

118TH CONGRESS
1ST SESSION

H. R. 3806

To ensure that large online platforms are addressing the needs of non-English users.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2023

Mr. CÁRDENAS (for himself, Mr. SOTO, Ms. BARRAGÁN, Mr. COSTA, Mr. ESPAILLAT, Mr. VARGAS, Mr. GARCÍA of Illinois, and Mr. CASTRO of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure that large online platforms are addressing the needs of non-English users.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Language-Inclusive Support and Transparency for On-
6 line Services Act of 2023” or the “LISTOS Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Sense of Congress.
- Sec. 3. Duty to ensure consistent enforcement.
- Sec. 4. Disclosures on staffing and automated processes.
- Sec. 5. Consistent access to tools and documentation.
- Sec. 6. Advisory Group.
- Sec. 7. Enforcement.
- Sec. 8. Regulations.
- Sec. 9. Effective dates.
- Sec. 10. International online communication research activities pilot program.
- Sec. 11. Definitions.

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

2 It is the sense of Congress that—

3 (1) substantial and deliberate investments
4 across languages are essential to protect the safety
5 of users online and ensure equitable access to digital
6 spaces;

7 (2) online platforms have historically under-in-
8 vested in ensuring non-English content moderation
9 and automated content detection and filtering proc-
10 esses keep pace with their English counterparts, pro-
11 viding little transparency into the efficacy of efforts
12 to detect, review, and remove content that violates
13 laws or platform policies across languages;

14 (3) this difference in enforcement for platforms’
15 existing policies and uneven moderation practices
16 across both manual and automated processes has in-
17 creased the proliferation of illegal and harmful con-
18 tent across many languages and the deliberate tar-
19 geting of non-English-speaking communities for
20 fraud and harassment; and

1 (4) any reform effort for online platform safety
2 must ensure equitable investment across languages
3 in order to promote economic opportunity, public
4 health, and civil rights.

5 **SEC. 3. DUTY TO ENSURE CONSISTENT ENFORCEMENT.**

6 (a) IN GENERAL.—The operator of a covered plat-
7 form shall provide that processes used by the platform for
8 detecting, suppressing, and removing illegal content, or
9 content that otherwise violates platform policies, are rea-
10 sonably consistent for languages in which the covered plat-
11 form engages in monetization practices.

12 (b) CONSIDERATIONS.—Any entity enforcing or pro-
13 mulgating rules under subsection (a) shall take into con-
14 sideration factors that may impact the covered platform’s
15 ability to enforce its policies with respect to content in a
16 given language, including staffing levels and language pro-
17 ficiency, or the effectiveness of automated systems de-
18 signed to filter or flag content for additional review.

19 (c) RULE OF CONSTRUCTION; LIMITATION ON REGU-
20 LATION.—Nothing in this section shall be construed to re-
21 quire, and no regulation issued by the Commission to
22 carry out this section may require, that a covered platform
23 take any particular action on a specific piece of content
24 or class of content.

1 **SEC. 4. DISCLOSURES ON STAFFING AND AUTOMATED**
2 **PROCESSES.**

3 (a) IN GENERAL.—The operator of a covered plat-
4 form shall, not less than annually, submit to the Commis-
5 sion and make available to the public, in a machine-read-
6 able format, a clear and easily comprehensible report on
7 any manual and algorithmic content moderation that the
8 covered platform engaged in during the relevant period.
9 Each such report shall be in compliance with the rules
10 established under subsection (b).

11 (b) RULES.—The Commission shall, in accordance
12 with section 8, establish rules for reports under subsection
13 (a). Such rules shall require that a report include the fol-
14 lowing information:

15 (1) CONTENT MODERATION STAFFING.—

16 (A) IN GENERAL.—The number of staff
17 employed by the covered platform (whether di-
18 rectly employed by the platform or contracted
19 through a third party) for the purposes of
20 manually reviewing content for removal or other
21 interventions, in aggregate and broken down
22 by—

23 (i) the countries in which the employ-
24 ees are located;

25 (ii) the geographic or regional area to
26 which the employees are assigned; and

1 (iii) languages spoken by the employ-
2 ees relevant to their employment and their
3 levels of language proficiency.

