

AMENDMENT TO RULES COMMITTEE PRINT 119-

33

OFFERED BY MR. GOTTHEIMER OF NEW JERSEY

At the end of subtitle B of title XVII, insert the following new section:

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.

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

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

8 (A) Contact information for the purpose of
9 allowing users to ask the social media company
10 questions about the terms of service.

11 (B) A description of—

12 (i) the process that a user must fol-
13 low—

14 (I) to flag an item of content
15 that the user believes violates the
16 terms of service; or

17 (II) to flag a group or another
18 user that the user believes has vio-
19 lated the terms of service; and

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

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

1 (b) TERMS OF SERVICE REPORT TO THE ATTORNEY

2 GENERAL.—

3 (1) IN GENERAL.—Each social media company
4 shall electronically submit, on a triannual basis, a
5 terms of service report to the Attorney General pur-
6 suant to paragraph (2), regarding information and
7 enforcement of the terms of service identified in sub-
8 section (a)(1), that will include the following:

9 (A) The version of the terms of service for
10 each social media platform owned or operated
11 by the company in effect as of the date of the
12 report.

13 (B) Data related to violations of the terms
14 of service of identified under subsection (a), in-
15 cluding the following:

16 (i) The total number of items of con-
17 tent flagged.

18 (ii) The total number of actioned
19 items of content.

20 (iii) The total number of actioned
21 items of content that resulted in action
22 taken by the social media company against
23 the user or group of users responsible for
24 the content.

1 (iv) The total number of actioned
2 items of content that were removed, de-
3 monetized, or deprioritized by the social
4 media company.

5 (v) The number of times actioned
6 items of content were viewed by users.

7 (vi) The number of times actioned
8 items of content were shared, and the
9 number of users that viewed the content
10 before it was actioned.

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

17 (C) All information required by subpara-
18 graph (B) shall be disaggregated into the fol-
19 lowing categories:

20 (i) The category of content, including
21 any relevant categories described in sub-
22 paragraph (B).

23 (ii) The type of content, including
24 posts, comments, messages, profiles of
25 users, or groups of users.

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

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

6 (I) company employees or con-
7 tractors of the social media company;

8 (II) artificial intelligence soft-
9 ware;

10 (III) community moderators of
11 the social media platform;

12 (IV) civil society partners; or

13 (V) users of the social media
14 platform.

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

18 (I) employees or contractors of
19 the social media company;

20 (II) artificial intelligence soft-
21 ware;

22 (III) community moderators of
23 the social media platform;

24 (IV) civil society partners; and

25 (V) actioned by users.

1 (D) A complete and detailed evaluation of
2 the changes over time, including identifiable
3 trends and analysis, with respect to the infor-
4 mation in subparagraphs (A) through (C) since
5 the previous report, if applicable, and those
6 thereafter.

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

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

18 (c) CIVIL PENALTY.—

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

24 (2) VIOLATIONS.—A social media company
25 shall be considered in violation of the provisions of

1 this chapter for each day the social media company
2 does any of the following:

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

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

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

11 (d) REPORTS.—

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

22 (2) COMPTROLLER GENERAL REPORTS.—Not
23 later than 540 days after the date of enactment of
24 this section, and then again 540 days after, the

1 Comptroller General shall submit to Congress re-
2 ports on the implementation of this section.

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

6 (f) DEFINITIONS.—In this section:

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

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

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

16 (2) The term “content” means, on an internet-
17 based service or application—

18 (A) a statement or comment made by a
19 user; or

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

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

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

6 (A) is a website, desktop application, or
7 mobile application that—

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

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

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

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

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

4 (5) The term “terms of service” means a policy
5 or set of policies adopted by a social media company
6 that specifies, at least, the user behavior and activi-
7 ties that are permitted on the internet-based service
8 owned or operated by the social media company, and
9 the user behavior and activities that may subject the
10 user or an item of content to being actioned.

11 (g) RULE OF CONSTRUCTION.—

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

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

