

AMENDMENT TO
RULES COMMITTEE PRINT 116-35
OFFERED BY MS. SLOTKIN OF MICHIGAN

Insert after title III the following (and redesignate the succeeding provisions accordingly):

1 **TITLE IV—BOT DISCLOSURE**
2 **AND ACCOUNTABILITY**

3 **SEC. 401. PUBLIC DISCLOSURE OF SOFTWARE PROGRAMS**

4 **INTENDED TO IMPERSONATE OR REPLICATE**
5 **HUMAN ACTIVITY.**

6 (a) DEFINITIONS.—

7 (1) IN GENERAL.—In this section—

8 (A) the term “automated software pro-
9 gram or process intended to impersonate or
10 replicate human activity online” has the mean-
11 ing given the term by the Commission by regu-
12 lation under paragraph (2);

13 (B) the term “Commission” means the
14 Federal Trade Commission;

15 (C) the term “social media provider”
16 means any person that owns or operates a so-
17 cial media website; and

1 (D) the term “social media website” means
2 any tool, website, application, or other media
3 that connects users on the internet for the pur-
4 pose of engaging in dialogue, sharing informa-
5 tion, collaborating, and interacting.

6 (2) DEFINITION BY REGULATION.—Not later
7 than 1 year after the date of enactment of this Act,
8 the Commission shall promulgate regulations under
9 section 553 of title 5, United States Code, to define
10 the term “automated software program or process
11 intended to impersonate or replicate human activity
12 online” broadly enough so that the definition is not
13 limited to current technology.

14 (b) REGULATIONS.—Not later than 1 year after the
15 date of enactment of this Act, the Commission shall pro-
16 mulgate regulations under section 553 of title 5, United
17 States Code, to require a social media provider to establish
18 and implement policies and procedures to require a user
19 of a social media website owned or operated by the social
20 media provider to publically disclose the use of any auto-
21 mated software program or process intended to imper-
22 sonate or replicate human activity online on the social
23 media website.

24 (c) REQUIREMENTS.—In promulgating regulations
25 under subsection (b), the Commission shall require a so-

1 cial media provider to establish and implement, for each
2 social media website owned or operated by the social media
3 provider—

4 (1) a policy that requires any user of the social
5 media website that employs an automated software
6 program or process intended to impersonate or rep-
7 licate human activity online on the social media
8 website to provide clear and conspicuous notice of
9 the automated program in clear and plain language
10 to any other person or user of the social media
11 website who may be exposed to activities conducted
12 by the automated program;

13 (2) a process that allows a user of the social
14 media website to provide clear and conspicuous no-
15 tice to any other person or user as required under
16 paragraph (1);

17 (3) a process to identify, assess, and verify
18 whether the activity of any user of the social media
19 website is conducted by an automated software pro-
20 gram or process intended to impersonate or replicate
21 human activity online;

22 (4) a process by which the social media provider
23 will take reasonable preventative and corrective ac-
24 tion to mitigate efforts by a user to use an auto-
25 mated software program or process intended to im-

1 personate or replicate human activity online without
2 disclosure as required under paragraph (1), which
3 may include suspension or any other action author-
4 ized by the Commission;

5 (5) a process by which the social media provider
6 will remove posts, images, or any other online activ-
7 ity of a user or profile making use of an automated
8 software program or process intended to imper-
9 sonate or replicate human activity online that is not
10 in compliance with the policy under paragraph (1);
11 and

12 (6) a process that allows a human user of the
13 social media website the opportunity to demonstrate
14 that the online activity of the user is in compliance
15 with the policy required under paragraph (1) prior
16 to, or immediately following, any mitigation activity
17 described in paragraph (4) or (5).

18 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
19 tion shall be construed to require any social media pro-
20 vider to permit an automated software program or process
21 intended to impersonate or replicate human activity online
22 on a social media website owned or operated by the social
23 media provider.

24 (e) **ENFORCEMENT.**—

1 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
2 TICES.—A violation of a regulation promulgated
3 under subsection (b) shall be treated as a violation
4 of a rule defining an unfair or deceptive act or prac-
5 tice prescribed under section 18(a)(1)(B) of the Fed-
6 eral Trade Commission Act (15 U.S.C.
7 57a(a)(1)(B)).

8 (2) POWERS OF COMMISSION.—

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

17 (B) PRIVILEGES AND IMMUNITIES.—Ex-
18 cept as provided in subparagraph (C), any per-
19 son who violates subsection (b) shall be subject
20 to the penalties and entitled to the privileges
21 and immunities provided in the Federal Trade
22 Commission Act (15 U.S.C. 41 et seq.).

23 (C) COMMON CARRIERS AND NONPROFIT
24 ORGANIZATIONS.—Notwithstanding section 4,
25 5(a)(2), or 6 of the Federal Trade Commission

1 Act (15 U.S.C. 44, 45(a)(2), 46) or any juris-
2 dictional limitation of the Commission, the
3 Commission shall also enforce this section, in
4 the same manner provided in subparagraphs
5 (A) and (B) of this paragraph, with respect
6 to—

7 (i) common carriers subject to the
8 Communications Act of 1934 (47 U.S.C.
9 151 et seq.) and Acts amendatory thereof
10 and supplementary thereto; and

11 (ii) organizations not organized to
12 carry on business for their own profit or
13 that of their members.

14 (D) AUTHORITY PRESERVED.—Nothing in
15 this section shall be construed to limit the au-
16 thority of the Commission under any other pro-
17 vision of law.

