

118TH CONGRESS
1ST SESSION

H. R. 6463

To require the publication of the terms of service of certain social media company platforms.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2023

Mr. GOTTHEIMER (for himself and Mr. BACON) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Permanent Select Committee on Intelligence, 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 the publication of the terms of service of certain social media company platforms.

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 “Stopping Terrorists
5 Online Presence and Holding Accountable Tech Entities
6 Act of 2023” or as the “STOP HATE Act of 2023”.

1 **SEC. 2. TERMS OF SERVICE PUBLICATION.**

2 (a) No later than 180 days after the date of enact-
3 ment, a social media company shall post terms of service,
4 or lack thereof, for each social media platform owned or
5 operated by the company in a manner reasonably designed
6 to inform all users of the social media platform of the ex-
7 istence and contents of the terms of service applicable to
8 the following:

9 (1) A foreign terrorist organization designated
10 under section 219 of the Immigration and Nation-
11 ality Act.

12 (2) Individuals or entities designated as Spe-
13 cially Designated Global Terrorists under Executive
14 Order 13224.

15 (b) In addition to the terms of service published pur-
16 suant to (a), the social media company shall also publish
17 the following information:

18 (1) Contact information for the purpose of al-
19 lowing users to ask the social media company ques-
20 tions about the terms of service.

21 (2) A description of the process that users must
22 follow to flag content, groups, or other users that
23 they believe violate the terms of service, and the so-
24 cial media company's commitments on response and
25 resolution time.

1 (3) A list of potential actions the social media
2 company may take against an item of content or a
3 user, including, but not limited to, removal, demone-
4 tization, deprioritization, or banning.

5 **SEC. 3. TERMS OF SERVICE REPORT TO THE ATTORNEY**

6 **GENERAL.**

7 (a) **IN GENERAL.**—A social media company shall
8 electronically submit on a triannual basis a terms of serv-
9 ice report to the Attorney General pursuant to (b), regard-
10 ing information and enforcement of the terms of service
11 identified in section 2(a), that will include—

12 (1) the version of the terms of service for each
13 social media platform owned or operated by the com-
14 pany in effect as of the date of the report;

15 (2) data related to violations of the terms of
16 service of identified under section 2 of this Act, in-
17 cluding but not limited to:

18 (A) The total number of flagged items of
19 content.

20 (B) The total number of actioned items of
21 content.

22 (C) The total number of actioned items of
23 content that resulted in action taken by the so-
24 cial media company against the user or group
25 of users responsible for the content.

1 (D) The total number of actioned items of
2 content that were removed, demonetized, or
3 deprioritized by the social media company.

4 (E) The number of times actioned items of
5 content were viewed by users.

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

9 (G) The number of times users appealed
10 social media company actions taken on that
11 platform and the number of reversals of social
12 media company actions on appeal disaggregated
13 by each type of action.

14 (3) All information required by (2) shall be
15 disaggregated into the following categories:

16 (A) The category of content, including any
17 relevant categories described in (2).

18 (B) The type of content, including, but not
19 limited to, posts, comments, messages, profiles
20 of users, or groups of users.

21 (C) The type of media of the content, in-
22 cluding, but not limited to, text, images, and
23 videos.

24 (D) How the content was flagged, includ-
25 ing, but not limited to, flagged by company em-

1 employees or contractors, flagged by artificial in-
2 telligence software, flagged by community mod-
3 erators, flagged by civil society partners, and
4 flagged by users.

5 (E) How the content was actioned, includ-
6 ing, but not limited to, actioned by company
7 employees or contractors, actioned by artificial
8 intelligence software, actioned by community
9 moderators, actioned by civil society partners,
10 and actioned by users.

11 (4) A complete and detailed evaluation of the
12 changes over time, including identifiable trends and
13 analysis, with respect to the information in clauses
14 (1)–(3) since the previous report, if applicable, and
15 those thereafter.

16 (b) DEADLINE.—Not later than 360 days after the
17 date of enactment of this Act, a social media company
18 shall submit the first report required pursuant to sub-
19 section (a). After the submission of the first report, the
20 following reports will occur no later than January 31,
21 April 30, and October 31 the following years.

