

Section-by-Section: Digital Services Oversight and Safety Act (DSOSA)

Sec. 1. Short Title; Table of Contents.

Sec. 2. Definitions.

[See bill text for full list of definitions]

Defines what companies are covered by the Act, as visualized below. The methodology for counting monthly active users (MAUs) will be determined through a rulemaking process.

Interactive Computer Service as defined by Section 230 of the Communications Decency Act

Hosting Service: Interactive Computer Service that consists of the storage of information provided by, and at the request of, a user of the service.

(Very small business exemption.)

Examples include cloud services, webhosting, and online communications.

Covered Platform: Hosting Service which stores information provided by, and at the request of, users and which, at the request of users, stores and disseminates information to the public. Monthly active users \geq 10M (3% of U.S. Population).

Examples include social media platforms, online marketplaces, and app stores.

Large Covered Platform: Hosting Service which stores information provided by, and at the request of, users and which, at the request of users, stores and disseminates information to the public. Monthly active users \geq 66M (20% of U.S. Population).

Examples include large social media platforms, large online marketplaces, and large app stores.

Provider obligations vary by the size and scope of the hosting service as described in the table below.

	Hosting Services	Covered Platform	Large Covered Platform
Community Standards	✓	✓	✓
Transparency Reports	✓	✓	✓
Internal Complaint System		✓	✓
Researcher Access As Determined by the Commission		✓	✓
Risk Assessment & Mitigation Reports			✓
Independent Audits			✓
Recommender Systems			✓
Advertisement Library			✓
High-Reach Public Content Stream			✓

Sec. 3. Bureau of Digital Services Oversight and Safety.

- Establishes the new *Bureau of Digital Services Oversight and Safety* at the Federal Trade Commission.
- Appoints a Director and 500 employees including technologists, sociotechnical experts, and constitutional lawyers.

Sec. 4(a). Sense of Congress Regarding Use of Section 6(b) Authority (Investigative Studies).

- Sense of Congress directing the Commission to use its Section 6(b) authority to gain a better understanding of the following *systemic risks* (referenced throughout the bill):

- The dissemination of illegal content or illegal goods, or the facilitation of illegal activity, through a hosting service.
- Discrimination against individuals by, or resulting from the activities of, a provider of a hosting service.
- Any malfunctioning or intentional manipulation of a hosting service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, electoral processes, public security, or the safety of vulnerable and marginalized communities.

Sec. 4(b). Whistleblower Protections.¹

- Provides employees and contractors of hosting services, and certified researchers with protection from discrimination levied by a hosting service when an individual provides information relevant to a violation under this Act.

Sec. 4(c). Interagency Reports.

- Gives the Commission the discretion, when requested, to investigate the conduct of a provider of a hosting service when such conduct may be unlawful under a provision enforced by another agency.

Sec. 5. Internal Complaint-Handling Systems.

- Requires covered platforms to provide users access to an internal complaint-handling system which allows them to appeal specific actions, such as content removals, termination of service, or termination of their account.²
- Mandates that the internal complaint system be accessible (including to non-English speakers), timely, provide reasoning for decisions, and not be based solely on automation (with a few exceptions to protect against abuse).

¹ For reference to legislation that would create Agency-wide whistleblower protections see the FTC Whistleblower Act: Representative Schakowsky. (2021, November 30). *Schakowsky, Trahan Introduce FTC Whistleblower Act To Protect Consumers* [Press release]. <https://schakowsky.house.gov/media/press-releases/schakowsky-trahan-introduce-ftc-whistleblower-act-protect-consumers>

² See also: PACT Act, S.797, 117th Cong. (2021). <https://www.congress.gov/bill/117th-congress/senate-bill/797>

See also: *Hearing on “Holding Big Tech Accountable: Legislation to Build a Safer Internet,”* 117th Cong. 3 (2021) (testimony of Rick Lane). https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony_Lane_CPC_2021.12.09.pdf

Sec. 6. Transparency Regarding Content Moderation and Related Matters.

