

# Union Calendar No. 566

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4782

**[Report No. 116–683, Part I]**

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

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## 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. CLEAV-ER) 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

DECEMBER 21, 2020

Additional sponsors: Ms. TITUS, Mr. TAYLOR, Ms. TORRES SMALL of New Mexico, Ms. SLOTKIN, Mrs. AXNE, Mr. GONZALEZ of Texas, Ms. NOR-  
TON, Mr. MOULTON, and Mr. CASE

DECEMBER 21, 2020

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 21, 2020

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 22, 2019]

# **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”.*

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

8        (a) *ESTABLISHMENT OF COMMISSION.*—*There is estab-*  
9 *lished a National Commission on Online Platforms and*  
10 *Homeland Security (referred to in this section as the “Com-*  
11 *mission”).*

12        (b) *PURPOSES.*—*The Commission shall—*

13            (1) *identify, examine, and report on the ways, if*  
14 *any, that online platforms have been utilized in fur-*  
15 *therance of acts of targeted violence, including domes-*  
16 *tic terrorism and international terrorism, or covert*  
17 *foreign state influence campaigns; and*

18            (2) *identify, examine, and report on the ways, if*  
19 *any, that free speech, privacy, civil rights, and civil*  
20 *liberties are impacted by—*

21            (A) *any utilization of online platforms in*  
22 *furtherance of acts of targeted violence, including*  
23 *domestic terrorism and international terrorism,*  
24 *or covert foreign state influence campaigns; and*

1           (B) any policies, procedures, or activities  
2           undertaken by owners and operators of online  
3           platforms to prevent or limit the utilization of  
4           online platforms in furtherance of acts of tar-  
5           geted violence, including domestic terrorism and  
6           international terrorism, or covert foreign state  
7           influence campaigns; and

8           (3) develop recommendations, as appropriate, for  
9           how online platforms could address the utilization  
10          identified pursuant to paragraph (1), if any, in ways  
11          that are transparent and accountable, to promote free  
12          speech and innovation on the internet, preserve indi-  
13          vidual privacy, civil rights, and civil liberties, and  
14          uphold the principles of the Constitution, in accord-  
15          ance with relevant existing statutes, including section  
16          552a of title 5, United States Code (commonly re-  
17          ferred to as the Privacy Act of 1974), and take into  
18          account current or anticipated trends and techno-  
19          logical developments, such as advancements in artifi-  
20          cial intelligence.

21          (c) COMPOSITION OF COMMISSION.—

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

24                         (A) two members shall be appointed by the  
25                         Committee on Homeland Security in the House

1           *of Representatives, with one member selected by*  
2           *the Chair and the other selected by the Ranking*  
3           *Member;*

4           *(B) two members shall be appointed by the*  
5           *Committee on Foreign Affairs in the House of*  
6           *Representatives, with one member selected by the*  
7           *Chair and the other selected by the Ranking*  
8           *Member;*

9           *(C) two members shall be appointed by the*  
10          *Committee on Energy and Commerce in the*  
11          *House of Representatives, with one member se-*  
12          *lected by the Chair and the other selected by the*  
13          *Ranking Member;*

14          *(D) two members shall be appointed by the*  
15          *Committee on Homeland Security and Govern-*  
16          *ment Affairs in the Senate, with one member se-*  
17          *lected by the Chair and the other selected by the*  
18          *Ranking Member;*

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

23          *(F) two members shall be appointed by the*  
24          *Committee on Commerce, Science, and Transpor-*  
25          *tation in the Senate, with one member selected*

1           *by the Chair and the other selected by the Rank-*  
2           *ing Member.*

3           (2) *QUALIFICATIONS.—*

4                   (A) *AREAS OF EXPERTISE.—**Individuals*  
5                   *appointed to the Commission shall be United*  
6                   *States persons with experience in such profes-*  
7                   *sions as privacy, civil rights, civil liberties, con-*  
8                   *stitutional law, computer science and engineer-*  
9                   *ing, digital media and communications, online*  
10                   *platform management, cybersecurity, informa-*  
11                   *tion operations, and national security. The ap-*  
12                   *pointment of members to the Commission shall,*  
13                   *to the extent possible, be coordinated among*  
14                   *nominations to ensure Commission membership*  
15                   *represents a variety of expertise in such fields.*

16                   (B) *PRIVACY, CIVIL RIGHTS, AND CIVIL LIB-*  
17                   *ERTIES.—**Not fewer than four individuals ap-*  
18                   *pointed to the Commission shall be experts in the*  
19                   *fields of privacy, civil rights, or civil liberties,*  
20                   *and not fewer than one individual shall be an*  
21                   *expert in constitutional law.*

22                   (C) *NON-GOVERNMENT APPOINTEES.—**An*  
23                   *individual appointed to the Commission may*  
24                   *not be an officer or employee of the Federal Gov-*  
25                   *ernment.*

1                   (D) *NON-INDUSTRY APPOINTEES.*—An indi-  
2                   vidual appointed to the Commission may not be  
3                   a current officer, employee, contractor, or active  
4                   or significant shareholder of an entity that owns  
5                   or operates an online platform.

