

116TH CONGRESS  
1ST SESSION

# H. R. 4782

To establish a national commission on online platforms and homeland security,  
and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2019

Mr. THOMPSON of Mississippi (for himself, Mr. ROSE of New York, Ms. BARRAGÁN, Mrs. WATSON COLEMAN, Ms. CLARKE of New York, Mr. RICHMOND, Mr. PAYNE, Mr. LANGEVIN, Mr. CORREA, and Mr. CLEAVER) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, 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 establish a national commission on online platforms and  
homeland security, and for other purposes.

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 “National Commission  
5 on Online Platforms and Homeland Security Act”.

1 **SEC. 2. NATIONAL COMMISSION ON ONLINE PLATFORMS**  
2 **AND HOMELAND SECURITY.**

3 (a) ESTABLISHMENT OF COMMISSION.—There is es-  
4 tablished a National Commission on Online Platforms and  
5 Homeland Security (referred to in this section as the  
6 “Commission”).

7 (b) PURPOSES.—The Commission shall—

8 (1) identify, examine, and report on the ways,  
9 if any, that online platforms have been utilized in  
10 furtherance of acts of targeted violence, including  
11 domestic terrorism and international terrorism, or  
12 covert foreign state influence campaigns; and

13 (2) identify, examine, and report on the ways,  
14 if any, that free speech, privacy, civil rights, and  
15 civil liberties are impacted by—

16 (A) any utilization of online platforms in  
17 furtherance of acts of targeted violence, includ-  
18 ing domestic terrorism and international ter-  
19 rorism, or covert foreign state influence cam-  
20 paigns; and

21 (B) any policies, procedures, or activities  
22 undertaken by owners and operators of online  
23 platforms to prevent or limit the utilization of  
24 online platforms in furtherance of acts of tar-  
25 geted violence, including domestic terrorism and

1 international terrorism, or covert foreign state  
2 influence campaigns; and

3 (3) develop recommendations, as appropriate,  
4 for how online platforms could address the utiliza-  
5 tion identified pursuant to paragraph (1), if any, in  
6 ways that are transparent and accountable, to pro-  
7 mote free speech and innovation on the internet,  
8 preserve individual privacy, civil rights, and civil lib-  
9 erties, and uphold the principles of the Constitution,  
10 in accordance with relevant existing statutes, includ-  
11 ing section 552a of title 5, United States Code (com-  
12 monly referred to as the Privacy Act of 1974), and  
13 take into account current or anticipated trends and  
14 technological developments, such as advancements in  
15 artificial intelligence.

16 (c) COMPOSITION OF COMMISSION.—

17 (1) MEMBERS.—The Commission shall be com-  
18 posed of 12 members, of whom—

19 (A) two members shall be appointed by the  
20 Committee on Homeland Security in the House  
21 of Representatives, with one member selected  
22 by the Chair and the other selected by the  
23 Ranking Member;

24 (B) two members shall be appointed by the  
25 Committee on Foreign Affairs in the House of

Representatives, with one member selected by the Chair and the other selected by the Ranking Member;

(C) two members shall be appointed by the Committee on Energy and Commerce in the House of Representatives, with one member selected by the Chair and the other selected by the Ranking Member;

(D) two members shall be appointed by the Committee on Homeland Security and Governmental Affairs in the Senate, with one member selected by the Chair and the other selected by the Ranking Member;

(E) two members shall be appointed by the Committee on Foreign Relations in the Senate, with one member selected by the Chair and the other selected by the Ranking Member; and

(F) two members shall be appointed by the Committee on Commerce, Science, and Transportation in the Senate, with one member selected by the Chair and the other selected by the Ranking Member.

(2) QUALIFICATIONS.—

(A) AREAS OF EXPERTISE.—Individuals appointed to the Commission shall be United

1 States persons with experience in such profes-  
2 sions as privacy, civil rights, civil liberties, com-  
3 puter science and engineering, digital media  
4 and communications, online platform manage-  
5 ment, cybersecurity, information operations,  
6 and national security. The appointment of  
7 members to the Commission shall, to the extent  
8 possible, be coordinated among nominations to  
9 ensure Commission membership represents a  
10 variety of expertise in such fields.

