, to—

24 (A) enjoin further such violation by such
25 person;

1 (B) enforce compliance with such section;

2 (C) obtain civil penalties; and

3 (D) obtain damages, restitution, or other
4 compensation on behalf of residents of the
5 State.

6 (2) NOTICE AND INTERVENTION BY THE
7 FTC.—The attorney general (or other such officer)
8 of a State shall provide prior written notice of any
9 action under paragraph (1) to the Commission and
10 provide the Commission with a copy of the complaint
11 in the action, except in any case in which such prior
12 notice is not feasible, in which case the attorney gen-
13 eral shall serve such notice immediately upon insti-
14 tuting such action. The Commission shall have the
15 right—

16 (A) to intervene in the action;

17 (B) upon so intervening, to be heard on all
18 matters arising therein; and

19 (C) to file petitions for appeal.

20 (3) LIMITATION ON STATE ACTION WHILE FED-
21 ERAL ACTION IS PENDING.—If the Commission has
22 instituted a civil action for violation of this Act, no
23 State attorney general, or official or agency of a
24 State, may bring an action under this paragraph
25 during the pendency of that action against any de-

1 fendant named in the complaint of the Commission
2 for any violation of this Act alleged in the complaint.

3 (4) RELATIONSHIP WITH STATE LAW CLAIMS.—

4 If the attorney general of a State has authority to
5 bring an action under State law directed at acts or
6 practices that also violate this Act, the attorney gen-
7 eral may assert the State law claim and a claim
8 under this Act in the same civil action.

9 (c) SAVINGS CLAUSE.—Nothing in this Act shall pre-
10 empt or otherwise affect any State or local law.

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