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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Platform Accountability and Transparency Act”.

(b) TABLE OF CONTENTS.—The table of contents for 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.

SEC. 2. DEFINITIONS.

In this Act:

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

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

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

(4) NSF.—The term “NSF” means the National Science Foundation.

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

(6) PERSONAL INFORMATION.—The term “personal information” means any information, regardless of how the information is collected, inferred, or obtained that is reasonably linkable to a specific consumer or consumer device.

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

(i) permits a person to become a registered user, establish an account, or create a profile for the purpose of allowing the user to create, share, and view user-generated content through such an account or profile;

(ii) enables one or more users to generate content that can be viewed by other users of the platform; and

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

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

(8) QUALIFIED DATA AND INFORMATION.—The term “qualified data and information” means data
and information from a platform that the NSF determines is necessary to allow a qualified researcher to carry out the research contemplated under a qualified research project.

(9) Qualified Researcher.—The term “qualified researcher” means a university-affiliated researcher specifically identified in a research proposal that is approved by the NSF to conduct research as a qualified research project.

(10) Qualified Research Project.—The term “qualified research project” means a research plan that has been approved by the NSF pursuant to section 4.

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

(12) User.—The term “user” means a person or entity that uses a platform or online marketplace for any purpose, including advertisers and sellers, regardless of whether that person has an account or is otherwise registered with the platform.
SEC. 3. PLATFORM ACCOUNTABILITY AND TRANSPARENCY OFFICE.

(a) Establishment.—There is established within the Commission a Platform Accountability and Transparency Office. The Office shall be headed by a Director who shall be appointed by the Chair subject to the approval of a majority of the Commissioners, and who shall serve for a term of 4 years unless removed by the Chair.

(b) Privacy and Cybersecurity Standards.—The Office is authorized to require certain privacy and cybersecurity standards as necessary to carry out its responsibilities pursuant to section 4.

(c) Approval Criteria for Cybersecurity Safeguards.—Within 180 days of the enactment of this Act, the Office shall publish a list of criteria for its approval processes for determining the privacy and cybersecurity safeguards required for qualified data and information related to a qualified research project.

(d) Regulations.—The Office is authorized to prescribe such regulations as the Director deems necessary governing the manner in which its functions shall be carried out under the processes for notice and comment rulemaking in section 553 of title 5, United States Code.
SEC. 4. QUALIFIED RESEARCH PROJECTS, QUALIFIED RESEARCHERS, AND QUALIFIED DATA AND INFORMATION.

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

(1) establish a process to solicit research applications from researchers in order to identify qualified research projects;

(2) prescribe guidelines and criteria used to determine how NSF will review research applications seeking approval to be a qualified research project.

(b) REQUIRED APPROVAL BY AFFILIATED INSTITUTIONAL REVIEW BOARD.—A research application shall not be approved as a qualified research project unless it has been approved by an institutional review board at the researcher’s affiliated institution, it has been deemed exempt from institutional review board review, or it is excluded from the criteria for institutional review board review.

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

(d) PUBLICATION OF CRITERIA.—Not later than 180 days after the date of enactment of this Act and not less than annually thereafter, the NSF shall publish the following:
(1) A list of its criteria for identifying qualified research projects.

(2) A list of its criteria for identifying qualified data and information necessary to conduct a qualified research project. At a minimum, qualified data and information must—

(A) be feasible for the platform to provide;

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

(C) not cause the platform undue burden.

(e) CONSULTATION.—In approving a research application to be a qualified research project, the NSF shall consult with the Office to assess whether any privacy or cybersecurity risks associated with the research application can be adequately addressed through appropriate safeguards identified pursuant to subsection (j).

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

(g) POST-DECISION ACTIONS.—Upon approval of a research application to be a qualified research project, the NSF shall identify the qualified data and information that platforms will be required to make available to qualified
researchers pursuant to the qualified research project, and
in what form.

(h) Referral to Platform Accountability and Transparency Office.—Upon approval of a research application to be a qualified research project and a determination of qualified data and information, the NSF shall refer the qualified research project to the Office.

(i) Notification.—Within 10 days of receipt of the information relating to a qualified research project pursuant to subsection (h), the Office shall provide notice to the platform that is the subject of the project that it will be required to provide qualified data and information pursuant to the qualified research project.