11 (B) PRIVACY, CIVIL RIGHTS, AND CIVIL  
12 LIBERTIES.—Not fewer than four individuals  
13 appointed to the Commission shall be experts in  
14 the fields of privacy, civil rights, or civil lib-  
15 erties.

16 (C) NON-GOVERNMENT APPOINTEES.—An  
17 individual appointed to the Commission may  
18 not be an officer or employee of the Federal  
19 Government.

20 (D) NON-INDUSTRY APPOINTEES.—An in-  
21 dividual appointed to the Commission may not  
22 be a current officer, employee, contractor, or  
23 active or significant shareholder of an entity  
24 that owns or operates an online platform.

1           (3) DEADLINE FOR APPOINTMENT.—Members  
2       of the Commission shall be appointed not later than  
3       30 days after the date of the enactment of this Act.

4       (d) CHAIR.—The Chair shall be chosen from among  
5       the members appointed to the Commission on the basis  
6       of their qualifications with respect to privacy, civil rights,  
7       and civil liberties, through a vote taken by a majority of  
8       Commission members or, in the absence of a majority, by  
9       a plurality of Commission members.

10       (e) INITIAL MEETING.—The Commission shall meet  
11       and begin operating not later than 30 days after the date  
12       of the appointment of its final member.

13       (f) QUORUM; VACANCIES.—After its initial meeting,  
14       the Commission shall meet upon the call of the Chair or  
15       a majority of its members. Nine members of the Commis-  
16       sion shall constitute a quorum, and members shall have  
17       the option to vote by proxy. Any vacancy in the Commis-  
18       sion shall not affect its powers, but shall be filled in the  
19       same manner in which the original appointment was made.

20       (g) STUDY AREAS.—The Commission shall, con-  
21       sistent with the purposes specified in subsection (b), ana-  
22       lyze existing research that relates to the utilization of on-  
23       line platforms in furtherance of acts of targeted violence,  
24       including domestic terrorism and international terrorism,  
25       or covert foreign state influence campaigns, identify any

1 areas with respect to which additional research is needed,  
2 and study the following:

3           (1) The extent to which owners or operators of  
4 online platforms have been able to respond effec-  
5 tively to attempts to use online platforms in further-  
6 ance of acts of targeted violence, including domestic  
7 terrorism and international terrorism, or covert for-  
8 eign state influence campaigns, and what impact, if  
9 any, such responses have had on the privacy, civil  
10 rights, or civil liberties of users.

11           (2) The ways, if any, that online platforms' al-  
12 gorithms or other automated decision-making sys-  
13 tems may impact privacy, civil rights, or civil lib-  
14 erties, as well as how such algorithms may affect ac-  
15 tivity on online platforms in furtherance of acts of  
16 targeted violence, including domestic terrorism and  
17 international terrorism, or covert foreign state influ-  
18 ence campaigns.

19           (3) The extent to which owners or operators of  
20 online platforms have transparent, consistent, and  
21 equitable policies and procedures to enforce terms of  
22 services or codes of conduct, provide notice and an  
23 opportunity for redress, or otherwise address viola-  
24 tions of platform rules, including a consideration of  
25 best practices for improving online platforms' poli-

1       cies and procedures, including the recommendations  
2       contained in the Santa Clara Principles on Trans-  
3       parency and Accountability in Content Moderation,  
4       as published on February 2, 2018, or successor prin-  
5       ciples with respect to the extent and impact of con-  
6       tent removals and user suspensions and removals, as  
7       well as principles related to the notice and appeals  
8       of such decisions.

9               (4) The extent to which owners or operators of  
10       online platforms consistently and effectively enforce  
11       the policies and procedures described in paragraph  
12       (3).

13              (5) The extent to which owners or operators of  
14       online platforms consider the potential use of online  
15       platforms in furtherance of targeted violence, includ-  
16       ing domestic terrorism and international terrorism,  
17       or covert foreign state influence campaigns, when  
18       evaluating whether to enter into partnerships, adver-  
19       tising agreements, or other business opportunities.