- Requires the covered platform’s “community standards” include information on any policies, procedures, measures, and tools used for the purpose of content moderation, including algorithmic decision-making and human review.
- Requires covered platforms to release public-facing transparency reports, the details of which will be determined through rulemaking, but will include when applicable:³
 - A description of the content moderation practices of the provider, including statistics regarding the amount and type of content moderation enforcement

³ Public interest groups and academics around the globe have published frameworks for platform transparency reports, including: Transatlantic High Level Working Group on Content Moderation Online and Freedom of Expression. (n.d.). *Institute for Information Law*. <https://www.ivir.nl/twg/>

See also: Global Platform Governance Network Working Group on Transparency. (2022). *Global Platform Governance Network*. <https://www.cigionline.org/activities/global-platform-governance-network/>

See also: Transparency Reporting Index. (2021). *Access Now*. <https://www.accessnow.org/transparency-reporting-index/>

See also: Woolery, L., Budish, R., & Bankston, K. (2016). *The Transparency Reporting Toolkit: Reporting Guide & Template for Reporting on U.S. Government Requests for User Information*. New America’s Open Technology Institute & The Berkman Klein Center for Internet & Society. https://na-production.s3.amazonaws.com/documents/Transparency_Reporting_Guide_and_Template-Final.pdf

See also: OECD. (2021). *Transparency Reporting on Terrorist and Violent Extremist Content Online: An Update on the Global Top 50 Content Sharing Services*. OECD Publishing. <https://doi.org/10.1787/8af4ab29-en>

See also: Puddephatt, A. (2021). *Letting the Sun Shine In: Transparency and Accountability in the Digital Age*. United Nations Educational, Scientific and Cultural Organization. <https://unesdoc.unesco.org/ark:/48223/pf0000377231.locale=en>

See also: Tech Against Terrorism. (2021). *The Tech Against Terrorism Guidelines: Government Transparency Reporting on Online Counterterrorism Efforts*. <https://transparency.techagainstterrorism.org/>

See also: The Santa Clara Principles: On Transparency and Accountability in Content Moderation. (n.d.). <https://santaclaraprinciples.org/>

See also: 2020 RDR Index Methodology. (n.d.). 2020 Ranking Digital Rights Corporate Accountability Index. <https://rankingdigitalrights.org/index2020/methodology>

See also: *Hearing on “Holding Big Tech Accountable: Targeted Reforms to Tech’s Legal Immunity,”* 117th Cong. 5 (2021) (testimony of Kara Frederick). https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony_Frederick_2021.12.01.pdf

See also: Vogus, C., & Llansó, E. (2021). *Making Transparency Meaningful: A Framework for Policymakers*. Center for Democracy & Technology. <https://cdt.org/insights/report-making-transparency-meaningful-a-framework-for-policymakers/>

actions taken that affect the availability, visibility, and accessibility of information provided by users.

- Statistics regarding the method of detection for enforcement action, such as employees, artificial intelligence software, trusted organizations, users, or shared databases.
 - Statistics regarding the number of legally enforceable government requirements and non-legally enforceable government referrals.
 - Statistics regarding the number of complaints received through the internal complaint-handling system required by Section 5.
 - Statistics regarding user exposure to illegal content or content that violates the provider's community standards.
 - Aggregate reporting on the language fluency of the employees, contractors, and subcontractors of the provider who are involved in content moderation.
 - Significant changes between subsequent reports issued by the provider with respect to the service.
- Considerations during rulemaking:
 - The rights and interests of providers and users of hosting services.
 - Specify how providers of hosting services should count and communicate their methods for counting content moderation enforcement actions.
 - Specify how and when posts moderated by volunteer moderators in a hosted community should be reported.
 - Relevant standards issued by international standards-setting organizations.
 - Require the reports to be machine-readable and formatted to allow access by users with disabilities.
 - Reporting should occur no less than once a year for hosting services and no less than quarterly for large covered platforms.
 - Nothing in this subsection may be construed to require a provider of a hosting service to collect personal information that the provider would not otherwise collect.
 - When issuing rules in Section 6, the Commission shall consider the level of detail needed in the report to inform users while not impeding the hosting services' ability to mitigate *systemic risks*.
 - The Commission shall require a provider of a hosting service to make disclosures available in each language in which the hosting service operates.