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

9                   (d) *CHAIR.*—The Chair shall be chosen from among  
10                  the members appointed to the Commission on the basis of  
11                  their qualifications with respect to privacy, civil rights, and  
12                  civil liberties, through a vote taken by a majority of Com-  
13                  mission members or, in the absence of a majority, by a plu-  
14                  rality of Commission members.

15                  (e) *INITIAL MEETING.*—The Commission shall meet  
16                  and begin operating not later than 30 days after the date  
17                  of the appointment of its final member.

18                  (f) *QUORUM; VACANCIES.*—After its initial meeting,  
19                  the Commission shall meet upon the call of the Chair or  
20                  a majority of its members. Nine members of the Commission  
21                  shall constitute a quorum, and members shall have the op-  
22                  tion to vote by proxy. Any vacancy in the Commission shall  
23                  not affect its powers, but shall be filled in the same manner  
24                  in which the original appointment was made.

1           (g) *STUDY AREAS.*—*The Commission shall, consistent*  
2 *with the purposes specified in subsection (b), analyze exist-*  
3 *ing research that relates to the utilization of online plat-*  
4 *forms in furtherance of acts of targeted violence, including*  
5 *domestic terrorism and international terrorism, or covert*  
6 *foreign state influence campaigns, identify any areas with*  
7 *respect to which additional research is needed, and study*  
8 *the following:*

9           (1) *The extent to which owners or operators of*  
10 *online platforms have been able to respond effectively*  
11 *to attempts to use online platforms in furtherance of*  
12 *acts of targeted violence, including domestic terrorism*  
13 *and international terrorism, or covert foreign state*  
14 *influence campaigns, and what impact, if any, such*  
15 *responses have had on the privacy, civil rights, or*  
16 *civil liberties of users.*

17           (2) *The ways, if any, that online platforms' algo-*  
18 *rithms or other automated decision-making systems*  
19 *may have affected activity on such platforms in fur-*  
20 *therance of acts of targeted violence, including domes-*  
21 *tic terrorism and international terrorism, or covert*  
22 *foreign state influence campaigns.*

23           (3) *The extent to which owners or operators of*  
24 *online platforms have transparent, consistent, and eq-*  
25 *uitable policies and procedures to enforce terms of*



1        *services or codes of conduct, provide notice and an op-*  
2        *portunity for redress, or otherwise address violations*  
3        *of platform rules, including a consideration of best*  
4        *practices for improving online platforms' policies and*  
5        *procedures, including the recommendations contained*  
6        *in the Santa Clara Principles on Transparency and*  
7        *Accountability in Content Moderation, as published*  
8        *on February 2, 2018, or successor principles with re-*  
9        *spect to the extent and impact of content removals*  
10       *and user suspensions and removals, as well as prin-*  
11       *ciples related to the notice and appeals of such deci-*  
12       *sions.*

13            (4) *The extent to which owners or operators of*  
14        *online platforms consistently and effectively enforce*  
15        *the policies and procedures described in paragraph*  
16        *(3).*

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

24        (h) *POWERS OF COMMISSION.—*

1           (1) *HEARINGS AND EVIDENCE.*—*For the purpose*  
2 *of carrying out this section, the Commission may—*

3           (A) *hold such hearings and sit and act at*  
4 *such times and places, take such testimony, re-*  
5 *ceive such evidence, and administer such oaths,*  
6 *and*

7           (B) *require, by subpoena authorized by the*  
8 *majority vote of the Commission, the attendance*  
9 *and testimony of such witnesses and the produc-*  
10 *tion of such books, records, correspondence,*  
11 *memoranda, papers, and documents, but only to*  
12 *the extent necessary to achieve the purposes spec-*  
13 *ified in subsection (b).*

14           (2) *LIMITATIONS ON SUBPOENA AUTHORITY.*—  
15 *With respect to the subpoena authority granted in*  
16 *paragraph (1)(B), the Commission—*

