

116TH CONGRESS
1ST SESSION

H. R. 4536

To protect the right of the American public under the First Amendment to the Constitution of the United States to receive news and information from disparate sources by regulating the use of automated software programs intended to impersonate or replicate human activity on social media.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2019

Ms. SLOTKIN (for herself, Ms. SPANBERGER, Ms. SHERRILL, and Ms. TORRES SMALL of New Mexico) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To protect the right of the American public under the First Amendment to the Constitution of the United States to receive news and information from disparate sources by regulating the use of automated software programs intended to impersonate or replicate human activity on social media.

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.**

4 This Act may be cited as the “Bot Disclosure and
5 Accountability Act of 2019”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that the United States
3 Government has a compelling interest in—

4 (1) mitigating the deceptiveness of social media
5 bots, which impersonate human activity online,
6 through public disclosure requirements that impose
7 a minimal burden on rights protected under the
8 First Amendment to the Constitution of the United
9 States; and

10 (2) mitigating the effectiveness of efforts by
11 foreign entities to influence United States elections
12 through the use of social media bots to spread mis-
13 information and propaganda.

14 **SEC. 3. PUBLIC DISCLOSURE OF SOFTWARE PROGRAMS IN-**
15 **TENDED TO IMPERSONATE OR REPLICATE**
16 **HUMAN ACTIVITY.**

17 (a) DEFINITIONS.—

18 (1) IN GENERAL.—In this section—

19 (A) the term “automated software pro-
20 gram or process intended to impersonate or
21 replicate human activity online” has the mean-
22 ing given the term by the Commission by regu-
23 lation under paragraph (2);

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

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

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

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

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

1 sonate or replicate human activity online on the social
2 media website.

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

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

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

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

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

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

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

22 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed to require any social media pro-
24 vider to permit an automated software program or process
25 intended to impersonate or replicate human activity online

1 on a social media website owned or operated by the social
2 media provider.

3 (e) ENFORCEMENT.—

4 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
5 TICES.—A violation of a regulation promulgated
6 under subsection (b) shall be treated as a violation
7 of a rule defining an unfair or deceptive act or prac-
8 tice prescribed under section 18(a)(1)(B) of the Fed-
9 eral Trade Commission Act (15 U.S.C.
10 57a(a)(1)(B)).

11 (2) POWERS OF COMMISSION.—

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

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

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

10 (i) common carriers subject to the
11 Communications Act of 1934 (47 U.S.C.
12 151 et seq.) and Acts amendatory thereof
13 and supplementary thereto; and

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

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

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