118TH CONGRESS
1ST SESSION

S._____

To require providers of interactive computer services to publicly disclose information relating to requests or recommendations made by government entities to moderate content, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Rubio (for himself, Mr. Hagerty, Mr. Johnson, Mr. Scott of Florida, Mr. Vance, and Mr. Wicker) introduced the following bill; which was read twice and referred to the Committee on ________

A BILL

To require providers of interactive computer services to publicly disclose information relating to requests or recommendations made by government entities to moderate content, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing Restrictions and Empowering Speakers to Enable Robust and Varied Exchanges in Online Speech Act of 2023” or the “PRESERVE Online Speech Act of 2023”.
SEC. 2. PUBLIC DISCLOSURE OF REQUEST OR RECOMMENDATION TO MODERATE CONTENT.

(a) DEFINITIONS.—In this section—

(1) the term “Commission” means the Federal Communications Commission;

(2) the term “government entity” means—

(A) a United States or foreign government entity; and

(B) an entity acting on behalf of an entity described in subparagraph (A); and

(3) the terms “information content provider” and “interactive computer service” have the meanings given those terms in section 230 of the Communications Act of 1934 (47 U.S.C. 230).

(b) REQUIREMENT TO DISCLOSE.—Except as provided in subsection (c), not later than 7 days after the date on which a government entity requests or recommends that a provider of an interactive computer service moderate content on the interactive computer service, including editing, deleting, throttling, limiting the reach of, reducing or eliminating the ability of an information content provider to earn revenue from, or comment upon, information provided by an information content provider, terminating or limiting an account or usership, and any other content moderation, promotion, and other curation
practices, the provider shall issue a public disclosure on a public website hosted by the provider that includes—

(1) specific information about the request or recommendation;

(2) the government entity that made the request or recommendation and the point of contact for that government entity;

(3) the rationale for the request or recommendation; and

(4) any steps taken by the provider as a result of the request or recommendation.

(c) EXCEPTION.—Subsection (b) shall not apply with respect to actions taken by a provider of an interactive computer service as a result of a Federal law enforcement proceeding or in the interest of national security.

(d) FINES FOR NONCOMPLIANCE.—Any provider of an interactive computer service that does not comply with the requirements under subsection (b) shall be fined $50,000 per day of noncompliance, which fines shall be collected by the Commission for deposit in the Rural Digital Opportunity Fund.

(e) ANNUAL REPORT.—The Commission shall, on an annual basis, compile and submit to the Committee on the Judiciary and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on the
Judiciary and the Committee on Energy and Commerce of the House of Representatives a report that includes the contents of each public disclosure made by a provider of an interactive computer service under subsection (b) during the year covered by the report.