

117TH CONGRESS
1ST SESSION

S. _____

To support research about the impact of digital communication platforms on society by providing privacy-protected, secure pathways for independent research on data held by large internet companies.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To support research about the impact of digital communication platforms on society by providing privacy-protected, secure pathways for independent research on data held by large internet companies.

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 “Platform Accountability and Transparency Act”.

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. Platform Accountability and Transparency Office.

- Sec. 4. Qualified research projects, qualified researchers, and qualified data and information.
- Sec. 5. Publication of research under qualified research proposal.
- Sec. 6. Obligations and immunity for platforms.
- Sec. 7. Obligations and immunity for qualified researchers.
- Sec. 8. Reporting.
- Sec. 9. Enforcement.
- Sec. 10. Amendment to the Communications Decency Act.
- Sec. 11. Establishing a safe harbor for journalism and research on social media platforms.
- Sec. 12. Rulemaking authority.
- Sec. 13. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COMMISSION.—The term “Commission”
4 means the Federal Trade Commission.

5 (2) CHAIR.—The term “Chair” means the
6 Chair of the Federal Trade Commission.

7 (3) DIRECTOR.—The term “Director” means
8 the Director of the Platform Accountability and
9 Transparency Office.

10 (4) NSF.—The term “NSF” means the Na-
11 tional Science Foundation.

12 (5) OFFICE.—The term “Office” means the
13 Platform Accountability and Transparency Office
14 within the Federal Trade Commission established
15 under section 3.

16 (6) PERSONAL INFORMATION.—The term “per-
17 sonal information” means any information, regard-
18 less of how the information is collected, inferred, or
19 obtained that is reasonably linkable to a specific con-
20 sumer or consumer device.

1 (7) PLATFORM.—The term “platform” means
2 any entity subject to the jurisdiction of the Federal
3 Trade Commission under section 5(a)(2) of the Fed-
4 eral Trade Commission Act (15 U.S.C. 45(a)(2))
5 that—

6 (A) is a website, desktop application, or
7 mobile application that—

8 (i) permits a person to become a reg-
9 istered user, establish an account, or create
10 a profile for the purpose of allowing the
11 user to create, share, and view user-gen-
12 erated content through such an account or
13 profile;

14 (ii) enables one or more users to gen-
15 erate content that can be viewed by other
16 users of the platform; and

17 (iii) primarily serves as a medium for
18 users to interact with content generated by
19 other users of the platform and for the
20 platform to deliver ads to users; and

21 (B) has at least 25,000,000 unique month-
22 ly users in the United States for a majority of
23 the months in the most recent 12-month period.

24 (8) QUALIFIED DATA AND INFORMATION.—The
25 term “qualified data and information” means data

1 and information from a platform that the NSF de-
2 termines is necessary to allow a qualified researcher
3 to carry out the research contemplated under a
4 qualified research project.

5 (9) QUALIFIED RESEARCHER.—The term
6 “qualified researcher” means a university-affiliated
7 researcher specifically identified in a research pro-
8 posal that is approved by the NSF to conduct re-
9 search as a qualified research project.

10 (10) QUALIFIED RESEARCH PROJECT.—The
11 term “qualified research project” means a research
12 plan that has been approved by the NSF pursuant
13 to section 4.

14 (11) STATE.—The term “State” means each of
15 the 50 States of the United States, the District of
16 Columbia, Puerto Rico, the Virgin Islands, American
17 Samoa, Guam, and the Northern Mariana Islands.

18 (12) USER.—The term “user” means a person
19 or entity that uses a platform or online marketplace
20 for any purpose, including advertisers and sellers,
21 regardless of whether that person has an account or
22 is otherwise registered with the platform.

1 **SEC. 3. PLATFORM ACCOUNTABILITY AND TRANSPARENCY**

2 **OFFICE.**

3 (a) **ESTABLISHMENT.**—There is established within
4 the Commission a Platform Accountability and Trans-
5 parency Office. The Office shall be headed by a Director
6 who shall be appointed by the Chair subject to the ap-
7 proval of a majority of the Commissioners, and who shall
8 serve for a term of 4 years unless removed by the Chair.

9 (b) **PRIVACY AND CYBERSECURITY STANDARDS.**—
10 The Office is authorized to require certain privacy and cy-
11 bersecurity standards as necessary to carry out its respon-
12 sibilities pursuant to section 4.

