

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.

Last year, the Drug Enforcement Administration (DEA) alone seized enough fentanyl to kill everyone in the United States. The DEA believes that 6 out of 10 counterfeit pills contain a potentially lethal dose of the drug.

At the same time, the Government Accountability Office (GAO) has found that drug and human traffickers are increasingly using online marketplaces, such as social media sites and messaging platforms, to connect with buyers and obscure payments. Users can easily find and procure illicit narcotics and conduct other criminal activity through Snapchat, Instagram, TikTok, Facebook, Amazon, and other social media platforms, and dealers are selling illicit drugs to increasingly young children through these apps.

In one two-month span in 2021, the DEA identified 76 cases that involved traffickers advertising drugs through emojis and other code words on social media. The National Association of Boards of Pharmacy (NABP) has found that nearly 95% of the 35,000 online pharmacies are operating illegally. Experts detect more than 10,000 new drug-related accounts on social media each month.

That's why overdoses are now the leading cause of death among people ages 18 to 45, with overdoses among Americans aged 10 to 19 years old increasing by 182% between 2019 and 2021. Roughly 25% of those overdoses were linked to counterfeit pills, many of which were bought online.

Unfortunately, social media companies are 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.