17           (A) *may only issue a subpoena to an owner*  
18 *or operator of an online platform but only to the*  
19 *extent necessary to achieve the purposes specified*  
20 *in subsection (b);*

21           (B) *may not, under any circumstances,*  
22 *issue a subpoena for information related to an*  
23 *individual user or group of users;*

24           (C) *may not share, disclose, publish, or*  
25 *transmit in any way any information obtained*

1 through subpoena to a Federal department or  
2 agency, any agency of a State, local, Tribal, or  
3 territorial government, or any international  
4 body;

5 (D) may not share, disclose, publish, or  
6 transmit in any way any information obtained  
7 through subpoena with any individual or orga-  
8 nization outside the Commission unless three-  
9 fourths of Commission members approve such ac-  
10 tion and that any such sharing, disclosure, pub-  
11 lishing, or transmission be reasonably necessary  
12 for the report and to further the Commission's  
13 goals; and

14 (E) shall comply with requirements for the  
15 issuance of a subpoena issued by a United States  
16 district court under the Federal Rules of Civil  
17 Procedure.

18 (3) PUBLIC MEETINGS AND RELEASE OF PUBLIC  
19 VERSIONS OF REPORTS.—

20 (A) IN GENERAL.—The Commission shall—

21 (i) hold public hearings and meetings,  
22 as appropriate;

23 (ii) hold closed or classified hearings or  
24 meetings, as appropriate;

1                   (iii) provide an opportunity for public  
2                   comment, including sharing of research and  
3                   policy analysis, through publication in the  
4                   *Federal Register* of a solicitation for public  
5                   comments during a period to last not fewer  
6                   than 45 days; and

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

9                   (B) CONDUCT.—Any public hearing, meet-  
10                  ing, or reporting of the Commission under this  
11                  paragraph shall be conducted in a manner con-  
12                  sistent with the protection of information pro-  
13                  vided to or developed for or by the Commission  
14                  as required by any applicable statute, regulation,  
15                  or Executive order.

16                  (4) OBLIGATION TO PROTECT PERSONAL INFOR-  
17                  MATION.—Whether or not the Commission receives  
18                  personally identifiable information through the exer-  
19                  cise of subpoena authority pursuant to paragraph  
20                  (1)(B), neither the Commission nor any member of  
21                  the Commission may publish, disclose, or release such  
22                  information publicly or to a Federal department or  
23                  agency, an agency of a State, local, Tribal, or terri-  
24                  torial government, any international body, or any

1        *other individual or organization outside the Commis-*  
2        *sion.*

3                (5) *OBLIGATION TO PROTECT PROPRIETARY IN-*  
4        *FORMATION.—Whether or not the Commission receives*  
5        *proprietary information, confidential business infor-*  
6        *mation, or a trade secret through the exercise of sub-*  
7        *poena authority pursuant to paragraph (1)(B), nei-*  
8        *ther the Commission nor any member of the Commis-*  
9        *sion may publish, disclose, or release such informa-*  
10       *tion publicly or to a Federal department or agency,*  
11       *an agency of a State, local, Tribal, or territorial gov-*  
12       *ernment, any international body, or any individual*  
13       *or organization outside the Commission.*

14               (6) *COORDINATION WITH AND ASSISTANCE TO*  
15       *THE UNDER SECRETARY FOR SCIENCE AND TECH-*  
16       *NOLOGY OF THE DEPARTMENT OF HOMELAND SECU-*  
17       *RITY.—The Commission may, to the extent prac-*  
18       *ticable—*

19                (A) *consult with the Under Secretary for*  
20        *Science and Technology of the Department of*  
21        *Homeland Security on the research conducted in*  
22        *accordance with section 3; and*

23                (B) *provide assistance in furtherance of*  
24        *such research, as appropriate.*

1           (7) *PERSONALLY IDENTIFIABLE INFORMATION.*—  
2           *In providing testimony or producing books, records,*  
3           *correspondence, memoranda, papers, documents, or*  
4           *any other information or materials to the Commis-*  
5           *sion, either to comply with a subpoena issued under*  
6           *this subsection or for any other purpose, owners or*  
7           *operators of online platforms should review such in-*  
8           *formation or materials for personally identifiable in-*  
9           *formation and should remove such information.*