4 (B) STAFF SUPPORT.—A description of the
5 training and support provided to content mod-
6 eration staff, including—

7 (i) the training processes and guide-
8 lines provided;

9 (ii) the support services, such as men-
10 tal health services, available to the em-
11 ployee; and

12 (iii) if training or support services dif-
13 fer by factors such as geographic region,
14 languages spoken, or direct-hire versus
15 contracted employees, descriptions and
16 breakdowns of such differences.

17 (2) AUTOMATED CONTENT DETECTION PROC-
18 ESSES.—If the covered platform elects to use algo-
19 rithmic processes to detect content for additional
20 manual review or automated moderation, informa-
21 tion on such processes, including—

22 (A) performance metrics that are mon-
23 itored to ensure consistent behavior for such
24 processes across languages and the languages
25 that are monitored; and

1 (B) other safeguards in place to ensure
2 consistent behavior of such systems across lan-
3 guages.

4 (3) MONETIZATION ACROSS LANGUAGES.—The
5 list of languages in which the covered platform en-
6 gages in monetization practices and the percentage
7 breakdown by language of the covered platform’s
8 revenue throughout the duration of the relevant re-
9 porting period.

10 (4) IN-LANGUAGE REVIEW.—Of all content that
11 is manually reviewed by staff, provide information
12 on content that is reviewed in the original language
13 used to create the content rather than being subject
14 to automated translation before review, including—

15 (A) the percentage of content reviewed in
16 the original language for each language in
17 which the covered platform engages in mone-
18 tization practices; and

19 (B) a description of the policies governing
20 whether and to what extent content will be
21 manually reviewed in the original language or
22 automatically translated prior to manual review.

23 (5) TRANSLATION AND REVIEW PROCESSES.—
24 With respect to the content review practices of the
25 covered platform—

1 (A) the list of languages in which content
2 is reviewed without translation; and

3 (B) for languages in which automated
4 translation is applied prior to manual review, a
5 description of—

6 (i) the process by which content is
7 translated; and

8 (ii) the process by which that content
9 is reviewed and how, if at all, that process
10 differs from the process used to review
11 content in the original language.

12 (6) CONTENT MODERATION OUTCOME MEAS-
13 URES.—

14 (A) NUMBER OF CONTENT TAKEDOWNS.—
15 The number of content takedowns over the rel-
16 evant reporting period for each language in
17 which the covered platform engages in mone-
18 tization practices.

19 (B) RESPONSE TIME.—The average re-
20 sponse time to user-initiated takedown or con-
21 tent review requests over the relevant reporting
22 period for each language in which the covered
23 platform engages in monetization practices.

24 (7) ADDITIONAL INFORMATION.—Other infor-
25 mation determined appropriate by the Commission,

1 including additional categories or criteria relevant to
2 the information described in paragraphs (1), (2),
3 and (4).

4 **SEC. 5. CONSISTENT ACCESS TO TOOLS AND DOCUMENTA-**
5 **TION.**

6 The operator of a covered platform shall—

7 (1) provide that all user tools for reporting con-
8 tent for review or automated action are accessible
9 across all languages in which the covered platform
10 offers its service; and

11 (2) post all platform policies and other informa-
12 tion concerning acceptable use of the covered plat-
13 form in the same manner for all languages in which
14 the platform offers its service.

15 **SEC. 6. ADVISORY GROUP.**

16 (a) ESTABLISHMENT.—Not later than 360 days after
17 the date of enactment of this Act, the Commission shall
18 establish a group to be known as the “Advisory Group
19 on Language-Sensitive Technologies” (referred to in this
20 section as the “Advisory Group”).

21 (b) DUTIES.—

22 (1) IN GENERAL.—The Advisory Group shall
23 provide consensus advice and guidance to the Com-
24 mission on best practices for private enterprises or
25 public entities using covered technology that may

1 have different performance outcomes depending on
2 the underlying language of the content being ana-
3 lyzed in order to ensure the nondiscriminatory appli-
4 cation of such technology.

5 (2) COVERED TECHNOLOGY.—For purposes of
6 paragraph (1), the term “covered technology” means
7 technology used to—

8 (A) detect and process input language
9 from sources, such as analog text and audio,
10 into a machine-readable format, such as speech
11 and optical character recognition;

12 (B) process language stored in a machine-
13 readable format, such as natural language proc-
14 essing; and

15 (C) detect and process images and videos
16 into a machine-readable format, or process im-
17 ages or videos stored in a machine-readable for-
18 mat.