13 (c) **APPROVAL CRITERIA FOR CYBERSECURITY SAFE-**
14 **GUARDS.**—Within 180 days of the enactment of this Act,
15 the Office shall publish a list of criteria for its approval
16 processes for determining the privacy and cybersecurity
17 safeguards required for qualified data and information re-
18 lated to a qualified research project.

19 (d) **REGULATIONS.**—The Office is authorized to pre-
20 scribe such regulations as the Director deems necessary
21 governing the manner in which its functions shall be car-
22 ried out under the processes for notice and comment rule-
23 making in section 553 of title 5, United States Code.

1 **SEC. 4. QUALIFIED RESEARCH PROJECTS, QUALIFIED RE-**
2 **SEARCHERS, AND QUALIFIED DATA AND IN-**
3 **FORMATION.**

4 (a) **IN GENERAL.**—Within 180 days after the date
5 of enactment of the Act, the NSF shall—

6 (1) establish a process to solicit research appli-
7 cations from researchers in order to identify quali-
8 fied research projects;

9 (2) prescribe guidelines and criteria used to de-
10 termine how NSF will review research applications
11 seeking approval to be a qualified research project.

12 (b) **REQUIRED APPROVAL BY AFFILIATED INSTITU-**
13 **TIONAL REVIEW BOARD.**—A research application shall not
14 be approved as a qualified research project unless it has
15 been approved by an institutional review board at the re-
16 searcher’s affiliated institution, it has been deemed exempt
17 from institutional review board review, or it is excluded
18 from the criteria for institutional review board review.

19 (c) **AIM OF PROJECT.**—A research application shall
20 not be approved as a qualified research project unless it
21 aims to study activity on a platform.

22 (d) **PUBLICATION OF CRITERIA.**—Not later than 180
23 days after the date of enactment of this Act and not less
24 than annually thereafter, the NSF shall publish the fol-
25 lowing:

1 (1) A list of its criteria for identifying qualified
2 research projects.

3 (2) A list of its criteria for identifying qualified
4 data and information necessary to conduct a quali-
5 fied research project. At a minimum, qualified data
6 and information must—

7 (A) be feasible for the platform to provide;

8 (B) be proportionate to the needs of the
9 qualified researchers to complete the qualified
10 research project; and

11 (C) not cause the platform undue burden.

12 (e) CONSULTATION.—In approving a research appli-
13 cation to be a qualified research project, the NSF shall
14 consult with the Office to assess whether any privacy or
15 cybersecurity risks associated with the research applica-
16 tion can be adequately addressed through appropriate
17 safeguards identified pursuant to subsection (j).

18 (f) REVIEW.—The NSF’s determination regarding
19 whether a research application will be deemed a qualified
20 research project shall not be subject to judicial review.

21 (g) POST-DECISION ACTIONS.—Upon approval of a
22 research application to be a qualified research project, the
23 NSF shall identify the qualified data and information that
24 platforms will be required to make available to qualified

1 researchers pursuant to the qualified research project, and
2 in what form.

3 (h) REFERRAL TO PLATFORM ACCOUNTABILITY AND
4 TRANSPARENCY OFFICE.—Upon approval of a research
5 application to be a qualified research project and a deter-
6 mination of qualified data and information, the NSF shall
7 refer the qualified research project to the Office.

8 (i) NOTIFICATION.—Within 10 days of receipt of the
9 information relating to a qualified research project pursu-
10 ant to subsection (h), the Office shall provide notice to
11 the platform that is the subject of the project that it will
12 be required to provide qualified data and information pur-
13 suant to the qualified research project.

14 (j) PRIVACY AND CYBERSECURITY SAFEGUARDS.—
15 Within 30 days of the receipt of information in subsection
16 (h), the Office shall establish reasonable privacy and cy-
17 bersecurity safeguards for the qualified data and informa-
18 tion that the platform must share with qualified research-
19 ers pursuant to the qualified research project and inform
20 the platform of these requirements. Such safeguards may
21 include—

22 (1) encryption of the data in transit and when
23 not in use;

1 (2) delivery of the data in a format that is not
2 reasonably capable of being associated or linked with
3 a particular individual; and

4 (3) use and monitoring of a secure environment
5 to facilitate delivery of the qualified data and infor-
6 mation to qualified researchers while protecting
7 against unauthorized use of such data.

8 (k) OPPORTUNITY FOR PLATFORM TO COMMENT.—
9 Not later than 20 days after the Office’s establishment
10 of privacy and cybersecurity safeguards under subsection
11 (j), a platform may provide comment and recommenda-
12 tions to the Office regarding the privacy and cybersecurity
13 safeguards in order to ensure the security of qualified data
14 and information throughout the course of the qualified re-
15 search project.

