

**[DISCUSSION DRAFT]**117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**H. R.** \_\_\_\_\_

To require a provider of a social media service to verify the identity of users of the service, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. CURTIS introduced the following bill; which was referred to the Committee on \_\_\_\_\_

**A BILL**

To require a provider of a social media service to verify the identity of users of the service, and for other purposes.

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 [“\_\_\_\_\_ Act  
5 of 2021”].

6 **SEC. 2. VERIFICATION OF IDENTITY OF USERS OF SOCIAL**  
7 **MEDIA SERVICES.**

8 (a) VERIFICATION REQUIRED.—A provider of a social  
9 media service may not permit any individual to establish

1 an account for, or otherwise register as a user of, the serv-  
2 ice before verifying the identity of the individual.

3 (b) WAIVER BY FTC.—

4 (1) IN GENERAL.—A provider of a social media  
5 service may request, and the Commission may grant,  
6 a waiver of subsection (a) for the service.

7 (2) CRITERIA FOR GRANTING WAIVER.—Not  
8 later than 180 days after the date of the enactment  
9 of this Act, the Commission, based on outreach to  
10 relevant private entities, shall issue criteria that the  
11 Commission will use in considering whether to grant  
12 a waiver under paragraph (1).

13 (3) EFFECT.—If the Commission grants a  
14 waiver of subsection (a) for a social media service,  
15 the provider of the service may not use any algo-  
16 rithmic ranking system to determine the order or  
17 manner in which a set of information is provided to  
18 a user of the service.

19 (c) REPORTING OF FALSIFIED DOCUMENTATION OF  
20 IDENTITY.—

21 (1) BY PROVIDER OF SOCIAL MEDIA SERVICE  
22 TO FTC.—A provider of a social media service shall  
23 notify the Commission of any instance in which the  
24 provider becomes aware that any documentation that  
25 an individual has submitted to the provider to verify

1 the identity of the individual under subsection (a)  
2 has been falsified.

3 (2) BY FTC TO DOJ.—The Commission shall  
4 notify the Attorney General of any instance of which  
5 the Commission is notified under paragraph (1).

6 (d) EXCEPTION.—This section does not apply to a  
7 provider of a social media service if the annual revenue  
8 of the provider from the service (or, if the provider pro-  
9 vides more than one social media service, the total annual  
10 revenue from all such services) is less than  
11 \$1,000,000,000 in each of the 3 preceding calendar years.

12 (e) ENFORCEMENT BY FTC.—

13 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
14 TICES.—A violation of this section shall be treated  
15 as a violation of a rule defining an unfair or decep-  
16 tive act or practice prescribed under section  
17 18(a)(1)(B) of the Federal Trade Commission Act  
18 (15 U.S.C. 57a(a)(1)(B)).

19 (2) ACTIONS BY FTC.—

20 (A) IN GENERAL.—The Commission shall  
21 prevent any person from violating this section  
22 in the same manner, by the same means, and  
23 with the same jurisdiction, powers, and duties  
24 as though all applicable terms and provisions of  
25 the Federal Trade Commission Act (15 U.S.C.

1           41 et seq.) were incorporated into and made a  
2 part of this section.

3           (B) PENALTIES AND PRIVILEGES.—Any  
4 person who violates this section shall be subject  
5 to the penalties and entitled to the privileges  
6 and immunities provided in the Federal Trade  
7 Commission Act (15 U.S.C. 41 et seq.).

8           (3) FTC GUIDANCE.—

9           (A) IN GENERAL.—Not later than 180  
10 days after the date of the enactment of this  
11 Act, the Commission, based on outreach to rel-  
12 evant private entities, shall issue guidance to  
13 assist providers of social media services in com-  
14 plying with the requirements of this section, in-  
15 cluding guidance about best practices for ensur-  
16 ing that documentation submitted to a provider  
17 to verify the identity of an individual under  
18 subsection (a) has not been falsified.

19           (B) TAILORED GUIDANCE.—A provider of  
20 a social media service may petition the Commis-  
21 sion for tailored guidance as to how to meet the  
22 requirements of this section.

23           (C) LIMITATION.—No guidance issued by  
24 the Commission with respect to this section  
25 shall confer any rights on any person, nor shall

1 operate to bind the Commission or any person  
2 to the approach recommended in such guidance.  
3 In any enforcement action brought pursuant to  
4 this section, the Commission shall allege a spe-  
5 cific violation of a provision of this section. The  
6 Commission may not base an enforcement ac-  
7 tion on, or execute a consent order based on,  
8 practices that are alleged to be inconsistent  
9 with any such guidance, unless the Commission  
10 determines such practices expressly violate a  
11 provision of this section.

12 (f) CRITERIA FOR VERIFYING IDENTITY OF ORGANI-  
13 ZATION.—Not later than 180 days after the date of the  
14 enactment of this Act, the Commission, based on outreach  
15 to relevant private entities, shall issue reasonable sets of  
16 criteria that a provider of a social media service could use  
17 to verify the identity of an organization seeking to estab-  
18 lish an account for, or otherwise register as a user of, a  
19 service of the provider.

20 (g) DEFINITIONS.—In this section:

21 (1) ALGORITHMIC RANKING SYSTEM.—The  
22 term “algorithmic ranking system” means a com-  
23 putational process, including one derived from algo-  
24 rithmic decision making, machine learning, statis-  
25 tical analysis, or other data processing or artificial

1 intelligence techniques, used to determine the order  
2 or manner in which a set of information is provided  
3 to a user of a social media service, including the  
4 ranking of search results, the provision of content  
5 recommendations, the display of social media posts,  
6 or any other method of automated content selection.

7 (2) COMMISSION.—The term “Commission”  
8 means the Federal Trade Commission.

9 (3) SOCIAL MEDIA SERVICE.—The term “social  
10 media service” means any interactive computer serv-  
11 ice (as defined in section 230(f) of the Communica-  
12 tions Act of 1934 (47 U.S.C. 230(f))) provided over  
13 the internet that connects users for the purpose of  
14 such users engaging in dialogue, sharing informa-  
15 tion, collaborating, or otherwise interacting.

16 (h) APPLICABILITY.—Subsection (a) shall apply with  
17 respect to the establishment of an account or other reg-  
18 istration that occurs on or after the date on which the  
19 Commission issues the guidance required by subsection  
20 (e)(3)(A).