10          (i) *STAFF OF COMMISSION.*—*The Chair, in consulta-*  
11          *tion with the Vice Chair, and in accordance with rules*  
12          *agreed upon by the Commission, may appoint and fix the*  
13          *compensation of a staff director and such other personnel*  
14          *as may be necessary to enable the Commission to carry out*  
15          *its functions, without regard to the provisions of title 5,*  
16          *United States Code, governing appointments in the com-*  
17          *petitive service, and without regard to the provisions of*  
18          *chapter 51 and subchapter III of chapter 53 of such title*  
19          *relating to classification and General Schedule pay rates,*  
20          *except that no rate of pay fixed under this subsection may*  
21          *exceed the equivalent of that payable for a position at level*  
22          *V of the Executive Schedule under section 5316 of title 5,*  
23          *United States Code.*

24          (j) *SECURITY CLEARANCES FOR COMMISSION MEM-*  
25          *BERS AND STAFF.*—*The heads of appropriate Federal de-*

1 *partments and agencies shall cooperate with the Commis-*  
2 *sion in expeditiously providing to Commission members*  
3 *and staff appropriate security clearances to the extent prac-*  
4 *ticable pursuant to existing procedures and requirements,*  
5 *including temporary security clearances, as appropriate.*  
6 *No person may be provided access to classified information*  
7 *under this section without the appropriate security clear-*  
8 *ance.*

9 *(k) REPORTS OF COMMISSION; TERMINATION.—*

10 *(1) INTERIM REPORTS.—Not later than one year*  
11 *after the first meeting of the Commission, the Chair*  
12 *shall report to Congress on the activities of the Com-*  
13 *mission and share interim findings, as have been*  
14 *agreed to by a majority of Commission members.*

15 *(2) FINAL REPORT.—Not later than two years*  
16 *after the first meeting of the Commission, the Chair*  
17 *shall submit to the President and Congress a report*  
18 *that contains any findings and recommendations*  
19 *agreed to by a majority of Commission members to*  
20 *address the areas of study under subsection (g), in-*  
21 *cluding relating to the following:*

22 *(A) Policy mechanisms that would address*  
23 *the Commission's findings in a manner that pro-*  
24 *motates free speech and innovation on the internet,*  
25 *preserves individual privacy, civil rights, and*

1           *civil liberties, and upholds the principles of the*  
2           *Constitution.*

3           *(B) Policies and procedures that owners or*  
4           *operators of online platforms could implement to*  
5           *address such areas of study that preserve the in-*  
6           *dividual privacy, civil rights, and civil liberties*  
7           *of online platform users.*

8           *(C) Mechanisms to improve transparency*  
9           *and accountability related to the matters de-*  
10          *scribed in subsection (g), including any best*  
11          *practices identified pursuant to paragraph (3) of*  
12          *such subsection.*

13          *(D) Areas with respect to which additional*  
14          *research is required, informed by the evaluation*  
15          *of prior research, as required under subsection*  
16          *(g).*

17          *(E) Other matters identified by the major-*  
18          *ity of Commission members.*

19          (3) *TERMINATION.*—*The Commission shall ter-*  
20          *minate on the date that is 90 days after the date on*  
21          *which the final report under paragraph (2) is sub-*  
22          *mitted.*

23          (1) *ACTION PLAN.*—*Not later than 180 days after sub-*  
24          *mission of the final report of the Commission pursuant to*  
25          *paragraph (2) of subsection (k), the Secretary of Homeland*



1 *Security shall issue an action plan in response to findings*  
2 *and recommendations under subparagraph (D) of such*  
3 *paragraph.*

4 *(m) PAPERWORK REDUCTION ACT EXEMPTION.—Sub-*  
5 *chapter I of chapter 35 of title 44, United States Code, shall*  
6 *not apply to this section.*

7 *(n) RULE OF CONSTRUCTION.—Nothing in this section*  
8 *may be construed to confer any authority, including law*  
9 *enforcement authority, beyond that which is authorized*  
10 *under existing law.*

11 **SEC. 3. RESEARCH.**

12 *(a) IN GENERAL.—The Under Secretary for Science*  
13 *and Technology of the Department of Homeland Security*  
14 *shall—*

15 *(1) analyze existing research regarding previous*  
16 *acts of targeted violence, including domestic terrorism*  
17 *or international terrorism;*

18 *(2) carry out research to better understand*  
19 *whether any connection exists between the use of on-*  
20 *line platforms, particularly platforms used for social*  
21 *media and social networking, and targeted violence,*  
22 *including domestic terrorism and international ter-*  
23 *rorism, that takes into consideration how the organi-*  
24 *zation, structure, and presentation of information on*  
25 *an online platform contributes, or does not contribute,*

1       to acts of targeted violence, including domestic ter-  
2       rorism or international terrorism; and

3               (3) develop voluntary approaches that could be  
4       adopted by owners and operators of online platforms  
5       to address research findings under paragraph (2),  
6       while preserving the individual privacy, civil rights,  
7       and civil liberties of users and innovation on online  
8       platforms.