16 (l) RESPONSE TO PLATFORM COMMENTS.—Not later
17 than 15 days after receipt of comments and recommenda-
18 tions from a platform under subsection (k), the Office
19 shall establish a final determination of privacy and cyber-
20 security safeguards for the provision of qualified data and
21 information necessary to conduct the qualified research
22 project.

1 **SEC. 5. PUBLICATION OF RESEARCH UNDER QUALIFIED**
2 **RESEARCH PROPOSAL.**

3 (a) SUBMISSION OF PRE-PUBLICATION VERSION TO
4 OFFICE.—At least 30 days prior to the proposed public
5 release of an analysis by a qualified researcher derived
6 from a qualified research project, the qualified researcher
7 shall submit a pre-publication version of their research to
8 the relevant platforms and the Office for evaluation to
9 confirm that the analysis does not expose personal infor-
10 mation, trade secrets, or confidential commercial informa-
11 tion, or otherwise violate applicable laws .

12 (b) PLATFORM OBJECTION.—

13 (1) IN GENERAL.—A platform that provided
14 qualified data and information with respect to a
15 qualified research project may object to the publica-
16 tion or release of any analysis derived from such
17 project that will expose personal information or oth-
18 erwise violate Federal, State, and local information
19 sharing and privacy laws and regulations or any ap-
20 plicable rules, standards, regulations, and orders
21 issued by the Commission. Such objections must be
22 made in writing to the Office or its delegate within
23 15 days of the date that the qualified researcher
24 submits the pre-publication version of the analysis
25 under subsection (a).

1 (2) EFFECT OF NO OBJECTION.—If the Office
2 or a platform described in paragraph (1) do not
3 make a timely objection under this subsection with
4 respect to the publication of analysis derived from a
5 qualified research project, the publication may pro-
6 ceed.

7 (3) EFFECT OF OBJECTION.—

8 (A) IN GENERAL.—If either the Office or
9 a platform described in paragraph (1) makes a
10 timely objection under this subsection with re-
11 spect to the publication of analysis derived from
12 a qualified research project, the qualified re-
13 searchers may, within 120 days—

14 (i) modify the analysis and re-submit
15 it to the Office and platforms involved for
16 evaluation under this section; or

17 (ii) in the case of an objection from a
18 platform, contest such objection.

19 (B) DETERMINATION BY THE OFFICE.—In
20 the case of a qualified researcher that contests
21 an objection from a platform under subpara-
22 graph (A)(ii), the Office shall decide within 50
23 days of receipt of the qualified researcher’s an-
24 swer to the platform’s objection whether the
25 publication may proceed.

1 (4) RIGHT OF APPEAL.—A qualified researcher
2 or a platform may appeal a decision by the Office
3 under this subsection to the United States Court of
4 Appeals for the Federal Circuit not later than 90
5 days after the Office makes such decision.

6 **SEC. 6. OBLIGATIONS AND IMMUNITY FOR PLATFORMS.**

7 (a) PROVISION OF QUALIFIED DATA AND INFORMA-
8 TION.—Upon the Office’s determination of final safe-
9 guards for qualified data and information, a platform shall
10 provide the qualified data and information to qualified re-
11 searchers under the terms dictated by the Office for the
12 purpose of carrying out the qualified research project.

13 (b) CONTINUED ACCESS TO QUALIFIED DATA AND
14 INFORMATION.—Platforms must enable qualified re-
15 searchers to preserve access to qualified data and informa-
16 tion as necessary to carry out qualified research projects.

17 (c) NOTICE TO PLATFORM USERS.—The Office shall
18 also issue regulations requiring that platforms, through
19 posting of notices or other appropriate means, keep users
20 informed of their privacy protections and the information
21 that the platform is required to share with qualified re-
22 searchers under this Act.

23 (d) SAFE HARBOR.—No cause of action under State
24 or Federal law arising solely from the release of qualified
25 data and information to qualified researchers in further-

1 ance of a qualified research project may be brought
2 against any platform that complies with the privacy and
3 cybersecurity provisions prescribed by the Office pursuant
4 to section 4(j).

5 (e) RIGHT OF APPEAL.—If a platform fails to provide
6 all of the required qualified data and information to the
7 qualified researchers, the qualified researchers or their af-
8 filiated university may bring an action in district court for
9 injunctive relief or petition the Commission to bring an
10 enforcement action against the platform under section 9.

