

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. GOTTHEIMER OF NEW JERSEY

Add at the end of subtitle C of title XVII 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.—**Not later than 180 days
6 after the date of enactment of this Act, each social
7 media company shall post the terms of service, or
8 notice of the lack of applicable terms of service, for
9 each social media platform owned or operated by the
10 company in a manner reasonably designed to inform
11 all users of the social media platform of the exist-
12 ence and contents of the terms of service applicable
13 to the following:

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

1 (B) Individuals or entities designated as
2 Specially Designated Global Terrorists under
3 Executive Order 13224.

4 (2) ADDITIONAL INFORMATION.—In addition to
5 the terms of service published pursuant to para-
6 graph (1), each social media company shall publish
7 the following information:

8 (A) Contact information for the purpose of
9 allowing users of each social media company
10 platform owned or operated by the social media
11 company to make inquiries regarding the terms
12 of service applicable to each such platform.

13 (B) A description of the process that a
14 user of a social media platform is required to
15 follow to report content, groups, or other users
16 that the user believes violate the terms of serv-
17 ice applicable to such platform, and the ex-
18 pected response and resolution time for reports
19 of such violations.

20 (C) A list of potential actions the social
21 media company may take against content or a
22 user for a violation of the terms of service of a
23 social media platform, including removal, de-
24 monetization, deprioritization, or banning.

1 (b) TERMS OF SERVICE REPORT TO THE ATTORNEY

2 GENERAL.—

3 (1) IN GENERAL.—Not later than 360 days
4 after the date of enactment of this Act, an every
5 January 31, April 30, and October 31 thereafter, a
6 social media company shall submit to the Attorney
7 General a report that contains information about the
8 terms of service and the enforcement of the terms of
9 service required to be published under subsection
10 (a), including—

11 (A) the version of the terms of service for
12 each social media platform owned or operated
13 by the company in effect as of the date of the
14 report;

15 (B) data related to violations of the terms
16 of service for the period covered by the report,
17 including—

18 (i) the number of flagged items of
19 content;

20 (ii) the number of actioned items of
21 content;

22 (iii) the number of actioned items of
23 content that resulted in action taken by
24 the social media company against the user

1 or group of users responsible for the con-
2 tent;

3 (iv) the number of actioned items of
4 content that were removed, demonetized,
5 or deprioritized by the social media com-
6 pany;

7 (v) the number of times actioned
8 items of content were viewed by users;

9 (vi) the number of times actioned
10 items of content were shared, and the
11 number of users that viewed the content
12 before it was actioned; and

13 (vii) the number of times users ap-
14 pealed social media company actions taken
15 on a social media platform and the number
16 of reversals of social media company ac-
17 tions on appeal, disaggregated by each
18 type of action; and

19 (C) a complete and detailed evaluation of
20 the changes over time, including identifiable
21 trends and analysis, with respect to the infor-
22 mation provided under subparagraphs (A) and
23 (B), since the previous report, if applicable.

1 (2) DISAGGREGATION.—The information re-
2 quired to be reported under paragraph (1)(B) shall
3 be disaggregated into the following categories:

4 (A) The category of content.

5 (B) The type of content, including posts,
6 comments, messages, profiles of users, or
7 groups of users.

8 (C) The type of media of the content, in-
9 cluding text, images, and videos.

10 (D) How the content was flagged, includ-
11 ing by company employees or contractors, by
12 artificial intelligence software, by community
13 moderators, by civil society partners, and by
14 users.

15 (E) How the content was actioned, includ-
16 ing by company employees or contractors, by
17 artificial intelligence software, by community
18 moderators, by civil society partners, and by
19 users.

20 (3) PUBLICATION.—The Attorney General shall
21 make all reports submitted under this section avail-
22 able to the public in a searchable repository on the
23 Department of Justice’s website.

24 (c) CIVIL PENALTY.—

1 (1) IN GENERAL.—The Attorney General may
2 bring an action for a civil penalty of not more than
3 \$5,000,000 per violation per day against any social
4 media company that does not submit a report re-
5 quired under subsection (b).

6 (2) VIOLATIONS.—A social media company
7 shall be considered in violation of this section for
8 each day the social media company—

9 (A) fails to publish terms of service in ac-
10 cordance with subsection (a);

11 (B) fails to timely submit to the Attorney
12 General a report required pursuant to sub-
13 section (b); or

14 (C) materially omits or misrepresents re-
15 quired information in a report submitted pursu-
16 ant to subsection (b).

17 (d) REPORTS.—

18 (1) NATIONAL INTELLIGENCE ESTIMATE.—Not
19 later than 360 days after the date of enactment of
20 this Act, the Director of National Intelligence shall
21 submit to Congress a national intelligence estimate
22 on the use of social media platforms by the users
23 identified under subsection (b). Not later than 30
24 days after submitting such estimate to Congress, the
25 Director shall publish an unclassified version of the

1 estimate on the website pf the Office of the Director
2 of National Intelligence.

3 (2) COMPTROLLER GENERAL REPORTS.—Not
4 later than 540 days after the date of enactment of
5 this Act, and 540 days thereafter, the Comptroller
6 General of the United States shall submit to Con-
7 gress a report on the implementation of this section.

8 (e) SUNSET.—The authority to carry out this section
9 shall terminate on the date that is five years after the date
10 of enactment of this Act.

11 (f) DEFINITIONS.—In this section:

12 (1) The term “actioned” means the removal,
13 demonetization, deprioritization, banning, or other
14 action taken by a social media company against a
15 user or item of content due to a suspected or con-
16 firmed violation of applicable terms of service.

17 (2) The term “content” means—

18 (A) a statement or comment made by a
19 user of a social media platform;

20 (B) media that is created, posted, shared,
21 or otherwise interacted with by a user of a so-
22 cial media platform on such platform (except
23 that such term does not include media that is
24 available on such a platform solely for the pur-

1 pose of cloud storage, transmitting files, or file
2 collaboration).

3 (3) The term “social media platform” means
4 any entity subject to the jurisdiction of the Federal
5 Trade Commission under section 5(a)(2) of the Fed-
6 eral Trade Commission Act (15 U.S.C. 45(a)(2))
7 that—

8 (A) is a website, desktop application, or
9 mobile application that—

10 (i) permits a person to become a reg-
11 istered user, establish an account, or create
12 a profile for the purpose of allowing the
13 user to create, share, and view user-gen-
14 erated content through such an account or
15 profile;

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

19 (iii) primarily serves as a medium for
20 users to interact with content generated by
21 other users of the platform and for the
22 platform to deliver ads to users; and

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

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

4 (5) TERMS OF SERVICE.—The term “terms of
5 service” means a policy or set of policies adopted by
6 a social media company that specifies, at a min-
7 imum, the user behavior and activities that are per-
8 mitted on the social media platform owned or oper-
9 ated by the social media company, and the user be-
10 havior and activities that may subject the user or an
11 item of content to being actioned.

