

**AMENDMENT TO RULES COMMITTEE PRINT 119-8**  
**OFFERED BY MR. GOTTHEIMER OF NEW JERSEY**

Page 927, insert after line 16 the following:

1 **SEC. 17\_\_\_\_. STOPPING TERRORISTS ONLINE PRESENCE**  
2 **AND HOLDING ACCOUNTABLE TECH ENTI-**  
3 **TIES.**

4 (a) TERMS OF SERVICE PUBLICATION.—

5 (1) IN GENERAL.—No later than 180 days after  
6 the date of enactment of this section, each social  
7 media company described in subsection (f)(4) shall  
8 publish terms of service, or lack thereof, for each so-  
9 cial media platform owned or operated by the com-  
10 pany in a manner reasonably designed to inform all  
11 users of the social media platform of the existence  
12 and contents of the terms of service applicable to the  
13 following:

14 (A) A foreign terrorist organization des-  
15 igned under section 219 of the Immigration  
16 and Nationality Act.

17 (B) Individuals or entities designated as  
18 Specially Designated Global Terrorists under  
19 Executive Order 13224.

1           (2) ADDITIONAL PUBLICATION OF INFORMA-  
2           TION.—In addition to the terms of service published  
3           pursuant to paragraph (1), the social media com-  
4           pany shall also publish the following information:

5                   (A) Contact information for the purpose of  
6                   allowing users to ask the social media company  
7                   questions about the terms of service.

8                   (B) A description of—

9                           (i) the process that a user must fol-  
10                          low—

11                                   (I) to flag an item of content  
12                                   that the user believes violates the  
13                                   terms of service; or

14                                   (II) to flag a group or another  
15                                   user that the user believes has vio-  
16                                   lated the terms of service; and

17                                   (ii) the social media company's com-  
18                                   mitments on response and resolution time.

19                   (C) A list of ways in which an item of con-  
20                   tent or a user may be actioned by the social  
21                   media company.

22           (b) TERMS OF SERVICE REPORT TO THE ATTORNEY  
23   GENERAL.—

24                   (1) IN GENERAL.—Each social media company  
25           shall electronically submit, on a triannual basis, a

1 terms of service report to the Attorney General pur-  
2 suant to paragraph (2), regarding information and  
3 enforcement of the terms of service identified in sub-  
4 section (a)(1), that will include the following:

5 (A) The version of the terms of service for  
6 each social media platform owned or operated  
7 by the company in effect as of the date of the  
8 report.

9 (B) Data related to violations of the terms  
10 of service of identified under subsection (a), in-  
11 cluding the following:

12 (i) The total number of items of con-  
13 tent flagged.

14 (ii) The total number of actioned  
15 items of content.

16 (iii) The total number of actioned  
17 items of content that resulted in action  
18 taken by the social media company against  
19 the user or group of users responsible for  
20 the content.

21 (iv) The total number of actioned  
22 items of content that were removed, de-  
23 monetized, or deprioritized by the social  
24 media company.

1 (v) The number of times actioned  
2 items of content were viewed by users.

3 (vi) The number of times actioned  
4 items of content were shared, and the  
5 number of users that viewed the content  
6 before it was actioned.

7 (vii) The number of times users ap-  
8 pealed social media company actions taken  
9 on that platform and the number of rever-  
10 sals of social media company actions on  
11 appeal disaggregated by each type of ac-  
12 tion.

13 (C) All information required by subpara-  
14 graph (B) shall be disaggregated into the fol-  
15 lowing categories:

16 (i) The category of content, including  
17 any relevant categories described in sub-  
18 paragraph (B).

19 (ii) The type of content, including  
20 posts, comments, messages, profiles of  
21 users, or groups of users.

22 (iii) The type of media of the content,  
23 including text, images, and videos.

1 (iv) How the content was flagged, in-  
2 cluding whether the content was flagged  
3 by—

4 (I) company employees or con-  
5 tractors of the social media company;

6 (II) artificial intelligence soft-  
7 ware;

8 (III) community moderators of  
9 the social media platform;

10 (IV) civil society partners; or

11 (V) users of the social media  
12 platform.

13 (v) How the content was actioned, in-  
14 cluding whether the content was actioned  
15 by—

16 (I) employees or contractors of  
17 the social media company;

18 (II) artificial intelligence soft-  
19 ware;

20 (III) community moderators of  
21 the social media platform;

22 (IV) civil society partners; and

23 (V) actioned by users.

24 (D) A complete and detailed evaluation of  
25 the changes over time, including identifiable

1 trends and analysis, with respect to the infor-  
2 mation in subparagraphs (A) through (C) since  
3 the previous report, if applicable, and those  
4 thereafter.