11 **SEC. 7. OBLIGATIONS AND IMMUNITY FOR QUALIFIED RE-**
12 **SEARCHERS.**

13 (a) SCOPE OF PERMITTED USE OF QUALIFIED DATA
14 AND INFORMATION.—Each qualified researcher who ac-
15 cesses qualified data and information shall use the quali-
16 fied data and information only for the purposes of con-
17 ducting research authorized under the qualified research
18 project's terms and under the privacy and cybersecurity
19 provisions prescribed by the Office pursuant to section
20 4(j).

21 (b) COMPLIANCE WITH APPLICABLE INFORMATION
22 AND PRIVACY LAWS.—Each qualified researcher shall
23 comply with applicable Federal, State, and local informa-
24 tion sharing and privacy laws and regulations as well as
25 all rules, standards, regulations, and orders issued by the

1 Commission pursuant to this Act which are applicable to
2 their own actions and conduct.

3 (c) PROTECTION OF PERSONAL INFORMATION.—

4 Qualified researchers may not attempt to reidentify, ac-
5 cess, or publish personal information derived from quali-
6 fied data and information that a qualified researcher has
7 access to.

8 (d) SAFE HARBOR.—No cause of action arising solely
9 from qualified researchers' access and use of qualified
10 data and information in furtherance of a qualified re-
11 search project may be brought against qualified research-
12 ers who conduct qualified research projects in compliance
13 with this Act and abide by all information sharing and
14 privacy standards described pursuant to section 4(j). This
15 immunity includes immunity from potential liability under
16 applicable Federal, State, and local laws, as well as any
17 potential liability for a violation of a platform's terms of
18 service that arises solely from the qualified researchers'
19 access and use of qualified data and information.

20 (e) EFFECT OF INTENTIONAL VIOLATION OF INFOR-

21 MATION AND PRIVACY STANDARDS.—Qualified research-
22 ers who intentionally violate the privacy and cybersecurity
23 provisions prescribed by the Office pursuant to section 4(j)
24 shall be subject to both civil and criminal enforcement,
25 under applicable Federal, State, and local laws. The Com-

1 mission may refer any such violation to the Department
2 of Justice or the appropriate State law enforcement agen-
3 cy.

4 **SEC. 8. REPORTING.**

5 Not later than 18 months after the date of enactment
6 of this Act, and annually thereafter, the Director shall
7 submit to the Chair and to the Congress a report of the
8 operations of the Office under this Act, which shall include
9 a detailed statement of all qualified research projects, in-
10 cluding with respect to each such project:

11 (1) The identity of any authorized qualified re-
12 searcher and the institution the researcher is affili-
13 ated with.

14 (2) The platforms required to provide qualified
15 data and information to qualified researchers.

16 (3) The categories of qualified data and infor-
17 mation each platform was required to provide.

18 (4) The terms of the privacy and cybersecurity
19 safeguards required by the Commission to ensure
20 the security of the qualified data and information.

21 (5) any such recommendations for improve-
22 ments to the operation of this Act in order to facili-
23 tate its aim of providing enhanced researcher access
24 to platforms as the Director deems appropriate.

1 **SEC. 9. ENFORCEMENT.**

2 (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—

3 (1) IN GENERAL.—A platform’s failure to com-
4 ply with section 6(a) shall be treated as a violation
5 of a rule defining an unfair or deceptive act or prac-
6 tice prescribed under section 18(a)(1)(B) of the Fed-
7 eral Trade Commission Act (15 U.S.C.
8 57a(a)(1)(B)).

9 (2) POWERS OF THE COMMISSION.—

10 (A) IN GENERAL.—The Commission shall
11 enforce section 6(a) in the same manner, by the
12 same means, and with the same jurisdiction,
13 powers, and duties as though all applicable
14 terms and provisions of the Federal Trade
15 Commission Act (15 U.S.C. 41 et seq.) were in-
16 corporated into and made a part of this section.

17 (B) PRIVILEGES AND IMMUNITIES.—Any
18 person that violates subsection (a) or (b) shall
19 be subject to the penalties, and entitled to the
20 privileges and immunities, provided in the Fed-
21 eral Trade Commission Act (15 U.S.C. 41 et
22 seq.).

23 (b) REGULATIONS.—The Commission shall have the
24 authority to make, amend, and rescind, in the manner pre-
25 scribed by 5 U.S.C. 553, such rules and regulations as

1 it may deem necessary to carry out its responsibilities
2 under this Act.