20       (h) POWERS OF COMMISSION.—

21              (1) HEARINGS AND EVIDENCE.—For the pur-  
22       pose of carrying out this section, the Commission  
23       may—

24                   (A) hold such hearings and sit and act at  
25       such times and places, take such testimony, re-



1           ceive such evidence, and administer such oaths;  
2           and

3           (B) require, by subpoena authorized by the  
4           majority vote of the Commission, the attend-  
5           ance and testimony of such witnesses and the  
6           production of such books, records, correspond-  
7           ence, memoranda, papers, and documents, as  
8           the Commission may determine advisable.

9           (2) LIMITATIONS ON SUBPOENA AUTHORITY.—

10          With respect to the subpoena authority granted in  
11          paragraph (1)(B), the Commission—

12               (A) may only issue a subpoena to an owner  
13               or operator of an online platform;

14               (B) may not, under any circumstances,  
15               issue a subpoena for information related to an  
16               individual user or group of users;

17               (C) may not share, disclose, publish, or  
18               transmit in any way any information obtained  
19               through subpoena to a Federal department or  
20               agency, any agency of a State, local, Tribal, or  
21               territorial government, or any international  
22               body;

23               (D) may not share, disclose, publish, or  
24               transmit in any way any information obtained  
25               through subpoena with any individual or orga-

1 nization outside the Commission unless three-  
2 fourths of Commission members approve such  
3 action and that and that any such sharing, dis-  
4 closure, publishing, or transmission be reason-  
5 ably necessary to further the Commission's  
6 goals; and

7 (E) shall comply with requirements for the  
8 issuance of a subpoena issued by a United  
9 States district court under the Federal Rules of  
10 Civil Procedure.

11 (3) PUBLIC MEETINGS AND RELEASE OF PUB-  
12 LIC VERSIONS OF REPORTS.—

13 (A) IN GENERAL.—The Commission  
14 shall—

15 (i) hold public hearings and meetings,  
16 as appropriate;

17 (ii) hold closed or classified hearings  
18 or meetings, as appropriate;

19 (iii) provide an opportunity for public  
20 comment, including sharing of research  
21 and policy analysis, through publication in  
22 the Federal Register of a solicitation for  
23 public comments during a period to last  
24 not fewer than 45 days; and

1 (iv) release a public version of the re-  
2 port required under subsection (k)(2).

3 (B) CONDUCT.—Any public hearing, meet-  
4 ing, or reporting of the Commission under this  
5 paragraph shall be conducted in a manner con-  
6 sistent with the protection of information pro-  
7 vided to or developed for or by the Commission  
8 as required by any applicable statute, regula-  
9 tion, or Executive order.

10 (4) OBLIGATION TO PROTECT PERSONAL IN-  
11 FORMATION.—Whether or not the Commission re-  
12 ceives personally identifiable information through the  
13 exercise of subpoena authority pursuant to para-  
14 graph (1)(B), neither the Commission nor any mem-  
15 ber of the Commission may publish, disclose, or re-  
16 lease such information publicly or to a Federal de-  
17 partment or agency, an agency of a State, local,  
18 Tribal, or territorial government, any international  
19 body, or any other individual or organization outside  
20 the Commission.

21 (5) OBLIGATION TO PROTECT PROPRIETARY IN-  
22 FORMATION.—In the event that the Commission de-  
23 termines that information received from an owner or  
24 operator of an online platform includes confidential  
25 business information, a trade secret, or other propri-

1 etary information, the Commission shall ensure such  
2 information is not published, disclosed, or released  
3 to any individual or organization outside the Com-  
4 mission.

5 (6) COORDINATION WITH AND ASSISTANCE TO  
6 THE UNDER SECRETARY FOR SCIENCE AND TECH-  
7 NOLOGY OF THE DEPARTMENT OF HOMELAND SECU-  
8 RITY.—The Commission may, to the extent prac-  
9 ticable—

10 (A) consult with the Under Secretary for  
11 Science and Technology of the Department of  
12 Homeland Security on the research conducted  
13 in accordance with section 3; and

14 (B) provide assistance in furtherance of  
15 such research, as appropriate.

