

## 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**

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