19 (3) MEMBERSHIP.—The Commission shall ap-
20 point the members of the Advisory Group. In mak-
21 ing such appointments, the Commission shall provide
22 that the membership of the Advisory Group—

23 (A) includes different points of view and
24 background experience; and

1 (B) includes both Federal employees and
2 non-Federal employee stakeholders, including
3 representatives of communities most impacted
4 by the systemic risks of harmful non-English
5 language content and current or former content
6 moderators and employees of covered platforms.

7 (4) REPORT.—The Commission shall make
8 available on its website the findings of the Advisory
9 Group with recommendations and best practices as
10 reported by the Advisory Group concerning the use
11 of covered technology.

12 (c) NON-APPLICABILITY OF THE FEDERAL ADVI-
13 SORY COMMITTEE ACT.—Chapter 10 of title 5, United
14 States Code, shall not apply to the Advisory Group.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to the Advisory Group such
17 sums as are necessary to carry out the requirements of
18 this section.

19 **SEC. 7. ENFORCEMENT.**

20 (a) ENFORCEMENT BY THE FEDERAL TRADE COM-
21 MISSION.—

22 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
23 TICES.—A violation of section 3, 4, or 5 shall be
24 treated as a violation of a rule defining an unfair or
25 a deceptive act or practice under section 18(a)(1)(B)

1 of the Federal Trade Commission Act (15 U.S.C.
2 57a(a)(1)(B)).

3 (2) POWERS OF COMMISSION.—

4 (A) IN GENERAL.—The Commission shall
5 enforce this Act in the same manner, by the
6 same means, and with the same jurisdiction,
7 powers, and duties as though all applicable
8 terms and provisions of the Federal Trade
9 Commission Act (15 U.S.C. 41 et seq.) were in-
10 corporated into and made a part of this Act.

11 (B) PRIVILEGES AND IMMUNITIES.—Any
12 person who violates section 3, 4, or 5 shall be
13 subject to the penalties and entitled to the
14 privileges and immunities provided in the Fed-
15 eral Trade Commission Act (15 U.S.C. 41 et
16 seq.).

17 (C) AUTHORITY PRESERVED.—Nothing in
18 this Act shall be construed to limit the author-
19 ity of the Federal Trade Commission under any
20 other provision of law.

21 (b) ENFORCEMENT BY STATES.—

22 (1) IN GENERAL.—In any case in which the at-
23 torney general of a State has reason to believe that
24 an interest of the residents of the State has been or
25 is threatened or adversely affected by the engage-

1 ment of any person subject to section 3 or 5 in a
2 practice that violates such section, the attorney gen-
3 eral of the State may, as *parens patriae*, bring a
4 civil action on behalf of the residents of the State in
5 an appropriate district court of the United States—

6 (A) to enjoin further violation of such sec-
7 tion by such person;

8 (B) to compel compliance with such sec-
9 tion; and

10 (C) to obtain damages, restitution, or other
11 compensation on behalf of such residents.

12 (2) SCOPE OF JURISDICTION.—The attorney
13 general of a State may not bring a civil action under
14 this subsection against a person for a violation of
15 section 3 or 5 if the Commission would not be able
16 to bring an enforcement action against the person
17 for such violation under subsection (a) because the
18 person is exempt from coverage under the Federal
19 Trade Commission Act (15 U.S.C. 41 et seq.).

20 (3) RIGHTS OF FEDERAL TRADE COMMIS-
21 SION.—

22 (A) NOTICE TO FEDERAL TRADE COMMIS-
23 SION.—

24 (i) IN GENERAL.—Except as provided
25 in clause (iii), the attorney general of a

1 State shall notify the Commission in writ-
2 ing that the attorney general intends to
3 bring a civil action under paragraph (1)
4 before initiating the civil action.

5 (ii) CONTENTS.—The notification re-
6 quired by clause (i) with respect to a civil
7 action shall include a copy of the complaint
8 to be filed to initiate the civil action.

9 (iii) EXCEPTION.—If it is not feasible
10 for the attorney general of a State to pro-
11 vide the notification required by clause (i)
12 before initiating a civil action under para-
13 graph (1), the attorney general shall notify
14 the Commission immediately upon insti-
15 tuting the civil action.