16 (7) PERSONALLY IDENTIFIABLE INFORMA-  
17 TION.—In providing testimony or producing books,  
18 records, correspondence, memoranda, papers, docu-  
19 ments, or any other information or materials to the  
20 Commission, either to comply with a subpoena  
21 issued under this subsection or for any other pur-  
22 pose, owners or operators of online platforms should  
23 review such information or materials for personally  
24 identifiable information and should remove such in-  
25 formation.

1       (i) STAFF OF COMMISSION.—The Chair, in consulta-  
2       tion with the Vice Chair, and in accordance with rules  
3       agreed upon by the Commission, may appoint and fix the  
4       compensation of a staff director and such other personnel  
5       as may be necessary to enable the Commission to carry  
6       out its functions, without regard to the provisions of title  
7       5, United States Code, governing appointments in the  
8       competitive service, and without regard to the provisions  
9       of chapter 51 and subchapter III of chapter 53 of such  
10      title relating to classification and General Schedule pay  
11      rates, except that no rate of pay fixed under this sub-  
12      section may exceed the equivalent of that payable for a  
13      position at level V of the Executive Schedule under section  
14      5316 of title 5, United States Code.

15      (j) SECURITY CLEARANCES FOR COMMISSION MEM-  
16      BERS AND STAFF.—The heads of appropriate Federal de-  
17      partments and agencies shall cooperate with the Commis-  
18      sion in expeditiously providing to Commission members  
19      and staff appropriate security clearances to the extent  
20      practicable pursuant to existing procedures and require-  
21      ments, including temporary security clearances, as appro-  
22      priate. No person may be provided access to classified in-  
23      formation under this section without the appropriate secu-  
24      rity clearance.

25      (k) REPORTS OF COMMISSION; TERMINATION.—

1           (1) INTERIM REPORTS.—Not later than one  
2       year after the first meeting of the Commission, the  
3       Chair shall report to Congress on the activities of  
4       the Commission and share interim findings, as have  
5       been agreed to by a majority of Commission mem-  
6       bers.

7           (2) FINAL REPORT.—Not later than two years  
8       after the first meeting of the Commission, the Chair  
9       shall submit to the President and Congress a report  
10      that contains any findings and recommendations  
11      agreed to by a majority of Commission members to  
12      address the areas of study under subsection (g), in-  
13      cluding relating to the following:

14           (A) Policy mechanisms that would address  
15      the Commission’s findings in a manner that  
16      promotes free speech and innovation on the  
17      internet, preserves individual privacy, civil  
18      rights, and civil liberties, and upholds the prin-  
19      ciples of the Constitution.

20           (B) Policies and procedures that owners or  
21      operators of online platforms could implement  
22      to address such areas of study that preserve the  
23      individual privacy, civil rights, and civil liberties  
24      of online platform users.

1           (C) Mechanisms to improve transparency  
2           and accountability related to the matters de-  
3           scribed in subsection (g), including any best  
4           practices identified pursuant to paragraph (3)  
5           of such subsection.

6           (D) Areas with respect to which additional  
7           research is required, informed by the evaluation  
8           of prior research, as required under subsection  
9           (g).

10          (E) Other matters identified by the major-  
11          ity of Commission members.

12          (3) TERMINATION.—The Commission shall ter-  
13          minate on the date that is 90 days after the date on  
14          which the final report under paragraph (2) is sub-  
15          mitted.

16          (l) ACTION PLAN.—Not later than 180 days after  
17          submission of the final report of the Commission pursuant  
18          to paragraph (2) of subsection (k), the Secretary of Home-  
19          land Security shall issue an action plan in response to  
20          findings and recommendations under subparagraph (D) of  
21          such paragraph.

22          (m) PAPERWORK REDUCTION ACT EXEMPTION.—  
23          Subchapter I of chapter 35 of title 44, United States  
24          Code, shall not apply to this section.

1       (n) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion may be construed to confer any authority, including  
3 law enforcement authority, beyond that which is author-  
4 ized under existing law.

