

116TH CONGRESS
2D SESSION

H. R. 9043

To require social media companies to establish an office dedicated to identifying and removing violent or extremist content associated with or distributed by any entity identified as a terrorist organization.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 2020

Mr. GOTTHEIMER (for himself and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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 require social media companies to establish an office dedicated to identifying and removing violent or extremist content associated with or distributed by any entity identified as a terrorist organization.

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.**

4 This Act may be cited as the “Online Terrorism Pre-
5 vention Act”.

1 **SEC. 2. OFFICE DEDICATED TO IDENTIFYING AND REMOV-**
2 **ING CONTENT ASSOCIATED WITH ANY TER-**
3 **RORIST ORGANIZATION.**

4 (a) IN GENERAL.—Not later than one year after the
5 date of enactment of this Act, each social media company
6 shall establish an office to identify and remove violent or
7 extremist content associated with or distributed by any en-
8 tity identified as a terrorist organization. The office shall
9 be lead by a dedicated staff member who reports directly
10 to the highest official at the social media company. The
11 duties of the office shall include—

12 (1) educating and training employees about
13 compliance requirements that are consistent with the
14 social media company’s social media platform con-
15 tent moderation standards or terms of service agree-
16 ments and about detecting contributors to the social
17 media platform that are identified as a terrorist or-
18 ganization;

19 (2) conducting regular, comprehensive audits to
20 ensure compliance with the identification and re-
21 moval requirements in this subsection, and making
22 records of such audits publicly available on the social
23 media platform;

24 (3) maintaining updated, clear, and under-
25 standable records of all relevant practices under-
26 taken by the social media company; and

1 (4) serving as the point of contact between the
2 social media company and the Federal Trade Com-
3 mission.

4 (b) REQUIREMENT FOR IMMEDIATE REMOVAL UPON
5 REQUEST BY CERTAIN OFFICIALS.—A social media com-
6 pany shall expeditiously remove any violent or extremist
7 content associated with or distributed by any entity identi-
8 fied as a terrorist organization that appears on its social
9 media platform, upon the request of the Federal Trade
10 Commission.

11 **SEC. 3. CIVIL ENFORCEMENT.**

12 (a) ENFORCEMENT BY THE FEDERAL TRADE COM-
13 MISSION.—

14 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
15 TICES.—A violation of section 2 shall be treated as
16 a violation of a rule defining an unfair or deceptive
17 act or practice prescribed under section 18(a)(1)(B)
18 of the Federal Trade Commission Act (15 U.S.C.
19 57a(a)(1)(B)).

20 (2) POWERS OF THE COMMISSION.—

21 (A) IN GENERAL.—The Commission shall
22 enforce this Act and any regulations promul-
23 gated under this Act in the same manner, by
24 the same means, and with the same jurisdic-
25 tion, powers, and duties as though all applicable

1 terms and provisions of the Federal Trade
2 Commission Act (15 U.S.C. 41 et seq.) were in-
3 corporated into and made a part of this Act,
4 and any person who violates this Act or a regu-
5 lation promulgated under this Act shall be sub-
6 ject to the penalties and entitled to the privi-
7 leges and immunities provided in the Federal
8 Trade Commission Act.

9 (B) REGULATIONS.—The Commission
10 may, under section 553 of title 5, United States
11 Code, prescribe any regulations it determines
12 necessary to carry out this Act.

13 (C) EFFECT ON OTHER LAWS.—Nothing in
14 this Act shall be construed in any way to limit
15 the authority of the Commission under any
16 other provision of law.

17 (b) ENFORCEMENT BY STATE ATTORNEYS GEN-
18 ERAL.—

19 (1) IN GENERAL.—If the chief law enforcement
20 officer of a State, or an official or agency designated
21 by a State, has reason to believe that any person has
22 violated or is violating section 2, the attorney gen-
23 eral, official, or agency of the State, in addition to
24 any authority it may have to bring an action in
25 State court under its consumer protection law, may

1 bring a civil action in any appropriate United States
2 district court or in any other court of competent ju-
3 risdiction, including a State court, to—

4 (A) enjoin further such violation by such
5 person;

6 (B) enforce compliance with such section;

7 (C) obtain civil penalties; and

8 (D) obtain damages, restitution, or other
9 compensation on behalf of residents of the
10 State.