(j) Privacy and Cybersecurity Safeguards.—Within 30 days of the receipt of information in subsection (h), the Office shall establish reasonable privacy and cybersecurity safeguards for the qualified data and information that the platform must share with qualified researchers pursuant to the qualified research project and inform the platform of these requirements. Such safeguards may include—

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

(3) use and monitoring of a secure environment to facilitate delivery of the qualified data and information to qualified researchers while protecting against unauthorized use of such data.

(k) OPPORTUNITY FOR PLATFORM TO COMMENT.—Not later than 20 days after the Office’s establishment of privacy and cybersecurity safeguards under subsection (j), a platform may provide comment and recommendations to the Office regarding the privacy and cybersecurity safeguards in order to ensure the security of qualified data and information throughout the course of the qualified research project.

(l) RESPONSE TO PLATFORM COMMENTS.—Not later than 15 days after receipt of comments and recommendations from a platform under subsection (k), the Office shall establish a final determination of privacy and cybersecurity safeguards for the provision of qualified data and information necessary to conduct the qualified research project.
SEC. 5. PUBLICATION OF RESEARCH UNDER QUALIFIED RESEARCH PROPOSAL.

(a) Submission of Pre-publication Version to Office.—At least 30 days prior to the proposed public release of an analysis by a qualified researcher derived from a qualified research project, the qualified researcher shall submit a pre-publication version of their research to the relevant platforms and the Office for evaluation to confirm that the analysis does not expose personal information, trade secrets, or confidential commercial information, or otherwise violate applicable laws.

(b) Platform Objection.—

(1) In general.—A platform that provided qualified data and information with respect to a qualified research project may object to the publication or release of any analysis derived from such project that will expose personal information or otherwise violate Federal, State, and local information sharing and privacy laws and regulations or any applicable rules, standards, regulations, and orders issued by the Commission. Such objections must be made in writing to the Office or its delegate within 15 days of the date that the qualified researcher submits the pre-publication version of the analysis under subsection (a).
(2) Effect of no objection.—If the Office or a platform described in paragraph (1) do not make a timely objection under this subsection with respect to the publication of analysis derived from a qualified research project, the publication may proceed.

(3) Effect of objection.—

(A) In general.—If either the Office or a platform described in paragraph (1) makes a timely objection under this subsection with respect to the publication of analysis derived from a qualified research project, the qualified researchers may, within 120 days—

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

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

(B) Determination by the Office.—In the case of a qualified researcher that contests an objection from a platform under subparagraph (A)(ii), the Office shall decide within 50 days of receipt of the qualified researcher’s answer to the platform’s objection whether the publication may proceed.
RIGHT OF APPEAL.—A qualified researcher or a platform may appeal a decision by the Office under this subsection to the United States Court of Appeals for the Federal Circuit not later than 90 days after the Office makes such decision.

SEC. 6. OBLIGATIONS AND IMMUNITY FOR PLATFORMS.

(a) Provision of Qualified Data and Information.—Upon the Office’s determination of final safeguards for qualified data and information, a platform shall provide the qualified data and information to qualified researchers under the terms dictated by the Office for the purpose of carrying out the qualified research project.

(b) Continued Access to Qualified Data and Information.—Platforms must enable qualified researchers to preserve access to qualified data and information as necessary to carry out qualified research projects.

(c) Notice to Platform Users.—The Office shall also issue regulations requiring that platforms, through posting of notices or other appropriate means, keep users informed of their privacy protections and the information that the platform is required to share with qualified researchers under this Act.

(d) Safe Harbor.—No cause of action under State or Federal law arising solely from the release of qualified data and information to qualified researchers in further-
ance of a qualified research project may be brought
against any platform that complies with the privacy and
cybersecurity provisions prescribed by the Office pursuant
to section 4(j).

(c) Right of Appeal.—If a platform fails to provide
all of the required qualified data and information to the
qualified researchers, the qualified researchers or their af-
filiated university may bring an action in district court for
injunctive relief or petition the Commission to bring an
enforcement action against the platform under section 9.

SEC. 7. OBLIGATIONS AND IMMUNITY FOR QUALIFIED RE-
SEARCHERS.

