

118TH CONGRESS
1ST SESSION

S. 2314

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

JULY 13, 2023

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 Commerce, Science, and Transportation

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.

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 “Preventing Restriction-
5 tions and Empowering Speakers to Enable Robust and
6 Varied Exchanges in Online Speech Act of 2023” or the
7 “PRESERVE Online Speech Act of 2023”.

1 **SEC. 2. PUBLIC DISCLOSURE OF REQUEST OR REC-**
2 **COMMENDATION TO MODERATE CONTENT.**

3 (a) DEFINITIONS.—In this section—

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

6 (2) the term “government entity” means—

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

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

11 (3) the terms “information content provider”
12 and “interactive computer service” have the mean-
13 ings given those terms in section 230 of the Commu-
14 nications Act of 1934 (47 U.S.C. 230).

15 (b) REQUIREMENT TO DISCLOSE.—Except as pro-
16 vided in subsection (c), not later than 7 days after the
17 date on which a government entity requests or rec-
18 ommends that a provider of an interactive computer serv-
19 ice moderate content on the interactive computer service,
20 including editing, deleting, throttling, limiting the reach
21 of, reducing or eliminating the ability of an information
22 content provider to earn revenue from, or comment upon,
23 information provided by an information content provider,
24 terminating or limiting an account or usership, and any
25 other content moderation, promotion, and other curation

1 practices, the provider shall issue a public disclosure on
2 a public website hosted by the provider that includes—

3 (1) specific information about the request or
4 recommendation;

5 (2) the government entity that made the re-
6 quest or recommendation and the point of contact
7 for that government entity;

8 (3) the rationale for the request or re-
9 commendation; and

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

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

16 (d) FINES FOR NONCOMPLIANCE.—Any provider of
17 an interactive computer service that does not comply with
18 the requirements under subsection (b) shall be fined
19 \$50,000 per day of noncompliance, which fines shall be
20 collected by the Commission for deposit in the Rural Dig-
21 ital Opportunity Fund.

22 (e) ANNUAL REPORT.—The Commission shall, on an
23 annual basis, compile and submit to the Committee on the
24 Judiciary and the Committee on Commerce, Science, and
25 Transportation of the Senate and the Committee on the

1 Judiciary and the Committee on Energy and Commerce
2 of the House of Representatives a report that includes the
3 contents of each public disclosure made by a provider of
4 an interactive computer service under subsection (b) dur-
5 ing the year covered by the report.

