

116TH CONGRESS
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S. 4499

To establish an interagency COVID–19 misinformation and disinformation task force, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2020

Mr. PETERS (for himself, Ms. KLOBUCHAR, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish an interagency COVID–19 misinformation and disinformation task force, 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 “COVID–19 Misin-
5 formation and Disinformation Task Force Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) People in the United States rely on infor-
9 mation from mass media, social media, and digital

1 media to make decisions about all aspects of social
2 and economic life.

3 (2) Ensuring that people in the United States
4 are provided accurate information to make informed
5 decisions during a public health crisis is of the ut-
6 most importance.

7 (3) In the midst of the COVID–19 pandemic,
8 people in the United States are spending more time
9 online than ever before and this increase has been
10 coupled with a rise of misinformation that impacts
11 the daily lives of people in the United States, includ-
12 ing misinformation about the virus, public health,
13 our democracy, and the government’s response.

14 (4) Globally, the proliferation of inaccurate
15 health information surrounding the COVID–19 pan-
16 demic has led the World Health Organization to
17 label this problem an “infodemic”.

18 (5) In addition to health-related misinforma-
19 tion, intelligence officials and diplomats of the
20 United States have warned that China and Russia
21 are exploiting this global crisis to wage
22 disinformation campaigns that seek to sow doubts
23 about the United States response to the crisis, un-
24 dermine faith and trust in United States Govern-
25 ment institutions, and deflect attention from China

1 and Russia's inability to adequately and trans-
2 parently respond to issues associated with the pan-
3 demic.

4 (6) In February 2020, Assistant Secretary of
5 State Philip Reeker warned, "Russia's intent is to
6 sow discord and undermine U.S. institutions and al-
7 liances from within, including through covert and co-
8 ercive malign influence campaigns. By spreading
9 disinformation about the coronavirus, Russian ma-
10 lign actors are once again choosing to threaten pub-
11 lic safety by distracting from the global health re-
12 sponse.'".

13 (7) One prominent incident occurred in March
14 when text messages sent to people in the United
15 States and amplified on social media posts falsely
16 claimed the Federal Government would lock down
17 the entire country due to the pandemic. Intelligence
18 officials of the United States reportedly assessed
19 that Chinese operatives helped amplify the false
20 messages. The prolific nature of this disinformation
21 campaign required the National Security Council to
22 issue a denial.

23 (8) In May 2020, the Global Engagement Cen-
24 ter of the Department of State assessed that China
25 was coordinating with Russia to manipulate social

1 media platforms to spread disinformation about the
2 pandemic.

3 (9) In July 2020, a newly declassified United
4 States intelligence assessment concluded that Rus-
5 sian intelligence agencies and actors are spreading
6 disinformation related to the pandemic and United
7 States officials reported that from late May to early
8 July, approximately 150 articles on the pandemic
9 were published as a result of such efforts.

10 (10) Since the beginning of the pandemic,
11 American social media companies have banned hun-
12 dreds of user accounts linked to coordinated influ-
13 ence operations by Russia, China, and Iran, which
14 were engaged in “coordinated political issues” re-
15 lated to the coronavirus.

16 (11) European Union officials have also warned
17 about disinformation from China and Russia aimed
18 at dividing European society, undermining the public
19 perception about the European Union’s response to
20 the pandemic, all while misleading and bolstering the
21 public perception regarding China and Russia’s re-
22 sponse to the pandemic.

23 (12) The bipartisan report of the Cyberspace
24 Solarium Commission concluded that—

1 (A) the United States Government should
2 promote digital literacy, civics education, and
3 public awareness to build societal resilience to
4 foreign malign cyber-enabled information oper-
5 ations; and

6 (B) a sustainable solution to fighting mis-
7 information and disinformation will require
8 equipping people in the United States with the
9 media and digital literacy necessary to recog-
10 nize untrustworthy online content.