9       (b) *PARTNERSHIP*.—In carrying out this section, the  
10      Under Secretary for Science and Technology of the Depart-  
11      ment of Homeland Security shall, to the extent practicable,  
12      coordinate with the National Commission on Online Plat-  
13      forms and Homeland Security under section 2, as well as  
14      academic institutions, non-profit organizations, the private  
15      sector, and Federal, State, local, and Tribal partners, as  
16      appropriate.

17      (c) *REPORT*.—Not later than one year after the date  
18      of the enactment of this section, the Under Secretary for  
19      Science and Technology of the Department of Homeland Se-  
20      curity shall submit to Congress a report related to the re-  
21      search and development required under subsection (a).

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

1 **SEC. 4. DEFINITIONS.**

2 *In this Act:*

3 (1) *COVERT FOREIGN STATE INFLUENCE CAM-*  
4 *PAIGNS.—The term “covert foreign state influence*  
5 *campaigns” means the coordinated and covert appli-*  
6 *cation of state diplomatic, informational, military,*  
7 *economic, business, corruption, educational, or other*  
8 *capability that was carried out by a foreign state*  
9 *actor to the United States to affect elections in the*  
10 *United States.*

11 (2) *DOMESTIC TERRORISM.—The term “domestic*  
12 *terrorism” has the meaning given such term in sec-*  
13 *tion 2331 of title 18, United States Code.*

14 (3) *INTERNATIONAL TERRORISM.—The term*  
15 *“international terrorism” has the meaning given such*  
16 *term in section 2331 of title 18, United States Code.*

17 (4) *ONLINE PLATFORM.—*

18 (A) *IN GENERAL.—The term “online plat-*  
19 *form” means internet-based information services*  
20 *consisting of the storage and processing of infor-*  
21 *mation by and at the request of a content pro-*  
22 *vider and the dissemination of such content to*  
23 *third parties.*

24 (B) *EXCLUSIONS.—Such term does not in-*  
25 *clude the following:*

1           (i) *Platforms the primary purpose of*  
2           *which is to produce journalistic or editorial*  
3           *content (not including editorial decisions by*  
4           *online platforms to rank and organize third*  
5           *party content).*

6           (ii) *Applications and functionalities*  
7           *that enable private communications, such as*  
8           *email, direct messages, and end-to-end*  
9           *encrypted communication services.*

10          (iii) *Online service providers at layers*  
11          *of the internet infrastructure other than the*  
12          *application layer, and cloud IT infrastruc-*  
13          *ture service providers.*

14           (5) *PERSONALLY IDENTIFIABLE INFORMATION.—*

15           *The term “personally identifiable information” means*  
16           *any information about an individual elicited, col-*  
17           *lected, stored, or maintained by an agency or owner*  
18           *or operator of an online platform, including the fol-*  
19           *lowing:*

20           (A) *Any information that can be used to*  
21           *distinguish or trace the identity of an indi-*  
22           *vidual, such as a name, a social security num-*  
23           *ber, a date and place of birth, a mother’s maiden*  
24           *name, phone number or biometric records.*

1           (B) Any other information that is linked or  
2           linkable to an individual, such as medical, edu-  
3           cational, financial, or employment information.

4           (6) *TARGETED VIOLENCE.*—The term “targeted  
5           violence” means an incident of violence in which an  
6           attacker selected a particular target in order to inflict  
7           mass injury or death as part of an act of domestic  
8           terrorism or international terrorism or with no  
9           discernable political or ideological motivation beyond  
10          mass injury or death. Acts of targeted violence include  
11          the August 5, 2012, mass shooting at a Sikh temple  
12          in Oak Creek, Wisconsin, the June 12, 2016, night-  
13          club mass shooting in Orlando, Florida, the October  
14          1, 2017, attack on concert-goers at a music festival in  
15          Las Vegas, Nevada, the October 27, 2018, attack at a  
16          synagogue in Pittsburgh, Pennsylvania, and the Au-  
17          gust 3, 2019, mass shooting at a store in El Paso,  
18          Texas.

Union Calendar No. 566

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4782**

[Report No. 116-683, Part I]

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## **A BILL**

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

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DECEMBER 21, 2020

Reported from the Committee on Homeland Security  
with an amendment

DECEMBER 21, 2020

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed