



COMMITTEE ON HOMELAND SECURITY

H.R. ____, the National Commission on Online Platforms and Homeland Security Act of 2019

While terrorist groups at home and abroad have long made use of the Internet to spread their ideologies globally, recent terrorist attacks across the world—from Christchurch, New Zealand, to El Paso, Texas, to Halle, Germany—have raised serious questions about the use of online platforms by terrorists and other bad actors wanting to amplify and share violent terrorist content. As terrorists livestream their attacks via services like Facebook Live and post their hateful manifestos online on sites like 8chan, online platforms have struggled to respond to the speed and scale of viral terrorist content. They have also struggled to effectively address covert malign activity by foreign nation states to interfere with U.S. elections. To better understand the degree to which online platform have been exploited to carry out such activity and develop voluntary approaches that platforms could utilize to address such concerns while promoting free speech and innovation on the internet, the “National Commission on Online Platforms and Homeland Security Act of 2019” does the following:

- **Establishes a National Commission on Online Platforms and Homeland Security** (herein “Commission”), a bipartisan commission of non-government experts charged with examining the ways in which social media and other online platforms have been utilized in furtherance of acts of targeted violence, including domestic and international terrorism, or covert foreign state influence campaigns, as well as the ways free speech, privacy, civil rights and civil liberties are impacted by such utilization and actions taken by platform owners and operators in response to such utilization. The bill directs the Commission to develop recommendations to address such platform uses in a manner that promotes free speech and innovation on the internet. The Commission will be chaired by an expert in privacy, civil rights, or civil liberties and will have members with expertise in those areas, as well as computer science and engineering, digital media and communications, online platform management, cybersecurity, information operations, and national security. The Commission will study:
 - How effectively platform owners and operators have been able to respond to the use of their platforms to further targeted violence, including domestic and international terrorism, or covert foreign state influence campaigns.
 - The ways, if any, that algorithms and other automated decision-making systems may impact privacy, civil rights, and civil liberties, or effect online activity in furtherance of targeted violence, including domestic and international terrorism, or covert foreign state influence campaigns.

- The extent to which platforms have transparent, consistent, and equitable policies to enforce terms of service or codes of conduct, provide notice and opportunity for redress, or otherwise address violations of platform rules consistent with the *Santa Clara Principles on Transparency and Accountability in Content Moderation*, and other best practices.
- The extent to which online platforms consistently and effectively enforce their platform rules.
- Whether owners and operators of online platforms consider the potential for platforms to be used in furtherance of targeted violence, including domestic and international terrorism, or covert foreign state influence campaigns when evaluating potential partnerships, advertising agreements, or business opportunities.

The Commission is granted limited subpoena authority to compel operational information from online platforms - but cannot compel information related to an individual user or group of users - to inform a report, published two years after the first Commission meeting, that includes recommendations on: (1) **voluntary policy mechanisms** to address findings in a manner that promotes free speech, privacy and civil liberties, and other Constitutional principles; (2) **voluntary policies and procedures** that platforms could implement to address Commission findings in accordance with such Constitutional principles; (3) **voluntary mechanisms to improve transparency and accountability**; and (4) areas where **additional research** is required.

This legislation would also require the Secretary of Homeland Security to issue an action plan in response to the Commission's findings regarding areas where additional research is required.

- **Invests in research to better understand whether any connection exists between the use of social media and other online platforms and acts of targeted violence, including domestic and international terrorism.** The bill directs the DHS Science & Technology Directorate to analyze existing research regarding previous acts of targeted violence and consider how the organization, structure, and presentation of information on online platforms contributes, or does not contribute, to acts of targeted violence, including domestic and international terrorism, and develop voluntary approaches that platforms could adopt to address research findings.