11 **SEC. 3. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) in the face of this threat, it is vital that the
14 United States has a coordinated understanding and
15 response to fighting misinformation and
16 disinformation surrounding COVID–19;

17 (2) in order to protect the health and well-being
18 of people in the United States and protect the de-
19 mocracy and government of the United States from
20 foreign interference, it is essential that the United
21 States have a whole-of-government approach to re-
22 sponding and combating the spread of misinforma-
23 tion and the sowing of disinformation related to
24 COVID–19;

(3) information literacy, including media and digital literacy, are essential to protecting the national security of the United States from a new form of warfare, disinformation campaigns; and

(4) only by improving information literacy, including media and digital literacy, among people in the United States can Congress work to strengthen the resilience of the people of the United States against these attacks and by extension improve our national security and protect the integrity of our democratic institutions.

**SEC. 4. COVID-19 MISINFORMATION AND DISINFORMATION
COORDINATION TASK FORCE.**

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term “Agency” means the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(2) COVID-19 MISINFORMATION AND DISINFORMATION.—The term “COVID-19 misinformation and disinformation” means publicly available COVID-19 related information, independent of the origin of the information, that is inconsistent with—

(A) information regarding official government actions related to COVID-19;

1 (B) official government information re-
2 garding how to acquire COVID–19 testing; or

3 (C) other official government health guide-
4 lines related to COVID–19.

5 (3) DIRECTOR.—The term “Director” means
6 the Director of the Cybersecurity and Infrastructure
7 Security Agency.

8 (4) INFORMATION LITERACY.—The term “infor-
9 mation literacy”, which includes digital literacy and
10 media literacy, means having skills in—

11 (A) research and information fluency,
12 which includes the ability to find, retrieve, and
13 interpret information and evaluate the com-
14 prehensiveness, relevance, credibility, authority,
15 and accuracy of information;

16 (B) critical thinking and problem solving;

17 (C) technology and digital tool operations
18 and concepts;

19 (D) concepts of representation and stereo-
20 typing;

21 (E) understanding explicit and implicit
22 messages;

23 (F) understanding values and points of
24 view that are included and excluded in content;

1 (G) understanding how content may influ-
 2 ence ideas and behaviors;

3 (H) understanding the importance of ob-
 4 taining information from multiple sources and
 5 evaluating sources for quality;

6 (I) understanding how information on dig-
 7 ital platforms can be altered through algo-
 8 rithms, editing, and augmented reality;

9 (J) using and creating media in civically
 10 and socially responsible ways;

11 (K) reflecting on how the use of media and
 12 technology may affect private and public life;

13 (L) making educated decisions based on
 14 information obtained from sources and content;
 15 and

16 (M) applying subparagraphs (A) through
 17 (L) across various content, including to spoken
 18 and broadcast words and videos, printed mate-
 19 rials, media, digital content, data, and images.

20 (5) INTELLIGENCE COMMUNITY.—The term
 21 “intelligence community” means an element of the
 22 intelligence community specified or designated under
 23 section 3(4) of the National Security Act of 1947
 24 (50 U.S.C. 3003(4)).

1 (6) RELEVANT CONGRESSIONAL COMMIT-
2 TEES.—The term “relevant congressional commit-
3 tees” means any Committee of Congress with juris-
4 diction over the agencies represented on the task
5 force.

6 (7) TASK FORCE.—The term “task force”
7 means the interagency COVID–19 misinformation
8 and disinformation coordination task force estab-
9 lished under subsection (b).

10 (b) ESTABLISHMENT.—There is established a Fed-
11 eral interagency COVID–19 misinformation and
12 disinformation coordination task force, which shall be led
13 by the Director, or by the designee of the Director.

14 (c) REPRESENTATIVES.—

15 (1) IN GENERAL.—The task force shall be com-
16 prised of not less than 1 representative from each of
17 the following:

18 (A) The Agency.

19 (B) The Global Engagement Center of the
20 Department of State.

21 (C) The Federal Bureau of Investigation.

22 (D) The intelligence community.

23 (E) The Centers for Disease Control and
24 Prevention.

