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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To require that internet platforms give users the option to engage with a platform without being manipulated by algorithms driven by user-specific data.

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IN THE HOUSE OF REPRESENTATIVES

_____

Mr. BUCK introduced the following bill; which was referred to the Committee on _____

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A BILL

To require that internet platforms give users the option to engage with a platform without being manipulated by algorithms driven by user-specific data.

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 "Filter Bubble Trans-

5 parency Act".

6 **SEC. 2. DEFINITIONS.**

7   In this Act:

2

1 (1) ALGORITHMIC RANKING SYSTEM.—The
2 term "algorithmic ranking system" means a com-
3 putational process, including one derived from algo-
4 rithmic decision making, machine learning, statis-
5 tical analysis, or other data processing or artificial
6 intelligence techniques, used to determine the order
7 or manner that a set of information is provided to
8 a user on a covered internet platform, including the
9 ranking of search results, the provision of content
10 recommendations, the display of social media posts,
11 or any other method of automated content selection.
12 (2) COMMISSION.—The term "Commission"
13 means the Federal Trade Commission.
14 (3) CONNECTED DEVICE.—The term "con-
15 nected device" means a physical object that—
16 (A) is capable of connecting to the inter-
17 net, either directly or indirectly through a net-
18 work, to communicate information at the direc-
19 tion of an individual; and
20 (B) has computer processing capabilities
21 for collecting, sending, receiving, or analyzing
22 data.
23 (4) COVERED INTERNET PLATFORM.—
24 (A) IN GENERAL.—The term "covered
25 internet platform" means any public-facing

1 website, internet application, or mobile applica-

2 tion, including a social network site, video shar-

3 ing service, search engine, or content aggrega-

4 tion service.

5 (B) EXCLUSIONS.—Such term shall not in-

6 clude a platform that—

7   (i) is wholly owned, controlled, and

8 operated by a person that—

9   (I) for the most recent 6-month

10   period, did not employ more than 500

11   employees;

12   (II) for the most recent 3-year

13   period, averaged less than

14   $50,000,000 in annual gross receipts;

15   and

16   (III) collects or processes on an

17   annual basis the personal data of less

18   than 1,000,000 individuals; or

19   (ii) is operated for the sole purpose of

20 conducting research that is not made for

21 profit either directly or indirectly.

22 (5) INPUT-TRANSPARENT ALGORITHM.—

23 (A) IN GENERAL.—The term "input-trans-

24 parent algorithm" means an algorithmic rank-

25 ing system that does not use the user-specific

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1 data of a user to determine the order or man-
2 ner that information is furnished to such user
3 on a covered internet platform, unless the user-
4 specific data is expressly provided to the plat-
5 form by the user for such purpose.

6   (B) INCLUSION OF AGE-APPROPRIATE CON-
7 TENT FILTERS.—Such term shall include an al-
8 gorithmic ranking system that uses user-specific
9 data to determine whether a user is old enough
10 to access age-restricted content on a covered
11 internet platform, provided that the system oth-
12 erwise meets the requirements of subparagraph
13 (A).

14   (C) DATA PROVIDED FOR EXPRESS PUR-
15 POSE OF INTERACTION WITH PLATFORM.—For
16 purposes of subparagraph (A), user-specific
17 data that is provided by a user for the express
18 purpose of determining the order or manner
19 that information is furnished to a user on a
20 covered internet platform—

21   (i) shall include user-supplied search
22   terms, filters, speech patterns (if provided
23   for the purpose of enabling the platform to
24   accept spoken input or selecting the lan-
25   guage in which the user interacts with the

1 platform), saved preferences, and the

2 user's current geographical location;

3   (ii) shall include data supplied to the

4 platform by the user that expresses the

5 user's desire that information be furnished

6 to them, such as the social media profiles

7 the user follows, the video channels the

8 user subscribes to, or other sources of con-

9 tent on the platform the user follows;

10   (iii) shall not include the history of

11 the user's connected device, including the

12 user's history of web searches and brows-

13 ing, geographical locations, physical activ-

14 ity, device interaction, and financial trans-

15 actions; and

16   (iv) shall not include inferences about

17 the user or the user's connected device,

18 without regard to whether such inferences

19 are based on data described in clause (i).

20 (6) OPAQUE ALGORITHM.—

21   (A) IN GENERAL.—The term "opaque al-

22 gorithm" means an algorithmic ranking system

23 that determines the order or manner that infor-

24 mation is furnished to a user on a covered

25 internet platform based, in whole or part, on

1 user-specific data that was not expressly pro-
2 vided by the user to the platform for such pur-
3 pose.

4 (B) EXCEPTION FOR AGE-APPROPRIATE
5 CONTENT FILTERS.—Such term shall not in-
6 clude an algorithmic ranking system used by a
7 covered internet platform if—

8 (i) the only user-specific data (includ-
9 ing inferences about the user) that the sys-
10 tem uses is information relating to the age
11 of the user; and

12 (ii) such information is only used to
13 restrict a user's access to content on the
14 basis that the individual is not old enough
15 to access such content.

16 (7) SEARCH SYNDICATION CONTRACT; UP-
17 STREAM PROVIDER; DOWNSTREAM PROVIDER.—

18 (A) SEARCH SYNDICATION CONTRACT.—
19 The term ''search syndication contract'' means
20 a contract or subcontract for the sale, license,
21 or other right to access an index of web pages
22 on the internet for the purpose of operating an
23 internet search engine.