(a) Scope of Permitted Use of Qualified Data
and Information.—Each qualified researcher who ac-
cesses qualified data and information shall use the quali-
fied data and information only for the purposes of con-
ducting research authorized under the qualified research
project’s terms and under the privacy and cybersecurity
provisions prescribed by the Office pursuant to section
4(j).

(b) Compliance With Applicable Information
and Privacy Laws.—Each qualified researcher shall
comply with applicable Federal, State, and local informa-
tion sharing and privacy laws and regulations as well as
all rules, standards, regulations, and orders issued by the
Commission pursuant to this Act which are applicable to
their own actions and conduct.

(c) Protection of Personal Information.—
Qualified researchers may not attempt to reidentify, ac-
cess, or publish personal information derived from quali-
fied data and information that a qualified researcher has
access to.

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

(e) Effect of Intentional Violation of Information and Privacy Standards.—Qualified research-
ers who intentionally violate the privacy and cybersecurity
provisions prescribed by the Office pursuant to section 4(j)
shall be subject to both civil and criminal enforcement,
under applicable Federal, State, and local laws. The Com-
mission may refer any such violation to the Department of Justice or the appropriate State law enforcement agency.

SEC. 8. REPORTING.

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

(1) The identity of any authorized qualified researcher and the institution the researcher is affiliated with.

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

(3) The categories of qualified data and information each platform was required to provide.

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

(5) any such recommendations for improvements to the operation of this Act in order to facilitate its aim of providing enhanced researcher access to platforms as the Director deems appropriate.
SEC. 9. ENFORCEMENT.

(a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—

(1) IN GENERAL.—A platform’s failure to comply with section 6(a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF THE COMMISSION.—

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

(B) PRIVILEGES AND IMMUNITIES.—Any person that violates subsection (a) or (b) shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(b) REGULATIONS.—The Commission shall have the authority to make, amend, and rescind, in the manner prescribed by 5 U.S.C. 553, such rules and regulations as
it may deem necessary to carry out its responsibilities under this Act.

(c) **Civil Enforcement Authority.**—Whenever the Commission shall have reason to believe that a platform has been or is in violation of any provision of this Act, the Commission may commence a civil action in a district court of the United States for an injunction against the platform. Remedies in an injunctive action brought by the Commission are limited to an order enjoining, restraining, or preventing any act or practice that constitutes a violation of this Act and imposing a civil penalty of up to $10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the Attorney General of the United States. Such penalty shall be in addition to other penalties as may be prescribed by law.

(d) **Attorney’s Fees and Other Costs.**—In the event any enforcement action is appealed, the prevailing party in the action may, in the discretion of the court, recover the costs of the action including reasonable investigative costs and attorneys’ fees.

**SEC. 10. AMENDMENT TO THE COMMUNICATIONS DECENCY ACT.**

Section 230(c)(1) of the Communications Act of 1934 (47 U.S.C. 230(c)(1)) is amended—
(1) by striking “No provider or user” and inserting the following:

“(A) In general.—Except as provided in subparagraph (B), no provider or user”; and

(2) by adding at the end the following:

“(B) Data access and transparency compliance.—

“(i) Definitions.—In this subparagraph, the terms ‘platform’, ‘qualified data and information’, ‘qualified researcher’, and ‘qualified research project’ have the meanings given those terms in section 2 of the Platform Accountability and Transparency Act.

“(ii) Exception to immunity.—Subparagraph (A) shall not apply with respect to a claim against a provider of an interactive computer service in a civil action if—

“(I) the provider is a platform that has been determined by the Federal Trade Commission or a Federal court to have failed to provide qualified data and information pursuant to a qualified research project, in viola-
tion of section 6(a) of the Platform Accountability and Transparency Act; and

“(II) this failure to comply was a significant contributor to the harm alleged by the claimant that is the basis for the claim to relief.”.

SEC. 11. ESTABLISHING A SAFE HARBOR FOR JOURNALISM AND RESEARCH ON SOCIAL MEDIA PLATFORMS.