1 (F) The Federal Emergency Management
2 Agency.

3 (G) The Department of Health and
4 Human Services.

5 (H) The National Institutes of Health.

6 (I) The Food and Drug Administration.

7 (J) The Department of the Treasury.

8 (K) The Small Business Administration.

9 (L) The Federal Trade Commission.

10 (M) The Department of Education.

11 (N) The Federal Communications Commis-
12 sion.

13 (O) Not less than 1 agency, such as the
14 Office of Minority Health or the Office of Rural
15 Health Policy of the Department of Health and
16 Human Services or the Office of Equal Rights
17 of the Federal Emergency Management Agency,
18 that regularly engages with—

19 (i) racial or ethnic minority commu-
20 nities;

21 (ii) rural communities; and

22 (iii) other underserved populations, in-
23 cluding communities without widespread
24 access to the internet.

1 (P) Any other department or agency as de-
2 termined necessary by the Director.

3 (2) REPRESENTATION OF UNDERSERVED COM-
4 MUNITIES.—The task force membership requirement
5 described in paragraph (1)(O) shall be satisfied by
6 multiple agencies if there is not 1 agency that regu-
7 larly engages all 3 communities described in clauses
8 (i) through (iii) of such paragraph.

9 (d) ROLES AND RESPONSIBILITIES.—The functions
10 of the task force shall be—

11 (1) coordinating the analysis of COVID–19
12 misinformation and disinformation by agencies
13 across the Federal Government;

14 (2) developing integrated analyses of COVID–
15 19 misinformation and disinformation in a manner
16 that protects individual privacy and civil liberties,
17 using information from agency representatives de-
18 scribed in subsection (c) in accordance with sub-
19 sections (e) and (f);

20 (3) coordinating the dissemination to Federal
21 agencies and the White House Coronavirus Task
22 Force, or any successor thereto, of—

23 (A) analyses developed by individual agen-
24 cies in accordance with paragraph (1); and

1 (B) integrated analyses developed in ac-
2 cordance with paragraph (2); and

3 (4) developing, in consultation with the Director
4 of the Centers for Disease Control and Prevention,
5 the Secretary of Health and Human Services, the
6 Secretary of Education, the Director of the Institute
7 of Museum and Library Services, and any non-gov-
8 ernmental civil society, privacy, media-literacy, or
9 other public interest entity determined appropriate
10 by the Director, or a designee, and disseminating in-
11 formation literacy, including digital literacy and
12 media literacy, and information resilience public
13 awareness campaigns relating to pandemics.

14 (e) AUTHORITIES.—

15 (1) IN GENERAL.—

16 (A) LIMITATION ON ADDITIONAL AUTHOR-
17 ITY.—The task force shall have no additional
18 authority to scan, collect, or otherwise use so-
19 cial media or other publicly available informa-
20 tion in excess of any authority of each partici-
21 pating agency in effect on the day before the
22 date of enactment of this Act.

23 (B) REQUIREMENT.—The task force shall
24 ensure that any actions taken pursuant to this
25 section are consistent with other applicable limi-

1 tations, including applicable limitations on the
2 collection, retention, dissemination, and proc-
3 essing of intelligence, under Federal law, in-
4 cluding court orders and Executive orders, and
5 any relevant agency guidelines or procedures.

6 (C) ACTIVITIES.—The task force shall en-
7 sure that activities undertaken pursuant to this
8 section are conducted consistent with protec-
9 tions under the Constitution of the United
10 States.

11 (D) PROHIBITION.—The task force may
12 not directly collect information or maintain in-
13 formation about a United States person solely
14 for the purpose of monitoring activities pro-
15 tected by the First Amendment of the Constitu-
16 tion or the lawful exercise of other rights se-
17 cured by the Constitution or laws of the United
18 States.

19 (2) SPECIFIC AGENCY AUTHORITY.—The au-
20 thority of a specific agency represented on the task
21 force shall supersede the authority of the task force.