16 (B) INTERVENTION BY FEDERAL TRADE
17 COMMISSION.—The Commission may—

18 (i) intervene in any civil action
19 brought by the attorney general of a State
20 under paragraph (1); and

21 (ii) upon intervening—

22 (I) be heard on all matters aris-
23 ing in the civil action; and

24 (II) file petitions for appeal.

1 (4) INVESTIGATORY POWERS.—Nothing in this
2 subsection may be construed to prevent the attorney
3 general of a State from exercising the powers con-
4 ferred on the attorney general by the laws of the
5 State to conduct investigations, to administer oaths
6 or affirmations, or to compel the attendance of wit-
7 nesses or the production of documentary or other
8 evidence.

9 (5) PREEMPTIVE ACTION BY FEDERAL TRADE
10 COMMISSION.—If the Commission institutes a civil
11 action or an administrative action with respect to a
12 violation of section 3 or 5, the attorney general of
13 a State may not, during the pendency of such ac-
14 tion, bring a civil action under paragraph (1)
15 against any defendant named in the complaint of the
16 Commission for the violation with respect to which
17 the Commission instituted such action.

18 (6) VENUE; SERVICE OF PROCESS.—

19 (A) VENUE.—Any action brought under
20 paragraph (1) may be brought in—

21 (i) the district court of the United
22 States that meets applicable requirements
23 relating to venue under section 1391 of
24 title 28, United States Code; or

1 (ii) another court of competent juris-
2 diction.

3 (B) SERVICE OF PROCESS.—In an action
4 brought under paragraph (1), process may be
5 served in any district in which the defendant—

6 (i) is an inhabitant; or

7 (ii) may be found.

8 (7) ACTIONS BY OTHER STATE OFFICIALS.—

9 (A) IN GENERAL.—In addition to civil ac-
10 tions brought by attorneys general under para-
11 graph (1), any other consumer protection offi-
12 cer of a State who is authorized by the State
13 to do so may bring a civil action under para-
14 graph (1), subject to the same requirements
15 and limitations that apply under this subsection
16 to civil actions brought by attorneys general.

17 (B) SAVINGS PROVISION.—Nothing in this
18 subsection may be construed to prohibit an au-
19 thorized official of a State from initiating or
20 continuing any proceeding in a court of the
21 State for a violation of any civil or criminal law
22 of the State.

23 **SEC. 8. REGULATIONS.**

24 (a) IN GENERAL.—The Commission shall, pursuant
25 to section 553 of title 5, United States Code promulgate—

1 (1) regulations to carry out the provisions of
2 sections 3 and 4; and

3 (2) such other regulations as the Commission
4 determines necessary to carry out the provisions of
5 this Act.

6 (b) **TIMING.**—The Commission shall begin the rule-
7 making process for promulgating regulations to carry out
8 the provisions of sections 3 and 4 not later than 120 days
9 after the date of enactment of this Act.

10 **SEC. 9. EFFECTIVE DATES.**

11 The requirements of sections 3 and 4 shall take effect
12 120 days after the promulgation by the Commission of
13 regulations to carry out such sections, and the require-
14 ments of section 5 shall take effect 120 days after the
15 date of enactment of this Act.

16 **SEC. 10. INTERNATIONAL ONLINE COMMUNICATION RE-**
17 **SEARCH ACTIVITIES PILOT PROGRAM.**

18 (a) **IN GENERAL.**—The Administrator of the United
19 States Agency for International Development (referred to
20 in this section as “USAID”) shall, in coordination with
21 the Secretary of State, evaluate and prioritize support to
22 select countries, from among the countries eligible for as-
23 sistance from USAID, for research and programming,
24 such as tool development, civil society capacity building,

1 and other activities, aimed at addressing the prevalence
2 and impacts of non-English online communication that—

3 (1) promotes hate, harassment, or abuse of ra-

4 cial, ethnic, gender, religious, or sexual minorities;

5 (2) incites violence; or

6 (3) is false, misleading, or intended to harm—

7 (A) targeted individuals;

8 (B) public health;

9 (C) democratic integrity;

10 (D) civil rights;

11 (E) humanitarian response;

12 (F) economic integrity; or

13 (G) public safety.