3 (c) CIVIL ENFORCEMENT AUTHORITY.—Whenever
4 the Commission shall have reason to believe that a plat-
5 form has been or is in violation of any provision of this
6 Act, the Commission may commence a civil action in a
7 district court of the United States for an injunction
8 against the platform. Remedies in an injunctive action
9 brought by the Commission are limited to an order enjoin-
10 ing, restraining, or preventing any act or practice that
11 constitutes a violation of this Act and imposing a civil pen-
12 alty of up to \$10,000 for each violation, which shall accrue
13 to the United States and may be recovered in a civil action
14 brought by the Attorney General of the United States.
15 Such penalty shall be in addition to other penalties as may
16 be prescribed by law.

17 (d) ATTORNEY'S FEES AND OTHER COSTS.—In the
18 event any enforcement action is appealed, the prevailing
19 party in the action may, in the discretion of the court,
20 recover the costs of the action including reasonable inves-
21 tigative costs and attorneys' fees.

22 **SEC. 10. AMENDMENT TO THE COMMUNICATIONS DECENTRY**
23 **ACT.**

24 Section 230(c)(1) of the Communications Act of 1934
25 (47 U.S.C. 230(c)(1)) is amended—

1 (1) by striking “No provider or user” and in-
2 serting the following:

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), no provider or user”; and

5 (2) by adding at the end the following:

6 “(B) DATA ACCESS AND TRANSPARENCY
7 COMPLIANCE.—

8 “(i) DEFINITIONS.—In this subpara-
9 graph, the terms ‘platform’, ‘qualified data
10 and information’, ‘qualified researcher’,
11 and ‘qualified research project’ have the
12 meanings given those terms in section 2 of
13 the Platform Accountability and Trans-
14 parency Act.

15 “(ii) EXCEPTION TO IMMUNITY.—
16 Subparagraph (A) shall not apply with re-
17 spect to a claim against a provider of an
18 interactive computer service in a civil ac-
19 tion if—

20 “(I) the provider is a platform
21 that has been determined by the Fed-
22 eral Trade Commission or a Federal
23 court to have failed to provide quali-
24 fied data and information pursuant to
25 a qualified research project, in viola-

1 tion of section 6(a) of the Platform
2 Accountability and Transparency Act;
3 and

4 “(II) this failure to comply was a
5 significant contributor to the harm al-
6 leged by the claimant that is the basis
7 for the claim to relief.”.

8 **SEC. 11. ESTABLISHING A SAFE HARBOR FOR JOURNALISM**
9 **AND RESEARCH ON SOCIAL MEDIA PLAT-**
10 **FORMS.**

11 (a) IN GENERAL.—No civil claim will lie, nor will any
12 criminal liability accrue, against any person for collecting
13 covered information as part of a news-gathering or re-
14 search project on a platform, so long as—

15 (1) the information is collected through a cov-
16 ered method of digital investigation;

17 (2) the purpose of the project is to inform the
18 general public about matters of public concern, and
19 the information in fact is not used except to inform
20 the general public about a matter of public concern;

21 (3) with respect to information that is collected
22 through a covered method of digital investigation,
23 the person takes reasonable measures to protect the
24 privacy of the platform’s users;

1 (4) with respect to the creation and use of a re-
2 search account, the person takes reasonable meas-
3 ures to avoid misleading the platform’s users; and

4 (5) the project does not materially burden the
5 technical operation of the platform.

6 (b) REGULATIONS.—No later than 180 days after the
7 date of the enactment of this Act, the Commission shall
8 promulgate regulations under section 553 of title 5—

9 (1) defining “covered method of digital inves-
10 tigation,” which phrase, as defined, must encom-
11 pass—

12 (A) the collection of data from a platform
13 through automated means;

14 (B) the collection of data voluntarily do-
15 nated by users, including through a browser ex-
16 tension or plug-in; and

17 (C) the creation or use of research ac-
18 counts;

19 (2) defining “covered information,” which
20 phrase, as defined, must encompass—

21 (A) publicly available information, except
22 that such term should not exclude data merely
23 because an individual must log into an account
24 in order to see it;

1 (B) information about ads shown on the
2 platform, including the ads themselves, the ad-
3 vertiser’s name and disclosure string, and infor-
4 mation the platform provides to users about
5 how an ad was targeted; and

6 (C) any other category of information the
7 collection of which the Commission determines
8 will not unduly burden user privacy;

9 (3) defining “reasonable measures to protect
10 the privacy of the platform’s users” under sub-
11 section (a)(3), including by specifying—

12 (A) what measures must be taken to pre-
13 vent the theft and accidental disclosure of any
14 data collected;

15 (B) what measures must be taken to en-
16 sure that the data at issue is not used for any
17 purpose other than to inform the general public
18 about matters of public concern; and

19 (C) what measures must be taken to re-
20 strict the publication or other disclosure of any
21 data that would readily identify a user without
22 the user’s consent, except when such user is a
23 public official or public figure;

1 (4) defining “reasonable measures to avoid mis-
2 leading the platform’s users” under subsection
3 (a)(4); and

4 (5) defining “materially burden the technical
5 operation of a platform” under subsection (a)(5).

