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):

TITLE IV—BOT DISCLOSURE AND ACCOUNTABILITY

SEC. 401. PUBLIC DISCLOSURE OF SOFTWARE PROGRAMS INTENDED TO IMPERSONATE OR REPLICATE HUMAN ACTIVITY.

(a) DEFINITIONS.—

(1) IN GENERAL.—In this section—

(A) the term “automated software program or process intended to impersonate or replicate human activity online” has the meaning given the term by the Commission by regulation under paragraph (2);

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

(C) the term “social media provider” means any person that owns or operates a social media website; and
(D) the term “social media website” means any tool, website, application, or other media that connects users on the internet for the purpose of engaging in dialogue, sharing information, collaborating, and interacting.

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

(b) Regulations.—Not later than 1 year after the date of enactment of this Act, the Commission shall promulgate regulations under section 553 of title 5, United States Code, to require a social media provider to establish and implement policies and procedures to require a user of a social media website owned or operated by the social media provider to publically disclose the use of any automated software program or process intended to impersonate or replicate human activity online on the social media website.

(c) Requirements.—In promulgating regulations under subsection (b), the Commission shall require a so-
cial media provider to establish and implement, for each
social media website owned or operated by the social media
provider—

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

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

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

(4) a process by which the social media provider
will take reasonable preventative and corrective ac-
tion to mitigate efforts by a user to use an auto-
mated software program or process intended to im-
personate or replicate human activity online without disclosure as required under paragraph (1), which may include suspension or any other action authorized by the Commission;

(5) a process by which the social media provider will remove posts, images, or any other online activity of a user or profile making use of an automated software program or process intended to impersonate or replicate human activity online that is not in compliance with the policy under paragraph (1); and

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

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require any social media provider to permit an automated software program or process intended to impersonate or replicate human activity online on a social media website owned or operated by the social media provider.

(e) ENFORCEMENT.—
(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of a regulation promulgated under subsection (b) 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 COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Commission shall enforce this section 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.—Except as provided in subparagraph (C), any person who violates subsection (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.).

(C) COMMON CARRIERS AND NONPROFIT ORGANIZATIONS.—Notwithstanding section 4, 5(a)(2), or 6 of the Federal Trade Commission
Act (15 U.S.C. 44, 45(a)(2), 46) or any jurisdictional limitation of the Commission, the Commission shall also enforce this section, in the same manner provided in subparagraphs (A) and (B) of this paragraph, with respect to—

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

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

(D) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.