

See Something, Say Something Online Act

The protections afforded to the tech sector under Section 230 of the Communications Decency Act have given rise to innovation and the U.S. tech sector, but it also has a dark side, shielding companies from the proliferation of illegal content on their platforms. It's time to amend Section 230 to reflect the way that the Internet impacts our society today – both good and bad – because even one opioid sold online is too many.

In 2019, NABP found that of nearly 12,000 websites they surveyed, 90% were operating illegally. Former FDA Commissioner Scott Gottlieb stated, "The easy availability and online purchase of these products from illegal drug peddlers is rampant and fuels the opioid crisis." And yet, users can easily find and procure illicit narcotics and conduct other criminal activity through Instagram, TikTok, Facebook, Amazon, and other social media platforms.

Companies are also largely shielded from liability for the actions taken by individuals on their platforms, lacking incentives to clean up illicit activity. Even when they do take action, they often just delete the data rather than turning it over to the appropriate authorities, making it more difficult for law enforcement to go after bad actors online. It is past time to hold these sites accountable, and for them to say something when they see something online.

The See Something, Say Something Online Act would change this by:

- Requiring companies to report suspicious activity to law enforcement, similar to the way that banks are required to report suspicious transactions over \$10,000 or others that might signal criminal activity.
- Creating a system similar to the Bank Secrecy Act by authorizing the creation of an office within the Department of Justice (DOJ) to act as the clearinghouse for these reports, similar to the Financial Crimes Enforcement Network (FinCEN) within the Department of Treasury.
- Raising the threshold for reporting to serious crimes like illegal drug sales, hate crimes, murder, or terrorism to ensure that users' privacy remains safe.
- Requiring that companies must take reasonable steps to prevent or address unlawful activity and can be held liable if they fail to report criminal activity.