11 (2) NOTICE AND INTERVENTION BY THE
12 FTC.—The attorney general (or other such officer)
13 of a State shall provide prior written notice of any
14 action under paragraph (1) to the Commission and
15 provide the Commission with a copy of the complaint
16 in the action, except in any case in which such prior
17 notice is not feasible, in which case the attorney gen-
18 eral shall serve such notice immediately upon insti-
19 tuting such action. The Commission shall have the
20 right—

21 (A) to intervene in the action;

22 (B) upon so intervening, to be heard on all
23 matters arising therein; and

24 (C) to file petitions for appeal.

1 (3) LIMITATION ON STATE ACTION WHILE FED-
2 ERAL ACTION IS PENDING.—If the Commission has
3 instituted a civil action for violation of this Act, no
4 State attorney general, or official or agency of a
5 State, may bring an action under this paragraph
6 during the pendency of that action against any de-
7 fendant named in the complaint of the Commission
8 for any violation of this Act alleged in the complaint.

9 (4) RELATIONSHIP WITH STATE LAW CLAIMS.—
10 If the attorney general of a State has authority to
11 bring an action under State law directed at acts or
12 practices that also violate this Act, the attorney gen-
13 eral may assert the State law claim and a claim
14 under this Act in the same civil action.

15 (c) SAVINGS CLAUSE.—Nothing in this subsection (b)
16 shall preempt or otherwise affect any State or local law.

17 (d) FBI ENFORCEMENT.—The Federal Bureau of
18 Investigation may exercise its full authority under section
19 2709 of title 18, United States Code, to investigate viola-
20 tions of this Act, and may share any information obtained
21 under such section with the Federal Trade Commission
22 for enforcement of this Act under subsection (a).

23 (e) CRIMINAL PENALTIES.—Whoever owns, manages,
24 or operates a social media company and acts in reckless
25 disregard of the fact that content made available on the

1 social media platform of such company in violation of sec-
2 tion 2 contributed to terrorism, shall constitute an offense
3 of “providing material support to terrorists” under section
4 2339A(a) of title 18, United States Code.

5 **SEC. 4. DEFINITIONS.**

6 As used in this Act—

7 (1) the term “social media company” means
8 any person that owns, manages, or operates a social
9 media platform and has an annual revenue in excess
10 of \$10,000,000;

11 (2) the term “social media platform”—

12 (A) means a website or internet medium,
13 including a mobile application, that—

14 (i) permits a person to become a reg-
15 istered user, establish an account, or create
16 a profile for the purpose of allowing users
17 to create, share, and view user-generated
18 content through such an account or profile;

19 (ii) enables one or more users to gen-
20 erate content that can be viewed by other
21 users of the medium; and

22 (iii) serves as a medium for users to
23 view content generated by other users of
24 the medium; and

25 (B) does not include—

1 (i) any such platform that serves
2 fewer than 100,000 users who access their
3 account or profile at least once a month;

4 (ii) an email program, email distribu-
5 tion lists, multi-person text message
6 groups, or a website that is primarily for
7 the purpose of internet commerce;

8 (iii) a private platform or messaging
9 service used by an entity solely to commu-
10 nicate with others employed by or affiliated
11 with such entity; or

12 (iv) an internet-based platform whose
13 primary purpose is—

14 (I) to allow users to post product
15 reviews, business reviews, travel infor-
16 mation and reviews; or

17 (II) to provide news or entertain-
18 ment content, but that may also in-
19 clude a comment section for users to
20 discuss such news or entertainment
21 content if such comment section does
22 not include functionality that permits
23 a user to share images, videos, or
24 other visual depictions; and

25 (3) the term “terrorist organization” means—

1 (A) any entity designated as foreign ter-
2 rorist organizations by the Department of
3 State; and

4 (B) any entity engaged in domestic ter-
5 rorism or international terrorism, as such terms
6 are defined in section 2331 of title 18, United
7 States Code.

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