6 (c) AMENDMENT OF REGULATIONS.—The Commis-
7 sion may, as necessary, in consultation with relevant
8 stakeholders, amend regulations promulgated pursuant to
9 subsection (b) to the extent such amendment will accom-
10 plish the purposes of this section.

11 (d) REPORTING.—In December of each calendar year
12 beginning with calendar year 2022, the Commission shall
13 require each operator of any platform to submit an annual
14 report to the Commission that addresses whether the
15 measures prescribed under subsections (b)(3) and (b)(4)
16 of this section are adequately protecting the platform’s
17 users.

18 (e) DEFINITION OF RESEARCH ACCOUNT.—For pur-
19 poses of this section, the term “research account” means
20 an account on a platform that is created and used solely
21 for the purposes of a news-gathering or research project
22 that meets the requirements of subsection (a) and for no
23 longer than is necessary to complete such project.

24 **SEC. 12. RULEMAKING AUTHORITY.**

25 (a) ADDITIONAL REPORTING REQUIREMENTS.—

1 (1) IN GENERAL.—The Commission may, in ac-
2 cordance with section 553 of title 5, United States
3 Code, issue regulations that require platforms to re-
4 port on or disclose data, metrics, or other informa-
5 tion that the Commission determines, subject to sub-
6 section (f), will assist the public, journalists, re-
7 searchers, the Commission, or other government
8 agencies to—

9 (A) assess the impact of platforms, includ-
10 ing the impact of their design and policy deci-
11 sions and the impact of content that they host
12 and disseminate, on consumers, institutions,
13 and society;

14 (B) promote the advancement of scientific
15 and other research and understanding through
16 data available via platforms; and

17 (C) ensure that platforms are in compli-
18 ance with Federal law, including statutes en-
19 forced by the Commission such as section 5 of
20 the Federal Trade Commission Act (15 U.S.C.
21 45), and the Clayton Act (15 U.S.C. 12 et
22 seq.).

23 (2) PUBLIC AVAILABILITY.—The Commission
24 may require the reporting or disclosures to be made
25 available to the public, to qualified researchers, or to

1 some combination thereof. It may specify privacy or
2 other safeguards for reporting or disclosures made
3 available to qualified researchers (including those
4 specified in sections 4, 5, 6, or 7), and it may con-
5 sider those safeguards in assessing whether the reg-
6 ulations are consistent with the requirements of sub-
7 section (f). The Commission shall endeavor to make
8 required information available to the public unless
9 inconsistent with subsection (f) or otherwise not in
10 the public interest.

11 (3) FORM AND FREQUENCY; RETENTION OF IN-
12 FORMATION.—The Commission shall specify in the
13 regulations the required form and frequency of re-
14 porting or disclosures, as well as how long informa-
15 tion should be retained and made available. It may
16 require the reporting or disclosures to be available in
17 a form that makes it accessible and understandable
18 to the public, such as through a searchable online
19 dashboard, or accessible for analysis by researchers,
20 journalists, and the public, such as through an appli-
21 cation programming interface.

22 (4) CONSULTATION.—The Commission shall
23 consult with the NSF, the National Institutes of
24 Health, and other relevant government agencies, as

1 appropriate, in exercising its authority under this
2 subsection.

3 (b) TRANSPARENCY OF CERTAIN CONTENT AND
4 USER ACCOUNTS.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Commission
7 shall, in accordance with section 553 of title 5,
8 United States Code, and subject to subsection (f),
9 issue regulations to require platforms to disclose on
10 an ongoing basis information regarding content on
11 the platform that—

12 (A) has been sufficiently disseminated ac-
13 cording to metrics that the Commission deems
14 appropriate (which may include engagement,
15 views, reach, impressions, or other metrics);

16 (B) was originated or spread by major
17 public accounts; or

18 (C) meets other criteria that the Commis-
19 sion may designate.

20 (2) DISCLOSURE OF PUBLIC CONTENT
21 SAMPLINGS.—The regulations issued under para-
22 graph (1) shall further require platforms to disclose
23 on an ongoing basis statistically representative
24 samplings of public content, including, at a min-

1 imum, a sampling that is weighted by the number of
2 impressions the content receives.