5 (2) DEADLINE.—Not later than 360 days after  
6 the date of enactment of this section, each social  
7 media company shall submit the first report required  
8 pursuant to paragraph (1). After the submission of  
9 the first report, the following reports will occur no  
10 later than January 31, April 30, and October 31 the  
11 following years.

12 (3) PUBLICATION.—The Attorney General shall  
13 make all reports submitted under this section avail-  
14 able to the public in a searchable repository on the  
15 website of the Department of Justice.

16 (c) CIVIL PENALTY.—

17 (1) IN GENERAL.—The Attorney General may  
18 bring an action for a civil penalty of not more than  
19 \$5,000,000 per violation per day against any social  
20 media company that does not submit a report re-  
21 quired under subsection (b).

22 (2) VIOLATIONS.—A social media company  
23 shall be considered in violation of the provisions of  
24 this chapter for each day the social media company  
25 does any of the following:

1 (A) Fails to post terms of service in ac-  
2 cordance with subsection (a).

3 (B) Fails to timely submit to the Attorney  
4 General a report required pursuant to sub-  
5 section (b).

6 (C) Materially omits or misrepresents re-  
7 quired information in a report submitted pursu-  
8 ant to subsection (b).

9 (d) REPORTS.—

10 (1) NATIONAL INTELLIGENCE ESTIMATE.—Not  
11 later than 360 days after the date of enactment of  
12 this section, the Director of National Intelligence  
13 shall submit a National Intelligence Estimate on the  
14 use of platforms by the individuals and entities iden-  
15 tified under subsection (a)(1) to Congress. The Di-  
16 rector shall ensure an unclassified version of the as-  
17 sessment is published on the Department's website  
18 no later than 30 days following the submission to  
19 Congress.

20 (2) COMPTROLLER GENERAL REPORTS.—Not  
21 later than 540 days after the date of enactment of  
22 this section, and then again 540 days after, the  
23 Comptroller General shall submit to Congress re-  
24 ports on the implementation of this section.

1 (e) SUNSET.—The authority to carry out this section  
2 shall terminate on the date that is 5 years after the date  
3 of enactment of this section.

4 (f) DEFINITIONS.—In this section:

5 (1) ACTIONED.—The term “actioned” means  
6 that, pursuant to a violate of the terms of service of  
7 a social media platform—

8 (A) in the case of an item of content, that  
9 item of content was removed, demonetized, or  
10 deprioritized from the social media platform; or

11 (B) in the case of a user, that user was  
12 banned from the social media platform, or the  
13 account of that user was demonetized.

14 (2) CONTENT.—The term “content” means, on  
15 an internet-based service or application—

16 (A) a statement or comment made by a  
17 user; or

18 (B) media that are created, posted, shared,  
19 or otherwise interacted with by a user.

20 The term does not include media on a service or ap-  
21 plication exclusively for the purpose of cloud storage,  
22 transmitting files, or file collaboration.

23 (3) SOCIAL MEDIA PLATFORM.—The term “so-  
24 cial media platform” means any entity subject to the  
25 jurisdiction of the Federal Trade Commission under



1 section 5(a)(2) of the Federal Trade Commission  
2 Act (15 U.S.C. 45(a)(2)) that—

3 (A) is a website, desktop application, or  
4 mobile application that—

5 (i) permits a person to become a reg-  
6 istered user, establish an account, or create  
7 a profile for the purpose of allowing the  
8 user to create, share, and view user-gen-  
9 erated content through such an account or  
10 profile;

11 (ii) enables one or more users to gen-  
12 erate content that can be viewed by other  
13 users of the platform; and

14 (iii) primarily serves as a medium for  
15 users to interact with content generated by  
16 other users of the platform and for the  
17 platform to deliver ads to users; and

18 (B) has at least 25,000,000 unique month-  
19 ly users in the United States for a majority of  
20 the months in the most recent 12-month period.

21 (4) SOCIAL MEDIA COMPANY.—The term “social  
22 media company” means a person or entity that owns  
23 or operates one or more social media platforms.

24 (5) TERMS OF SERVICE.—The term “terms of  
25 service” means a policy or set of policies adopted by

1 a social media company that specifies, at least, the  
2 user behavior and activities that are permitted on  
3 the internet-based service owned or operated by the  
4 social media company, and the user behavior and ac-  
5 tivities that may subject the user or an item of con-  
6 tent to being actioned.

7 (g) RULE OF CONSTRUCTION.—

8 (1) IN GENERAL.—Nothing in this section shall  
9 be construed to diminish or infringe upon any right  
10 protected under the First Amendment to the Con-  
11 stitution of the United States.

12 (2) CONFIDENTIALITY AND PRIVACY.—The  
13 publication of the reports authorized in subsection  
14 (d) shall comply with any Federal, State, and local  
15 laws affecting confidentiality and privacy, including  
16 the Privacy Act of 1974.