Sec. 7(a). Risk Assessment and Risk Mitigation Reports for Large Covered Platforms.

- Requires large covered platforms to report on the *systemic risks* present on their platform.

- Requires large covered platforms to report on the measures used to mitigate *systemic risks* identified by the provider. Such measures may include, where applicable, the following:
 - Integrating threat modeling and red-teaming processes to guard against *systemic risks* in the early stages of product design, and test potential mitigations prior to their release.
 - Adapting the content moderation or recommender systems of the provider, the decision-making processes of the provider, the features or functioning of the platform, and the terms and conditions or community standards of the provider.
 - Targeted measures aimed at limiting the display of advertisements in association with the platform or the alternative placement and display of public service advertisements or other related factual information.
 - Reinforcing the internal processes or supervision of any of the activities of the provider, particularly regarding the detection of *systemic risks*.
 - User-friendly notification and action mechanisms that allow any person to notify the provider of the presence of any content on the platform which the person believes to be illegal content, or in violation of the community standards or terms of service of the provider.
 - Crisis protocols, including a description of what constitutes the specific extraordinary circumstance the crisis protocol seeks to address and the objectives the crisis protocol pursues.
 - Testing for effectiveness and discriminatory bias within any algorithms used in the content moderation process.
 - Human resource investments (hiring and training) in human content moderators, trust and safety personnel, engineers focused on identifying and reducing *systemic risks*, and others with appropriate subject matter expertise and cultural competence.
 - Protections for the health and well-being of human content moderators.
 - Deliberative approaches to platform governance, including creating citizen panels, assemblies, or independent oversight bodies, or using crowdsourcing mechanisms, to make or inform content moderation decisions or policies.
 - Age-appropriate design that adjusts features on the platform based on the best interest of children and adolescents, given variations in brain development.⁴
 - Other risk-management techniques considered relevant by the Commission.

⁴ For legislation that includes rulemaking to protect children on social media, see KIDS Act, H.R.5439, 117th Cong. (2021). <https://www.congress.gov/bill/117th-congress/house-bill/5439>

See also: *Hearing on “Holding Big Tech Accountable: Legislation to Build a Safer Internet,”* 117th Cong. (2021) (testimony of Josh Golin). <https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony%20Golin%20CPC%202021.12.09.pdf>

Sec. 7(b). Annual Report by the Commission on Systemic Risks Posed by Large Covered Platforms.

- Identification and assessment of the most prominent and recurrent *systemic risks* posed by large covered platforms.
- Assessment of the effectiveness of providers of large covered platforms at reducing *systemic risks*, including successful approaches that have worked across platforms.

Sec. 7(c). Independent Audits for Large Covered Platforms.

- Large covered platforms are required to get an annual independent audit.⁵
- The auditing organization shall:
 - Be independent from the provider.
 - Have proven expertise in risk management.
 - Have the technical competence and technical capabilities necessary to perform the audit.
 - Have proven objectivity and professional ethics
 - Meet any other requirements considered necessary by the Commission.
- The audit report shall include:
 - The name, address, and point of contact of the provider of the large covered platform.
 - The name, address, and point of contact of the organization performing the audit.
 - The period covered by the audit.
 - A description of the specific elements audited and the methodology applied in the audit.
 - A description of the main findings drawn from the audit.
 - An audit opinion on whether the platform accurately, fully, and meaningfully described all the risks known to it which were required to be included in the submitted report being audited.
 - An audit opinion on the adequacy of the platform's processes and procedures for identifying, assessing, and reporting *systemic risks*.
 - An audit opinion on whether the provider implemented the risk mitigation measures which they reported.
 - An audit opinion on the accuracy and thoroughness of the transparency reports.
 - An audit opinion on the provider's compliance with the regulations issued under the *Office of Independent Research Facilitation* in Section 10.