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

(1) the information is collected through a covered method of digital investigation;

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

(3) with respect to information that is collected through a covered method of digital investigation, the person takes reasonable measures to protect the privacy of the platform’s users;
(4) with respect to the creation and use of a research account, the person takes reasonable measures to avoid misleading the platform’s users; and

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

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

(1) defining “covered method of digital investigation,” which phrase, as defined, must encompass—

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

(B) the collection of data voluntarily donated by users, including through a browser extension or plug-in; and

(C) the creation or use of research accounts;

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

(A) publicly available information, except that such term should not exclude data merely because an individual must log into an account in order to see it;
(B) information about ads shown on the
platform, including the ads themselves, the ad-
vertiser’s name and disclosure string, and infor-
mation the platform provides to users about
how an ad was targeted; and

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

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

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

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

(C) what measures must be taken to re-
strict the publication or other disclosure of any
data that would readily identify a user without
the user’s consent, except when such user is a
public official or public figure;
(4) defining “reasonable measures to avoid misleading the platform’s users” under subsection (a)(4); and

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

(e) Amendment of Regulations.—The Commission may, as necessary, in consultation with relevant stakeholders, amend regulations promulgated pursuant to subsection (b) to the extent such amendment will accomplish the purposes of this section.

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

(e) Definition of Research Account.—For purposes of this section, the term “research account” means an account on a platform that is created and used solely for the purposes of a news-gathering or research project that meets the requirements of subsection (a) and for no longer than is necessary to complete such project.

SEC. 12. RULEMAKING AUTHORITY.

(a) Additional Reporting Requirements.—
(1) **IN GENERAL.**—The Commission may, in accordance with section 553 of title 5, United States Code, issue regulations that require platforms to report on or disclose data, metrics, or other information that the Commission determines, subject to subsection (f), will assist the public, journalists, researchers, the Commission, or other government agencies to—

(A) assess the impact of platforms, including the impact of their design and policy decisions and the impact of content that they host and disseminate, on consumers, institutions, and society;

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

(C) ensure that platforms are in compliance with Federal law, including statutes enforced by the Commission such as section 5 of the Federal Trade Commission Act (15 U.S.C. 45), and the Clayton Act (15 U.S.C. 12 et seq.).

(2) **PUBLIC AVAILABILITY.**—The Commission may require the reporting or disclosures to be made available to the public, to qualified researchers, or to
some combination thereof. It may specify privacy or other safeguards for reporting or disclosures made available to qualified researchers (including those specified in sections 4, 5, 6, or 7), and it may consider those safeguards in assessing whether the regulations are consistent with the requirements of subsection (f). The Commission shall endeavor to make required information available to the public unless inconsistent with subsection (f) or otherwise not in the public interest.

(3) FORM AND FREQUENCY; RETENTION OF INFORMATION.—The Commission shall specify in the regulations the required form and frequency of reporting or disclosures, as well as how long information should be retained and made available. It may require the reporting or disclosures to be available in a form that makes it accessible and understandable to the public, such as through a searchable online dashboard, or accessible for analysis by researchers, journalists, and the public, such as through an application programming interface.

(4) CONSULTATION.—The Commission shall consult with the NSF, the National Institutes of Health, and other relevant government agencies, as
appropriate, in exercising its authority under this subsection.

(b) Transparency of Certain Content and User Accounts.—

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

(A) has been sufficiently disseminated according to metrics that the Commission deems appropriate (which may include engagement, views, reach, impressions, or other metrics);

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

(C) meets other criteria that the Commission may designate.

(2) Disclosure of Public Content Samplings.—The regulations issued under paragraph (1) shall further require platforms to disclose on an ongoing basis statistically representative samplings of public content, including, at a min-
imum, a sampling that is weighted by the number of impressions the content receives.

(3) **REQUIRED INFORMATION.**—The information required to be disclosed about content described in paragraphs (1) and (2) shall include, as appropriate—

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

(B) metrics about the extent of dissemination of or engagement with the content;

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

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

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

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

(G) other information the Commission deems appropriate.
(4) Treatment of Content that Has Been Removed.—The regulations described in paragraph (1) shall provide guidance regarding disclosure of content that is removed by the user or platform subsequent to its dissemination.

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

(c) Transparency of Advertising.—

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

(2) Information Required.—The required information to be disclosed under paragraph (1) shall include, as appropriate—

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

(B) a digital copy of the ad content as displayed or delivered to the user;
(C) metrics about the extent of dissemination of or engagement with the ad, including dates active and ad spending;

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

(E) metrics about the audience reached with the ad, including non-identifying demographic or geographic data;

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

(G) other information the Commission deems appropriate.