3 (3) REQUIRED INFORMATION.—The informa-
4 tion required to be disclosed about content described
5 in paragraphs (1) and (2) shall include, as appro-
6 priate—

7 (A) the underlying content itself, including
8 any public uniform resource locator link to the
9 content;

10 (B) metrics about the extent of dissemina-
11 tion of or engagement with the content;

12 (C) metrics about the audience reached
13 with the content;

14 (D) information about whether the content
15 has been determined to violate the platform’s
16 policies;

17 (E) information about the extent to which
18 the content was recommended by the platform
19 or otherwise amplified by platform algorithms;

20 (F) information about the user accounts
21 responsible for the content (including whether
22 such accounts posted content deemed violating
23 in the past) ; and

24 (G) other information the Commission
25 deems appropriate.

1 (4) TREATMENT OF CONTENT THAT HAS BEEN
2 REMOVED.—The regulations described in paragraph
3 (1) shall provide guidance regarding disclosure of
4 content that is removed by the user or platform sub-
5 sequent to its dissemination.

6 (5) FREQUENCY.—To the extent practicable,
7 the Commission shall require this information to be
8 updated so as to provide a real-time understanding
9 of the content described in paragraphs (1) and (2).

10 (c) TRANSPARENCY OF ADVERTISING.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Commission
13 shall, in accordance with section 553 of title 5,
14 United States Code, and subject to subsection (f),
15 issue regulations to require platforms to disclose on
16 an ongoing basis information regarding advertising
17 on the platform.

18 (2) INFORMATION REQUIRED.—The required in-
19 formation to be disclosed under paragraph (1) shall
20 include, as appropriate—

21 (A) the legal name and unique identifier of
22 the advertiser;

23 (B) a digital copy of the ad content as dis-
24 played or delivered to the user;

1 (C) metrics about the extent of dissemina-
2 tion of or engagement with the ad, including
3 dates active and ad spending;

4 (D) any targeting criteria selected by the
5 advertiser and any criteria used to deliver the
6 ad;

7 (E) metrics about the audience reached
8 with the ad, including non-identifying demo-
9 graphic or geographic data;

10 (F) information about whether the ad was
11 determined to violate platform policies; and

12 (G) other information the Commission
13 deems appropriate.

14 (3) TREATMENT OF REMOVED ADS.—The regu-
15 lations described in paragraph (1) shall provide
16 guidance regarding disclosure of ads that are re-
17 moved by the user or platform subsequent to its dis-
18 semination.

19 (4) FREQUENCY.—To the extent practicable,
20 the Commission shall require this information to be
21 updated so as to provide a real-time understanding
22 of the content described in paragraph (2).

23 (d) TRANSPARENCY OF ALGORITHMS AND COMPANY
24 METRICS AND DATA.—

1 (1) IN GENERAL.—Not later than 1 year after
2 enactment of this Act, the Commission shall, in ac-
3 cordance with section 553 of title 5, United States
4 Code, and subject to subsection (f), issue regulations
5 to require platforms to report on their use of algo-
6 rithms and metrics.

7 (2) REQUIRED INFORMATION.—The reporting
8 required under paragraph (1) shall be at least semi-
9 annual and include, as appropriate—

10 (A) a description of all product features
11 that made use of algorithms during the report-
12 ing period;

13 (B) a summary of signals and features
14 used as inputs to the described algorithms, in-
15 cluding an explanation of all user data incor-
16 porated into these inputs, ranked or based on
17 the significance of their impact on the algo-
18 rithms' outputs;

19 (C) a summary of data-driven models (in-
20 cluding those based on machine learning or
21 other artificial intelligence techniques) utilized
22 in the described algorithms, including the opti-
23 mization objective of such models (such as pre-
24 dictions of user behavior or engagement),

1 ranked based on the significance of their impact
2 on the algorithms' outputs;

3 (D) a summary of metrics used by the
4 platform to score or rank content, ranked based
5 on the significance of their impact on the algo-
6 rithms' outputs;

7 (E) a summary of metrics calculated by
8 the company to assess product changes or new
9 features, with an assessment of their relative
10 importance in company decision-making;

11 (F) a description of significant datasets in
12 the platform's possession relating to content on
13 or users of the platform, enforcement of content
14 policy, or advertising, as necessary or appro-
15 priate to inform and facilitate researcher data
16 access requests;

17 (G) significant changes during the report-
18 ing period from the last report; and

19 (H) other information the Commission
20 deems appropriate.