⁵ Hearing on "Holding Big Tech Accountable: Legislation to Build a Safer Internet," 117th Cong. 18 (2021) (testimony of Jonathan Greenblatt).

https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony_Greenblatt_CPC_2021.12.09_1.pdf

- Recommendations for changes the provider could make to better address *systemic risks*.
- When issuing rules for this section, the Commission shall determine what information large covered platforms and their contractors need to share with the independent audit organization.
- All data shared must follow the privacy measures outlined in Section 10(c) and any other additional measures determined by the Commission to protect an individual's privacy.

Sec. 8. Guidance on Best Practices.

- The Commission shall, on an ongoing basis, issue a series of evidence-based nonbinding guidance for providers of large covered platforms which outlines best practices for addressing *systemic risks*. The guidance shall focus on product design features and content moderation processes that aim to be content neutral.⁶
- The Commission shall maintain and make publicly available on its website a registry of all large covered platforms, which shall include a list of the guidance issued under this section that each platform follows.
- The Commission may create advisory committees to solicit views regarding guidance under this section from stakeholders, including communities impacted by *systemic risks* and content moderation employees (former and current) at covered platforms.

Sec. 9. Recommender Systems.

- Allows the Commission to set rules for large covered platforms regarding the design and explainability of recommender systems, including:⁷
 - A description of the most salient features, inputs, or parameters used by the recommender system.
 - How any personal information used by the recommender system is collected or inferred about a user of the platform, and the categories of such data (including demographic, behavioral, and any other categories defined by the Commission).

⁶ *Hearing on "Holding Big Tech Accountable: Targeted Reforms to Tech's Legal Immunity,"* 117th Cong. 4 (2021) (testimony of Karen Kornbluh).
https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony_Kornbluh_2021.12.01_0.pdf

⁷ Conceptually similar to: Filter Bubble Transparency Act, H.R.5921, 117th Cong. (2021).
<https://www.congress.gov/bill/117th-congress/house-bill/5921>

See also: *Hearing on "Holding Big Tech Accountable: Targeted Reforms to Tech's Legal Immunity,"* 117th Cong. 8 (2021) (testimony of James Steyer).
https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony_Steyer_2021.12.01.pdf

- Any options that the provider makes available for a user of the platform to modify their profile or to influence the features, inputs, or parameters used by the recommender system.
 - Mandating that large covered platforms provide an option that does not rely on any of the user’s personal data (either collected or inferred) to determine the order of information presented to the user. The Commission may determine reasonable exceptions to ensure product functionality, such as the user’s language preference or location.
 - The Commission may determine that certain personal data may not be used to customize a recommender system without specific opt-in consent from users.
- Considerations during rulemaking:
 - The ways recommender systems may be used to help providers of large covered platforms mitigate *systemic risks*.
 - The frequency with which recommendation algorithms are trained.
 - The technical feasibility of disabling or modifying use of features, inputs, or parameters for each user.

Sec. 10(a). Office of Independent Research Facilitation.

- Establishes the *Office of Independent Research Facilitation* within the Bureau whose purpose is to carry out the duties described below and such other duties relating to the facilitation of independent research on covered platforms, as the Commission considers appropriate.

Sec. 10(b). Certified Researcher Application.

- Requirements to be a host organization:
 - Is an institution of higher education or a nonprofit (501(c)(3)).
 - The mission of the organization includes developing a deeper understanding of the impacts of covered platforms on society.
 - Has the organizational capacity both to follow the information security rules issued for secure researcher access and to analyze the information provided using data science and investigative and qualitative research best practices.
 - Any additional requirements established by the Commission.
- Commitments of a host organization:
 - Provide training to certified researchers affiliated with the organization to ensure that the researchers abide by the commitments described in secure researcher access rules.
 - Review certified researcher’s projects to ensure that a study’s purpose is to gain understanding of and measure the impact of covered platforms on society.