5 **SEC. 3. RESEARCH.**

6       (a) IN GENERAL.—The Under Secretary for Science  
7 and Technology of the Department of Homeland Security  
8 shall—

9           (1) analyze existing research regarding previous  
10 acts of targeted violence, including domestic ter-  
11 rorism or international terrorism;

12           (2) carry out research to better understand  
13 whether any connection exists between the use of on-  
14 line platforms, particularly platforms used for social  
15 media and social networking, and targeted violence,  
16 including domestic terrorism and international ter-  
17 rorism, that takes into consideration how the organi-  
18 zation, structure, and presentation of information on  
19 an online platform contributes, or does not con-  
20 tribute, to acts of targeted violence, including do-  
21 mestic terrorism or international terrorism; and

22           (3) develop voluntary approaches that could be  
23 adopted by owners and operators of online platforms  
24 to address research findings under paragraph (2),



1 while preserving the individual privacy, civil rights,  
2 and civil liberties of users.

3 (b) PARTNERSHIP.—In carrying out this section, the  
4 Under Secretary for Science and Technology of the De-  
5 partment of Homeland Security shall, to the extent prac-  
6 ticable, coordinate with the National Commission on On-  
7 line Platforms and Homeland Security under section 2,  
8 as well as academic institutions, non-profit organizations,  
9 the private sector, and Federal, State, local, and Tribal  
10 partners, as appropriate.

11 (c) REPORT.—Not later than one year after the date  
12 of the enactment of this section, the Under Secretary for  
13 Science and Technology of the Department of Homeland  
14 Security shall submit to Congress a report related to the  
15 research and development required under subsection (a).

16 (d) PAPERWORK REDUCTION ACT EXEMPTION.—  
17 Subchapter I of chapter 35 of title 44, United States  
18 Code, shall not apply to this section.

19 **SEC. 4. DEFINITIONS.**

20 In this Act:

21 (1) COVERT FOREIGN STATE INFLUENCE CAM-  
22 PAIGNS.—The term “covert foreign state influence  
23 campaigns” means the coordinated and covert appli-  
24 cation of state diplomatic, informational, military,  
25 economic, business, corruption, educational, or other

1 capability by foreign state actors to the United  
2 States to affect elections in the United States.

3 (2) DOMESTIC TERRORISM.—The term “domes-  
4 tic terrorism” has the meaning given such term in  
5 section 2331 of title 18, United States Code.

6 (3) INTERNATIONAL TERRORISM.—The term  
7 “international terrorism” has the meaning given  
8 such term in section 2331 of title 18, United States  
9 Code.

10 (4) ONLINE PLATFORM.—

11 (A) IN GENERAL.—The term “online plat-  
12 form” means internet-based information serv-  
13 ices consisting of the storage and processing of  
14 information by and at the request of a content  
15 provider and the dissemination of such content  
16 to third parties.

17 (B) EXCLUSIONS.—Such term does not in-  
18 clude the following:

19 (i) Platforms that offer journalistic or  
20 editorial content (not including editorial  
21 decisions by online platforms to rank and  
22 organize third party content).

23 (ii) Applications and functionalities  
24 that enable private communications, such

as email, direct messages, and encrypted communication services.

(iii) Online service providers at layers of the internet infrastructure other than the application layer, and cloud IT infrastructure service providers.

(5) PERSONALLY IDENTIFIABLE INFORMATION.—The term “personally identifiable information” means any information about an individual elicited, collected, stored, or maintained by an agency or owner or operator of an online platform, including the following:

(A) Any information that can be used to distinguish or trace the identity of an individual, such as a name, a social security number, a date and place of birth, a mother’s maiden name, or biometric records.

(B) Any other information that is linked or linkable to an individual, such as medical, educational, financial, or employment information.

(6) TARGETED VIOLENCE.—The term “targeted violence” means any incident of violence in which an attacker selects a particular target prior to the incident of violence so as to suggest an intent to inflict mass injury or death and may be an act of domestic

1 terrorism or international terrorism, or an attack  
2 that otherwise lacks a clearly discernible political or  
3 ideological motivation, such as the June 12, 2016,  
4 nightclub mass shooting in Orlando, Florida, the Oc-  
5 tober 1, 2017, attack on concert-goers at a music  
6 festival in Las Vegas, Nevada, and the August 3,  
7 2019, mass shooting at a store in El Paso, Texas.

○