24 (B) UPSTREAM PROVIDER.—The term
25 ''upstream provider'' means, with respect to a

1 search syndication contract, the person that
2 grants access to an index of web pages on the
3 internet to a downstream provider under the
4 contract.

5 (C) DOWNSTREAM PROVIDER.—The term
6 "downstream provider" means, with respect to
7 a search syndication contract, the person that
8 receives access to an index of web pages on the
9 internet from an upstream provider under such
10 contract.

11 (8) USER-SPECIFIC DATA.—The term "user-
12 specific data" means information relating to an indi-
13 vidual or a specific connected device that would not
14 necessarily be true of every individual or device.

15 **SEC. 3. REQUIREMENT TO ALLOW USERS TO SEE**
16 **UNMANIPULATED CONTENT ON INTERNET**
17 **PLATFORMS.**

18 (a) IN GENERAL.—Beginning on the date that is 1
19 year after the date of enactment of this Act, it shall be
20 unlawful—

21 (1) for any person to operate a covered internet
22 platform that uses an opaque algorithm unless the
23 person complies with the requirements of subsection
24 (b); or

1 (2) for any upstream provider to grant access

2 to an index of web pages on the internet under a

3 search syndication contract that does not comply

4 with the requirements of subsection (c).

5 (b) OPAQUE ALGORITHM REQUIREMENTS.—

6 (1) IN GENERAL.—The requirements of this

7 subsection with respect to a person that operates a

8 covered internet platform that uses an opaque algo-

9 rithm are the following:

10 (A) The person provides notice to users of

11 the platform that the platform uses an opaque

12 algorithm that makes inferences based on user-

13 specific data to select the content the user sees.

14 Such notice shall be presented in a clear, con-

15 spicuous manner on the platform whenever the

16 user interacts with an opaque algorithm for the

17 first time, and may be a one-time notice that

18 can be dismissed by the user.

19 (B) The person makes available a version

20 of the platform that uses an input-transparent

21 algorithm and enables users to easily switch be-

22 tween the version of the platform that uses an

23 opaque algorithm and the version of the plat-

24 form that uses the input-transparent algorithm

25 by selecting a prominently placed icon, which

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1   shall be displayed wherever the user interacts

2   with an opaque algorithm.

3   (2) NONAPPLICATION TO CERTAIN DOWN-

4   STREAM PROVIDERS.—Paragraph (1) shall not apply

5   with respect to an internet search engine if—

6   (A) the search engine is operated by a

7   downstream provider with fewer than 1,000 em-

8   ployees; and

9   (B) the search engine uses an index of web

10   pages on the internet to which such provider re-

11   ceived access under a search syndication con-

12   tract.

13   (c) SEARCH SYNDICATION CONTRACT REQUIRE-

14 MENT.—The requirements of this subsection with respect

15 to a search syndication contract are that—

16   (1) as part of the contract, the upstream pro-

17   vider makes available to the downstream provider

18   the same input-transparent algorithm used by the

19   upstream provider for purposes of complying with

20   subsection (b)(1)(B); and

21   (2) the upstream provider does not impose any

22   additional costs, degraded quality, reduced speed, or

23   other constraint on the functioning of such algo-

24   rithm when used by the downstream provider to op-

25   erate an internet search engine relative to the per-

1 formance of such algorithm when used by the up-
2 stream provider to operate an internet search en-
3 gine.

4 **SEC. 4. ENFORCEMENT BY FEDERAL TRADE COMMISSION.**

5 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
6 A violation of this Act by an operator of a covered internet
7 platform shall be treated as a violation of a rule defining
8 an unfair or deceptive act or practice prescribed under sec-
9 tion 18(a)(1)(B) of the Federal Trade Commission Act
10 (15 U.S.C. 57a(a)(1)(B)).

11 (b) POWERS OF COMMISSION.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (3), the Federal Trade Commission shall en-
14 force this Act in the same manner, by the same
15 means, and with the same jurisdiction, powers, and
16 duties as though all applicable terms and provisions
17 of the Federal Trade Commission Act (15 U.S.C. 41
18 et seq.) were incorporated into and made a part of
19 this Act.

20 (2) PRIVILEGES AND IMMUNITIES.—Except as
21 provided in paragraph (3), any person who violates
22 this Act shall be subject to the penalties and entitled
23 to the privileges and immunities provided in the
24 Federal Trade Commission Act (15 U.S.C. 41 et
25 seq.).

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1 (3) COMMON CARRIERS AND NONPROFIT ORGA-

2 NIZATIONS.—Notwithstanding section 4, 5(a)(2), or

3 6 of the Federal Trade Commission Act (15 U.S.C.

4 44, 45(a)(2), 46) or any jurisdictional limitation of

5 the Commission, the Commission shall also enforce

6 this Act, in the same manner provided in paragraphs

7 (1) and (2) of this paragraph, with respect to—

8 (A) common carriers subject to the Com-

9 munications Act of 1934 (47 U.S.C. 151 et

10 seq.) and Acts amendatory thereof and supple-

11 mentary thereto; and

12 (B) organizations not organized to carry

13 on business for their own profit or that of their

14 members.

15 (4) AUTHORITY PRESERVED.—Nothing in this

16 Act shall be construed to limit the authority of the

17 Commission under any other provision of law.