- Require a researcher to seek the approval of an institutional review board for the project or study, if applicable.
- Any additional commitments established by the Commission.
- Requirements for a certified researcher:
 - The individual is affiliated with an organization that is qualified as a host organization.
 - The individual is not under review by the host organization for research misconduct.
 - Any additional requirements established by the Commission in the regulations.
- Commitments of a certified researcher:
 - Have the capacity to comply with any information security or confidentiality requirements the Commission considers appropriate with respect to information accessed under this section.
 - Not to reidentify, or to attempt to reidentify, the individual to whom information accessed under this section relates.
 - Not to publish personal information derived from information accessed under this section.
 - Comply with applicable Federal, State, and local information sharing, privacy laws, and regulations.
 - Complete Responsible Conduct of Research training provided by the Office of Research Integrity of the Department of Health and Human Services.⁸
 - Disseminate the results of the research conducted using information accessed under this section to the public.
 - Comply with limits on commercial use.
 - Seek a certificate of confidentiality issued by the Secretary of Health and Human Services under section 301(d) of the Public Health Service Act (42 U.S.C. 241(d)), if applicable.⁹
 - Any additional commitments established by the Commission.
- On a regular basis, the Commission will ongoingly recertify host organizations and researchers and set rules for when a certified researcher qualification can be revoked.
- The GAO will issue a report auditing the Commission’s certified researcher process, including any signs of discrimination in the process of certifying researchers.

⁸ National Institutes of Health. (2020). *Responsible Conduct of Research Training*. <https://oir.nih.gov/sourcebook/ethical-conduct/responsible-conduct-research-training>

⁹ National Institutes of Health. (2019). *What is a Certificate of Confidentiality?* <https://grants.nih.gov/policy/humansubjects/coc/what-is.htm>

Sec. 10(c). Secure Researcher Access.¹⁰

- The Commission shall issue rules regarding:
 - Types of information that should be made available to certified researchers by providers of covered platforms.
 - The manner in which such information is accessed.
 - Under what circumstances access to such information to certified researchers by providers of covered platforms is required or optional.

- The types of information to be considered by the Commission shall include the following:
 - Information related to how covered platforms conduct internal studies, including the metrics used to evaluate the platform's success and quality of content.
 - Information related to content moderation decisions (including choices related to the ranking, ordering, promotion, or recommendation of content and requests for removal of content) and policy setting for content moderation.
 - The content category-specific expertise and cultural competencies of individuals setting content moderation policies and making content moderation decisions.
 - Requests to a provider of a covered platform from a third party to act on a user, an account, or content (such as user-flagged content, content removal requests, account suspension requests, and network shutdowns).
 - Information related to engagement (such as sharing and likes) with content (such as news articles and video clips), including the demographic breakdown of users, to the extent that is known or inferred, that interact with content and the source of engagement (such as organic search or recommendation).
 - Information related to exposure (such as viewership or impressions) to content (such as news articles and video clips), including the demographic breakdown of users, to the extent that is known or inferred, that interact with content and the source of their exposure to the content (such as organic search or recommendation).
 - Classification of information sources, such as opinion, sports, entertainment, and politics.
 - Archives of removed content.
 - Archives of accounts that have been removed by the provider.
 - Advertisements and influencer marketing content.
 - Detailed information related to the covered platform's algorithms, including feature importance, optimization objectives (such as predictions of user behavior or engagement), and descriptions of datasets used in model development (including its composition, collection process, and any preprocessing done on the data).
 - Materials used to train content moderators.

¹⁰ This is similar to section 2(c) of the Social Media DATA Act but instead the Bureau would use rulemaking to determine the types of data that can be made available to researchers and the level of security required. Social Media DATA Act, H.R.3451, 117th Cong. (2021). <https://www.congress.gov/bill/117th-congress/house-bill/3451>