21 (e) TRANSPARENCY OF CONTENT MODERATION AND
22 VIOLATING CONTENT.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Commission
25 shall, in accordance with section 553 of title 5,

1 United States Code, and subject to subsection (f),
2 issue regulations to require platforms to disclose on
3 an ongoing basis information regarding content
4 moderation and content violating platform policies.

5 (2) REQUIRED INFORMATION.—The informa-
6 tion required to be disclosed under paragraph (1)
7 shall include, as appropriate—

8 (A) statistics regarding the amount of con-
9 tent that the platform determined violated its
10 policies, broken down by—

11 (i) the violated policy;

12 (ii) the action taken in response to the
13 violation;

14 (iii) the methods the platform used to
15 identify the violating content (such as arti-
16 ficial intelligence, user report, human mod-
17 erator review, or other means);

18 (iv) the extent to which the content
19 was recommended or otherwise amplified
20 by platform algorithms;

21 (v) the extent to which the user chose
22 to follow the account that originated or
23 spread the violating content, and if so,
24 whether that account had been rec-

1 ommended to the user by the platform;

2 and

3 (vi) geographic and demographic fac-

4 tors as the Commission deems appropriate;

5 (B) statistics regarding the number of

6 times violating content was viewed by users and

7 the number of users who viewed it;

8 (C) estimates by the platform about the

9 prevalence of violating content (including as

10 measured by the number of impressions of vio-

11 lating content), broken down by the factors de-

12 scribed in subparagraph (A) as the Commission

13 deems appropriate; and

14 (D) other information the Commission

15 deems appropriate.

16 (3) AVAILABILITY OF VIOLATING CONTENT.—

17 Except to the extent provided by law, the regulations

18 issued under paragraph (1) shall further require

19 platforms to make available to qualified researchers

20 or the public (if appropriate) randomized and rep-

21 resentative samples of violating content, including

22 the information described in subparagraph (A) asso-

23 ciated with such content.

24 (f) PRIVACY AND CONFIDENTIALITY.—The Commis-

25 sion shall ensure that any reporting or disclosures re-

1 quired pursuant to this section do not infringe upon rea-
2 sonable expectations of personal privacy of users of plat-
3 forms or of other persons, or require dissemination of con-
4 fidential business information or trade secrets.

5 (g) DEFINITIONS.—In this section:

6 (1) ALGORITHM.—The term “algorithm” means
7 a computational process, including one derived from
8 machine learning or other artificial intelligence tech-
9 niques, that processes personal information or other
10 data for the purpose of determining the order or
11 manner that a set of information is provided, rec-
12 ommended to, or withheld from a user of a platform,
13 including the provision of commercial content, the
14 display of social media posts, recommendations of
15 user or group accounts to follow or associate with,
16 or any other method of automated decision making,
17 content selection, or content amplification.

18 (2) ENGAGEMENT.—The term “engagement”
19 means, with respect to content on a platform, the
20 number of times a user interacts with the content,
21 whether through comments, indications of approval
22 or disapproval (such as likes or dislikes), reshares,
23 or any other form of active interaction.

24 (3) IMPRESSION.—The term “impression”
25 means, with respect to content on a platform, the

1 display or delivery of the content to a user, regard-
2 less of whether the user engages with the content.

3 (4) MAJOR PUBLIC ACCOUNT.—The term
4 “major public account” means any of the following:

5 (A) An account on a platform whose con-
6 tent is followed by at least 25,000 users.

7 (B) An account on a platform whose con-
8 tent is viewed by at least 100,000 users per
9 month.

10 (C) Any other account on a platform that
11 meets such factors as the Commission may es-
12 tablish by a rule issued in accordance with sec-
13 tion 553 of title 5, United States Code.

14 (5) PREVALENCE OF VIOLATING CONTENT.—
15 The term “prevalence of violating content” refers to
16 a platform’s estimate of the number of impressions
17 of violating content among its users, regardless of
18 whether the platform ever identifies that particular
19 content as violating.

20 (6) REACH.—The term “reach” means, with re-
21 spect to content on a platform, the number of users
22 to whom the content is displayed or delivered during
23 a particular period, regardless of how many times it
24 is delivered to them.

1 (7) REAL-TIME UNDERSTANDING.—The term
2 “real-time understanding” means an understanding
3 of content on a platform that is up-to-date within
4 less than 24 hours.

5 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to the Com-
7 mission such sums as are necessary to carry out this Act
8 for fiscal year 2022 and each succeeding fiscal year.