

S 2228

DISCOURSE Act

Congress: 117 (2021–2023, Ended)

Chamber: Senate

Policy Area: Science, Technology, Communications

Introduced: Jun 24, 2021

Current Status: Read twice and referred to the Committee on Commerce, Science, and Transportation.

Latest Action: Read twice and referred to the Committee on Commerce, Science, and Transportation. (Jun 24, 2021)

Official Text: <https://www.congress.gov/bill/117th-congress/senate-bill/2228>

Sponsor

Name: Sen. Rubio, Marco [R-FL]

Party: Republican • State: FL • Chamber: Senate

Cosponsors (1 total)

| Cosponsor | Party / State | Role | Date Joined |
|-------------------------|---------------|------|--------------|
| Sen. Braun, Mike [R-IN] | R · IN | | Jun 24, 2021 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---|---------|-------------|--------------|
| Commerce, Science, and Transportation Committee | Senate | Referred To | Jun 24, 2021 |

Subjects & Policy Tags

Policy Area:

Science, Technology, Communications

Related Bills

No related bills are listed.

Disincentivizing Internet Service Censorship of Online Users and Restrictions on Speech and Expression Act or the DISCOURSE Act

This bill limits federal liability protections for a user or provider of an interactive computer service (e.g., a social media company) related to content provided by third parties. It also requires a provider that offers its service through a mass-market offering to the public to disclose information about its content moderation activities.

The bill removes liability protections (sometimes referred to as section 230 protection) for a provider with a dominant market share if the provider

- promotes or suppresses a viewpoint through its content moderation, including by affecting a content creator's revenue;
- uses automated processes (e.g., algorithms) to target and amplify content provided to a user who has not requested or searched for the content; or
- solicits, funds, modifies, or otherwise contributes to content.

Currently, a provider retains liability protections even when it restricts access to materials that it considers objectionable. Under this bill, a provider retains protections if restricted materials fall, based on an objectively reasonable belief, into a prescribed list of harmful or unlawful categories.

Additionally, the liability protections shall not apply to providers that (1) restrict access to content in a manner that burdens the exercise of religion, or (2) fail to comply with an existing requirement to notify customers of options for limiting a minor's access to harmful online content (e.g., parental controls).

The bill also changes legal procedures related to the liability protections, including by specifying that the protection serves as an affirmative defense.

Actions Timeline

- **Jun 24, 2021:** Introduced in Senate
- **Jun 24, 2021:** Read twice and referred to the Committee on Commerce, Science, and Transportation.