22 (f) NARROW TAILORING; DOCUMENTATION OF PUR-
23 POSE.—The task force shall—

1 (1) ensure that the activities of the task force
2 advance a compelling Government interest related to
3 COVID–19 misinformation and disinformation;

4 (2) ensure that the activities of the task force
5 are narrowly tailored to advance that interest while
6 minimizing impacts on speech and expression that is
7 not COVID–19 misinformation and disinformation;
8 and

9 (3) create procedures and internal policies that
10 document the implications of this subsection.

11 (g) PARTICIPATION.—

12 (1) IN GENERAL.—The head of each agency
13 represented on the task force and each representa-
14 tive participating in the task force under subsection
15 (c) shall assist and provide information and analysis
16 to the task force, consistent with applicable law and
17 the respective authority of the agency, as may be
18 necessary to carry out the functions of the task
19 force.

20 (2) EXPENSES.—Each agency represented on
21 the task force shall be responsible for the expenses
22 of the agency in participating on the task force.

23 (h) PRIVACY AND CIVIL LIBERTIES OVERSIGHT.—

24 The Privacy Officer of the Department of Homeland Secu-
25 rity and the Officer for Civil Rights and Civil Liberties

1 of the Department of Homeland Security, in consultation
2 with the Privacy Officer of the Agency, shall ensure the
3 activities of the task force protect individual privacy and
4 civil liberties and are conducted consistent with fair infor-
5 mation practice principles and civil liberties protection
6 guidance.

7 (i) CONGRESSIONAL BRIEFINGS.—Not later than 30
8 days after the date on which the task force first convenes,
9 and every 30 days thereafter until the date described in
10 subsection (l), the Director shall provide to the relevant
11 congressional committees—

12 (1) a briefing on the privacy and civil liberties
13 oversight performed under subsection (h);

14 (2) a copy of the procedures and internal proc-
15 esses created under subsection (f)(3); and

16 (3) a briefing, to the greatest extent practicable
17 in an unclassified form, on the analyses developed by
18 the task force under subsection (d)(2).

19 (j) PUBLIC REPORT.—Not less than 60 days after
20 the date on which the task force first convenes, and every
21 30 days after until the date described in subsection (l),
22 the Director shall publish on a publicly accessible website
23 a report summarizing the analyses developed by the task
24 force under subsection (d)(2), including—

25 (1) analysis methodologies;

- 1 (2) data utilized in the analysis, including any
2 specific examples that can be made public;
3 (3) analysis results;
4 (4) analysis conclusions; and
5 (5) any other information determined necessary
6 by the Director.

7 (k) REQUIREMENT.—Not later than 30 days after the
8 date of enactment of this Act, the Director shall establish
9 and convene the task force.

10 (l) SUNSET.—This section shall cease to have effect
11 on the later of—

12 (1) the date that is 1 year after the date of en-
13 actment of this Act; or

14 (2) the date that is 60 days after the date on
15 which the national emergency declared by the Presi-
16 dent under the National Emergencies Act (50
17 U.S.C. 1601 et seq.) with respect to COVID–19 ter-
18 minates.

19 **SEC. 5. COORDINATED MESSAGING.**

20 (a) PUBLIC COMMUNICATIONS REQUIREMENT.—Any
21 public communications by an agency participating in the
22 task force established under section 4(b) related to the
23 analysis coordinated or performed by the task force shall
24 be disseminated directly to the public, including through
25 the use of—

1 (1) coronavirus.gov, or any successor thereto;
2 and

3 (2) mechanisms to be determined by the Agency
4 that specifically focus on ethnic and racial minority,
5 rural, and other underserved populations, including
6 communities without widespread internet access, in-
7 cluding local news organizations, local radio organi-
8 zations, and other non-digital media organizations.

9 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to limit the authorities for commu-
11 nication and open exchange of data, findings, and infor-
12 mation resulting from scientific research, analysis, or
13 other types of scientific and technical activities conducted
14 by Federal employees or contractors that are in effect on
15 the day before the date of enactment of this Act.

○