

To the office of U.S. Representative Laurel M. Lee

Re: HR 9915 (119th Congress), Stealth Bot Prohibition Act • Latest action (2026-07-23): Referred to the House Committee on Energy and Commerce.

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Bot Disclosure and Consumer Protection Act of 2025

The measure, as described from the official record: To prohibit the use of automated social media accounts (bots) that intentionally deceive users about their non-human identity, thereby protecting consumers from fraud, manipulation, and disinformation in online interactions.

THE PROPOSAL

Section 1. Short Title. This Act may be cited as the "Bot Disclosure and Consumer Protection Act of 2025".

Section 2. Definitions. (a) "Covered platform" means any online service that (i) enables users to communicate or share content with the public, and (ii) has more than 5,000,000 monthly active users in the United States. (b) "Bot" means an automated software program that operates an account on a covered platform with the primary purpose of interacting with users in a manner that is designed to impersonate a human user, without clearly and conspicuously disclosing its automated nature. (c) "Deceptive bot" means a bot that fails to provide such disclosure.

Section 3. Disclosure Requirement. A covered platform shall require that any account it reasonably believes to be a bot provide a clear and conspicuous disclosure (e.g., a label or badge visible to all users) indicating that the account is automated. The Federal Trade Commission (FTC) shall, by rule, specify the form and placement of such disclosure, which must be interpretable by the average user.

Section 4. Enforcement. (a) The FTC shall enforce this Act under the Federal Trade Commission Act (15 U.S.C. § 41 et seq.), treating a violation as an unfair or deceptive act. (b) Civil penalties: up to \$50,000 per deceptive bot account per day, adjusted for inflation. (c) No private right of action. (d) The FTC may issue guidance and safe harbors for platforms that make good-faith efforts to comply.

Section 5. Small Platform Exemption. This Act does not apply to platforms with fewer than 5,000,000 monthly active users, unless the platform is found to be deliberately using deceptive bots as a primary business model.

Section 6. Rulemaking. The FTC shall issue final rules no later than 1 year after enactment, with opportunity for public comment.

Section 7. Sunset. This Act shall expire 5 years after the effective date, unless reauthorized by

Congress.

Section 8. Effective Date. This Act takes effect 180 days after enactment.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Civil penalties collected under this Act shall be deposited into a special fund in the Treasury to cover FTC enforcement costs and consumer education; any excess shall reduce the deficit.
Funding Amount	Not specified; enforcement funded by penalty collection and existing FTC appropriations. If projected costs exceed collections, the FTC may request supplemental appropriations, not to exceed \$10 million annually.
Sunset Years	5 years
Oversight Body	Federal Trade Commission (FTC), Bureau of Consumer Protection
Enforcement Mechanism	Civil actions in federal district court by the FTC; cease-and-desist orders; civil penalties as described.
Effective Date	180 days after enactment

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3 (Commerce Clause – covered platforms are engaged in interstate commerce)
- First Amendment – the disclosure requirement is a factual, non-controversial commercial disclosure consistent with *Zauderer v. Office of Disciplinary Counsel*, 471 U.S. 626 (1985)
- Fifth Amendment Due Process Clause – clear definitions, notice-and-comment rulemaking, and proportional civil penalties

Concerns with the measure as written:

- Original bill may impose content-based restrictions on speech, risking First Amendment violation (e.g., mandating removal of bot accounts rather than merely requiring disclosure).
 - Original bill may lack clear jurisdictional nexus to interstate commerce, potentially exceeding Commerce Clause authority.
 - Original bill may fail to provide adequate due process safeguards (e.g., vague definitions, no notice-and-comment rulemaking, disproportionate penalties).
 - Original bill may burden small platforms or non-commercial speech, violating Tenth Amendment principles of federalism.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democrats: Protects consumers from hidden manipulation and disinformation online; requires transparency without prohibiting speech; uses FTC enforcement, a trusted agency. Republicans: Preserves free speech (no mandate to remove bots, only to label); exempts small businesses; includes a sunset to prevent permanent regulation; limited to commercial platforms with clear interstate nexus; no new agency or private right of action.

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