14 (b) AUTHORIZED ACTIVITIES.—

15 (1) IN GENERAL.—In carrying out subsection

16 (a), the Administrator may—

17 (A) build lexicons of terms and phrases

18 commonly used in communications described in

19 subsection (a);

20 (B) identify and improve the under-

21 standing of how real or falsified text, videos, or

22 imagery are being used to spread hate, abuse,

23 scams, fraud, and false or misleading informa-

24 tion in non-English languages;

1 (C) strengthen the capacities of civil soci-
2 ety, local private sector, academia, and govern-
3 ments to develop and implement activities fo-
4 cused on preventing, mitigating, or responding
5 to non-English online communication that is
6 hateful, abusive, fraudulent, false, or mis-
7 leading; and

8 (D) improve awareness and the abilities of
9 the civil society and governments of countries
10 that receive support under subsection (a) to dis-
11 cover and interpret non-English online commu-
12 nication that is hateful, abusive, fraudulent,
13 false, or misleading that—

14 (i) is perpetuated or sponsored by ma-
15 lign actors or extremist organizations;

16 (ii) is influenced, regulated, or mod-
17 erated by governments, social media com-
18 panies, and internet service providers;

19 (iii) is perceived by, or impacts the
20 target or other consumers of online com-
21 munications or specific communities; and

22 (iv) leads to economic, mental, phys-
23 ical, or other harms at the individual,
24 household, organization, or community lev-
25 els.

1 (2) **LOCALLY LED REQUIREMENT.**—Recipients
2 of not less than 50 percent of the amounts appro-
3 priated pursuant to subsection (d) shall substantially
4 engage with organizations led by individuals who—

5 (A) are living in a place from which com-
6 munication described in subsection (a) origi-
7 nates or to which such communication is tar-
8 geted;

9 (B) are familiar with the cultural context
10 in such a place; and

11 (C) have experience researching or working
12 to address such digital or online communica-
13 tion.

14 (3) **INTERSECTIONALITY REQUIREMENT.**—Re-
15 search funded by amounts appropriated pursuant to
16 subsection (d) shall focus on better understanding
17 how online communication that is hateful or abusive,
18 incites violence, violates relevant data privacy laws,
19 divulges personal information, or involves false or
20 misleading information has a disparate impact on
21 people who are members of racial, ethnic, gender, re-
22 ligious, or sexual minorities in their communities, in-
23 cluding women, indigenous populations, and people
24 who identify as lesbian, gay, bisexual, transgender,
25 queer, intersex, or as another sexual minority.

1 (c) REPORTING REQUIREMENT.—

2 (1) IN GENERAL.—Not later than 120 days
3 after all of the programs receiving funding appro-
4 priated pursuant to subsection (d) are terminated,
5 the Administrator of the United States Agency for
6 International Development shall provide a briefing,
7 and submit a report, to the Committee on Foreign
8 Relations of the Senate, the Committee on Com-
9 merce, Science, and Transportation of the Senate,
10 the Committee on Foreign Affairs of the House of
11 Representatives, and the Committee on Energy and
12 Commerce of the House of Representatives describ-
13 ing the findings of the research conducted by such
14 programs and the outcomes of the activities carried
15 out by such programs.

16 (2) PUBLIC AVAILABILITY.—The report re-
17 quired under paragraph (1) shall be made publicly
18 available on a text-based and searchable internet
19 website.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated \$3,000,000 in each of the
22 fiscal years 2024 and 2025 to carry out this section.

23 **SEC. 11. DEFINITIONS.**

24 In this Act:

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

3 (2) COVERED PLATFORM.—The term “covered
4 platform” means a website, internet application, or
5 mobile internet application that—

6 (A) allows users to create, share, view, or
7 search for and access user-generated or third-
8 party content, including a social media plat-
9 form, online search engine, and a service with
10 direct or group messaging capabilities; and

11 (B) has had at least 10,000,000 monthly
12 active users for 3 or more of the past 12
13 months within the United States.

14 (3) MONETIZATION PRACTICES.—The term
15 “monetization practices” means any avenues
16 through which a covered platform might garner rev-
17 enue, including accepting monetary, in-kind, or other
18 compensation—

19 (A) in exchange for displaying or ampli-
20 fying specific content; or

21 (B) from businesses or other entities to
22 utilize the covered platform as a means to find,
23 charge, or communicate with customers.

24 (4) PLATFORM POLICIES.—The term “platform
25 policies” means any terms, conditions, and clauses,

1 regardless of their name or form, which govern the
2 contractual relationship between a covered platform
3 and a user, or any community guidelines that a cov-
4 ered platform maintains that govern conduct on the
5 covered platform.

○