(3) TREATMENT OF REMOVED ADS.—The regulations described in paragraph (1) shall provide guidance regarding disclosure of ads that are removed by the user or platform subsequent to its dissemination.

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

(d) TRANSPARENCY OF ALGORITHMS AND COMPANY METRICS AND DATA.—
(1) **IN GENERAL.**—Not later than 1 year after enactment of this Act, the Commission shall, in accordance with section 553 of title 5, United States Code, and subject to subsection (f), issue regulations to require platforms to report on their use of algorithms and metrics.

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

   (A) a description of all product features that made use of algorithms during the reporting period;

   (B) a summary of signals and features used as inputs to the described algorithms, including an explanation of all user data incorporated into these inputs, ranked or based on the significance of their impact on the algorithms’ outputs;

   (C) a summary of data-driven models (including those based on machine learning or other artificial intelligence techniques) utilized in the described algorithms, including the optimization objective of such models (such as predictions of user behavior or engagement),
ranked based on the significance of their impact on the algorithms’ outputs;

(D) a summary of metrics used by the platform to score or rank content, ranked based on the significance of their impact on the algorithms’ outputs;

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

(F) a description of significant datasets in the platform’s possession relating to content or users of the platform, enforcement of content policy, or advertising, as necessary or appropriate to inform and facilitate researcher data access requests;

(G) significant changes during the reporting period from the last report; and

(H) other information the Commission deems appropriate.

(e) Transparency of Content Moderation and Violating Content.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Commission shall, in accordance with section 553 of title 5,
United States Code, and subject to subsection (f), issue regulations to require platforms to disclose on an ongoing basis information regarding content moderation and content violating platform policies.

(2) REQUIRED INFORMATION.—The information required to be disclosed under paragraph (1) shall include, as appropriate—

(A) statistics regarding the amount of content that the platform determined violated its policies, broken down by—

(i) the violated policy;

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

(iii) the methods the platform used to identify the violating content (such as artificial intelligence, user report, human moderator review, or other means);

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

(v) the extent to which the user chose to follow the account that originated or spread the violating content, and if so, whether that account had been rec-
ommended to the user by the platform;

and

(vi) geographic and demographic factors as the Commission deems appropriate;

(B) statistics regarding the number of times violating content was viewed by users and the number of users who viewed it;

(C) estimates by the platform about the prevalence of violating content (including as measured by the number of impressions of violating content), broken down by the factors described in subparagraph (A) as the Commission deems appropriate; and

(D) other information the Commission deems appropriate.

(3) AVAILABILITY OF VIOLATING CONTENT.—

Except to the extent provided by law, the regulations issued under paragraph (1) shall further require platforms to make available to qualified researchers or the public (if appropriate) randomized and representative samples of violating content, including the information described in subparagraph (A) associated with such content.

(f) PRIVACY AND CONFIDENTIALITY.—The Commiss-
quired pursuant to this section do not infringe upon rea-
sonable expectations of personal privacy of users of plat-
forms or of other persons, or require dissemination of con-
fidential business information or trade secrets.

(g) DEFINITIONS.—In this section:

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

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

(3) IMPRESSION.—The term “impression”
means, with respect to content on a platform, the
display or delivery of the content to a user, regardless of whether the user engages with the content.

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

(A) An account on a platform whose content is followed by at least 25,000 users.

(B) An account on a platform whose content is viewed by at least 100,000 users per month.

(C) Any other account on a platform that meets such factors as the Commission may establish by a rule issued in accordance with section 553 of title 5, United States Code.

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

(6) REACH.—The term “reach” means, with respect to content on a platform, the number of users to whom the content is displayed or delivered during a particular period, regardless of how many times it is delivered to them.
(7) **Real-time understanding.**—The term “real-time understanding” means an understanding of content on a platform that is up-to-date within less than 24 hours.

**Sec. 13. Authorization of Appropriations.**

There are authorized to be appropriated to the Commission such sums as are necessary to carry out this Act for fiscal year 2022 and each succeeding fiscal year.