- Any other information the Commission considers necessary.
- Considerations during rulemaking relating to manner of access:
 - Size and sampling techniques used to create the datasets containing the information described.
 - Limits on time and amount of information stored, broken down by the type of information.
 - Under what circumstances privacy preserving techniques such as differential privacy and statistical noise should be used.
 - Information security standards, such as those within the purview of the National Institute of Standards and Technology.
 - When aggregation of demographic data is required and to what level the data should be aggregated.
 - When standardized variable names should be used across platforms and for what types of information.
 - Under what circumstances secure application computer interfaces are required and the specific level of security.
 - Designation of secure facilities and computers to analyze information (including through a Federally Funded Research and Development Center).
 - Under what circumstances to limit access to information to a subset of certified researchers based on the nature of a study or when to require preliminary results prior to more restricted access.
 - The technical feasibility of the covered platform in providing access to information.
- Considerations for user privacy:
 - The Commission shall ensure that the provision of access to information does not infringe upon reasonable expectations of personal privacy of users by requiring providers of a covered platform to:
 - Deidentify any information that is not (or was not before removal from the covered platform) public content, personal health information, biometric information, and information relating to an individual under 13 years of age.
 - Not include access to precise geospatial information through location data.
 - Through the posting of notices or other appropriate means, keep users informed of the types of information to which the provider is required or permitted to provide access to certified researchers under this section and the privacy protections applicable to such access.
 - Provide a user whose profile does not host public content with an opportunity to opt-out of having access to their information provided to a certified researcher.
 - Not require a certified researcher, or an organization that is qualified as a host organization, to divulge accessed information to a governmental

entity (by a subpoena, court order, or otherwise).

- Federally Funded Research and Development Center¹¹
 - The Commission may sponsor a Federally Funded Research and Development Center, comprised of at least 3 organizations that are qualified as host organizations, to facilitate information sharing between covered platforms and certified researchers.
 - The center will have the following mission:
 - Enable certified researchers to perform studies requiring information from multiple covered platforms.
 - Serve as a means to provide certified researchers with secure access to information.
 - Upon request of the Director of the Bureau, supporting and assisting in the development of guidance under Section 8.
 - Collaborating with international research organizations with a similar mission.
- Safe Harbor for Researcher Accounts and Data Donations
 - A certified researcher shall not be liable under any Federal, State, or local law, or for a violation of the terms and conditions of a covered platform for:
 - The creation and use of accounts that are created for and used solely for a research project.
 - The collection of information provided for research purposes by a user of a covered platform, including through a browser extension or plug-in, if the certified researcher obtains informed consent.

Sec. 10(d & e). Data Dictionary & Consultation Services.

- Requires a provider of a covered platform to submit to the Commission a data dictionary which shall include a description of the information collected by the provider that may be meaningful to a certified researcher, including the meaning, relationship to other information, origin, and format of the information.
- Establishes a process by which the Commission will consult a data dictionary to assist certified researchers.
- The Commission shall offer consultation:

¹¹ Gallo, M. (2021, August 27). *Federally Funded Research and Development Centers (FFRDSs): Background and Issues for Congress* (CRS Report No. R44629). <https://crsreports.congress.gov/product/pdf/R/R44629>

- For certified researchers attempting to formulate studies with the information provided under this Act or to negotiate a memorandum of understanding with a provider of a covered platform.
- To offer a provider of a covered platform support and assistance in complying with this Act and the regulations issued under this Act in the provision of information to certified researchers, regardless of whether the provision of such information is required or optional.

Sec. 10(f). Advertisement Libraries.

- Large covered platforms that sell advertising services shall provide to certified researchers:
 - The legal name and unique identification number for each advertiser.
 - The full content contained within the advertisement, including machine-readable text and textual image descriptions.
 - The method used, as selected either by the advertiser or by the provider, to target an advertisement to users of the large covered platform, including uploaded lists of users, preset categories of users, keywords, and contextual information.
 - The optimization objective chosen by the advertiser (such as awareness, reach, traffic, and engagement).
 - A description of the targeted audience for each advertisement, including information on the demographics of the audience, interests of the audience, and any other description of the targeted audience determined to be reasonable by the Commission. Such information may have been collected from the profile of a user or inferred algorithmically.
 - A description of the delivery audience of the advertisement determined by a count of users who viewed the advertisement, including information on the demographics of the audience, interests of the audience, and any other description of the delivery audience determined to be reasonable by the Commission. Such information may have been collected from the profile of a user or inferred algorithmically.
 - The number of times the advertisement was viewed by users.
 - Advertisement conversion (including how often an advertisement was shared, liked, or clicked-through) and over what timeframe.
 - The date and time that the advertisement was first displayed and last displayed.
 - The amount the advertiser budgeted for advertising services with respect to the advertisement on the large covered platform and the amount paid for such advertising services.
 - The category of the advertisement as defined by the provider (such as politics, employment opportunity, housing opportunity, or apparel).
 - Each language contained within the advertisement.
 - Any advertising services policy of the provider that is made available to advertisers.
 - Whether the advertisement was determined to violate the advertising services policy of the provider.