22 (c) PUBLICATION.—The Attorney General shall make
23 all reports submitted under this section available to the
24 public in a searchable repository on the Department of
25 Justice’s website.

1 **SEC. 4. CIVIL PENALTY.**

2 (a) IN GENERAL.—The Attorney General may bring
3 an action for a civil penalty of not more than \$5,000,000
4 per violation per day against any social media company
5 that does not submit a report required under section 3.

6 (b) VIOLATIONS.—A social media company shall be
7 considered in violation of the provisions of this chapter
8 for each day the social media company does any of the
9 following:

10 (1) Fails to post terms of service in accordance
11 with section 2.

12 (2) Fails to timely submit to the Attorney Gen-
13 eral a report required pursuant to section 3.

14 (3) Materially omits or misrepresents required
15 information in a report submitted pursuant to sec-
16 tion 3.

17 **SEC. 5. REPORTS.**

18 (a) NATIONAL INTELLIGENCE ESTIMATE.—Not later
19 than 360 days after the date of enactment, the Director
20 of National Intelligence shall submit a National Intel-
21 ligence Estimate on the use of platforms by the individuals
22 and entities identified under section 2(a) to Congress. The
23 Director shall ensure an unclassified version of the assess-
24 ment is published on the Department’s website no later
25 than 30 days following the submission to Congress.

1 (b) COMPTROLLER GENERAL REPORTS.—Not later
2 than 540 days after the date of enactment, and then again
3 540 days after, the Comptroller General shall submit to
4 Congress reports on the implementation of this Act.

5 **SEC. 6. SUNSET.**

6 The authority to carry out this Act shall terminate
7 on the date that is five years after the date of enactment
8 of this Act.

9 **SEC. 7. DEFINITIONS.**

10 In this Act:

11 (a) ACTIONED.—The term “actioned” means a social
12 media company, due to a suspected or confirmed violation
13 of the terms of service, has taken some form of action,
14 including, but not limited to, removal, demonetization,
15 deprioritization, or banning, against the relevant user or
16 relevant item of content.

17 (b) CONTENT.—The term “content” means state-
18 ments or comments made by users and media that are
19 created, posted, shared, or otherwise interacted with by
20 users on an internet-based service or application. This
21 does not include media put on a service or application ex-
22 clusively for the purpose of cloud storage, transmitting
23 files, or file collaboration.

24 (c) SOCIAL MEDIA PLATFORM.—The term “social
25 media platform” means any entity subject to the jurisdic-

1 tion of the Federal Trade Commission under section
2 5(a)(2) of the Federal Trade Commission Act (15 U.S.C.
3 45(a)(2)) that—

4 (1) is a website, desktop application, or mobile
5 application that—

6 (A) permits a person to become a reg-
7 istered user, establish an account, or create a
8 profile for the purpose of allowing the user to
9 create, share, and view user-generated content
10 through such an account or profile;

11 (B) enables one or more users to generate
12 content that can be viewed by other users of the
13 platform; and

14 (C) primarily serves as a medium for users
15 to interact with content generated by other
16 users of the platform and for the platform to
17 deliver ads to users; and

18 (2) has at least 25,000,000 unique monthly
19 users in the United States for a majority of the
20 months in the most recent 12-month period.

21 (d) SOCIAL MEDIA COMPANY.—The term “social
22 media company” means a person or entity that owns or
23 operates one or more social media platforms.

24 (e) PUBLICLY TRADED COMPANY.—The term “pub-
25 licly traded company” means any company whose prin-

1 cipal class of shares is listed on a stock exchange; and
2 can be readily purchased or sold by the public; and in-
3 cludes all subsidiaries of a company.

4 (f) CRITICAL TRADING PARTNER.—The term “crit-
5 ical trading partner” means an entity that has the ability
6 to restrict or impede the access of a business user to—
7 “the users or customers of the business user; or a tool
8 or service that the business user needs to effectively serve
9 the users or customers of the business user.”

10 (g) TERMS OF SERVICE.—The term “terms of serv-
11 ice” means a policy or set of policies adopted by a social
12 media company that specifies, at least, the user behavior
13 and activities that are permitted on the internet-based
14 service owned or operated by the social media company,
15 and the user behavior and activities that may subject the
16 user or an item of content to being actioned.

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