- Any other information the Commission considers necessary.
- A provider of a large covered platform shall ensure that the advertisement library cannot be used to identify an individual targeted by an advertisement.
- The regulations shall specify that a provider of a large covered platform is not required to collect any information for the advertisement library that the provider does not collect in the ordinary course of business.
- The Commission shall also issue rules for a public-facing version of the ad library which may contain less details than that listed above.¹²

Sec. 10(g). High-Reach Public Content Stream.¹³

- Requires large covered platforms to provide:
 - The pieces of high-reach and high-engagement public content, such as user-generated posts, texts, hyperlinks, images, and videos, made available on the large covered platform.
 - The frequency with which such pieces of content are shared over a period of time within a recognized place.
 - Engagement (such as sharing and likes) with such pieces of content, including the demographic breakdown of users (known or inferred) that interact with the content.
 - Exposure (such as viewership or impressions) to such pieces of content, including the demographic breakdown of users (known or inferred) exposed to the content.
 - Public high-profile accounts or publishers involved in the spread of such pieces of content.
 - Any other information relating to such pieces of content that the Commission considers appropriate.
- The regulations shall specify that a provider of a large covered platform is not required to collect any information about users for the high-reach public content stream that the provider does not collect in the ordinary course of business.
- The Commission may issue rules for a public-facing high reach public content stream while taking into account privacy and national security concerns.

¹² Leerssen P., Dobber T., Helberger N., & de Vreese C. (2021). News from the ad archive: how journalists use the Facebook Ad Library to hold online advertising accountable. *Information, Communication & Society*. <https://www.tandfonline.com/doi/full/10.1080/1369118X.2021.2009002>

¹³ Commission on Information Disorder. (2021). *Commission on Information Disorder Final Report*. The Aspen Institute. <https://www.aspeninstitute.org/publications/commission-on-information-disorder-final-report/>

Sec. 11. Fellowship Program.

- Funds the Bureau to host at least 15 fellows a year that have experience studying hosting services' impact on society. These fellows will do research with the full data access of the Commission and will focus on studying:
 - Research relating to the understanding of and mitigation of *systemic risks*, with a focus on research that requires information that is difficult or impossible for a certified researcher to obtain under Section 10.
 - Research projects with a focus on domestic and global information ecosystem studies that require information from or about multiple hosting services and longer time horizons.

Sec. 12. Report and Disclosure Integrity.

- In the case of any report or other disclosure required to be made by a provider of a hosting service under this Act, it shall be a violation of this Act for such report or other disclosure to include any untrue statement of a material fact or to omit to state any material fact required to be stated therein or necessary to make the statements therein, in the light of the circumstances under which the report or other disclosure is made, not misleading.¹⁴

Sec. 13. Enforcement by Federal Trade Commission.

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

Sec. 14. Authorization of Appropriations.

- The Commission is authorized to be appropriated \$500M per year to carry out this Act, beginning with fiscal year 2022.

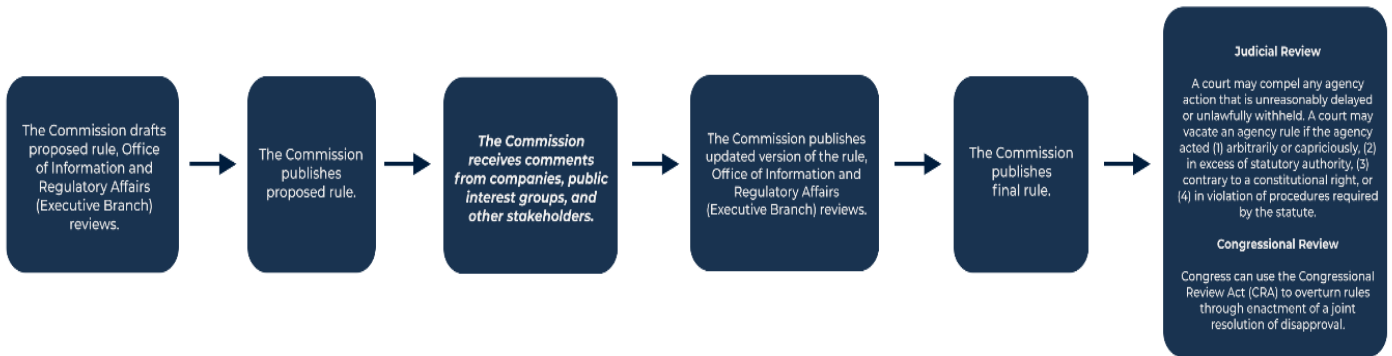
Sec. 15. Rule of Construction.

- Clarifies that Section 230 of the Communications Decency Act cannot block enforcement under this Act.

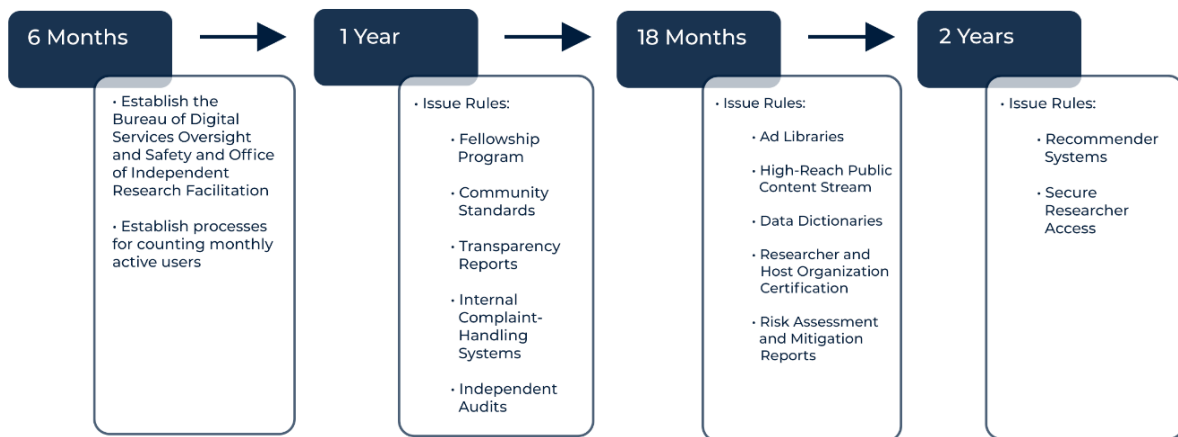
¹⁴ Inspired by: Securities Exchange Act of 1934 § 18. 15 U.S.C. § 78r (2021).

Many of the details in this Act will be finalized through Administrative Procedure Act (APA) rulemaking

There are numerous checks and balances worked into the rulemaking process to ensure that new FTC rules are constitutional and address *systemic risks*.¹⁵ Additionally, during rulemaking, the Commission shall vary requirements based on scale and scope of the hosting service.



Timeline for Rulemaking:



¹⁵ Garvey, T. (2017, March 27). *A Brief Overview of Rulemaking and Judicial Review* (CRS Report No. R41546). <https://crsreports.congress.gov/product/pdf/R/R41546>

See also: Carey, M. (2021, March 19). *An Overview of Federal Regulations and the Rulemaking Process* (CRS In Focus No. IF10003). <https://crsreports.congress.gov/product/pdf/IF/IF10003>