To require covered entities to implement and disclose information moderation policies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Lee (for himself, Mr. Moran, and Mr. Braun) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To require covered entities to implement and disclose information moderation policies, 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 “Promoting Responsibility Over Moderation In the Social-media Environment Act” or the “PROMISE Act”.

SEC. 2. PURPOSE.

The purpose of this Act is to ensure that users of a covered entity have the necessary information regarding such entity’s policy on moderating information provided
by a user or other information content provider. Access
to such a policy enables users to make informed choices
regarding the use or purchase of services provided by the
covered entity and promotes a competitive marketplace for
such services.

SEC. 3. INFORMATION MODERATION POLICIES.

(a) REQUIREMENT.—

(1) IN GENERAL.—A covered entity—

(A) shall implement and operate in accord-
ance with an information moderation policy (as
described in paragraph (2));

(B) shall disclose such information mod-
eration policy in a publicly available and easily
accessible manner; and

(C) shall not make a deceptive policy state-
ment with respect to such information moder-
ation policy.

(2) INFORMATION MODERATION POLICY.—The
information moderation policy described in this
paragraph is a policy that accurately describes, in
plain, easy to understand language, information re-
garding the business practices of a covered entity
with respect to the standards, processes, and policies
of the covered entity on moderating information pro-
vided by a user or other information content provider, including—

(A) any category of information that—

(i) the covered entity does not permit on its service; or

(ii) is subject to moderation by users or providers of such covered entity;

(B) the process which a user or provider of the covered entity utilizes to moderate information posted, published, or otherwise displayed on the service; and

(C) the notification process, if any, which the covered entity uses to inform a user—

(i) that such user’s information has been moderated;

(ii) of the rationale justifying the moderation decision; and

(iii) of the user’s options for redress, if any.

(b) Enforcement by the Federal Trade Commission.—

(1) Unfair or Deceptive Acts or Practices.—A violation of subsection (a) shall constitute an unfair or deceptive act or practice in commerce
in violation of section 5(a) of the Federal Trade
Commission Act (15 U.S.C. 45(a)).

(2) POWERS OF COMMISSION.—Subject to para-
graphs (4) and (5), the Commission shall enforce
subsection (a) in the same manner, by the same
means, and with the same jurisdiction, powers, and
duties as though all applicable terms and provisions
et seq.) were incorporated into and made a part of
this section. Any person who violates subsection (a)
shall be subject to the penalties and entitled to the
privileges and immunities provided in such Act.

(3) REGULATIONS.—The Commission shall pre-
scribe, in accordance with section 553 of title 5,
United States Code, such regulations as are nec-
essary to carry out the purposes of this section, in-
cluding regulations as may be necessary or appro-
priate to administer and carry out the purposes and
objectives of this section.

(4) PRESUMPTION OF MATERIALITY.—With re-
spect to a violation of subsection (a), there shall be
a rebuttable presumption that a deceptive policy
statement is material and likely to cause injury.

(5) APPLICATION TO COMMON CARRIERS.—Not-
withstanding the definition of the term "Acts to reg-
ulate commerce” in section 4 of the Federal Trade Commission Act (15 U.S.C. 44) and the exception provided by section 5(a)(2) of such Act (15 U.S.C. 45(a)(2)) for common carriers, the Commission shall enforce subsection (a), in the same manner provided in paragraphs (1) through (4), with respect to covered entities that are common carriers for purposes of such section 5(a)(2).

(e) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(2) COVERED ENTITY.—The term “covered entity” means an entity that—

(A) is an interactive computer service;

(B) is engaged in interstate or foreign commerce; and

(C) moderates information provided by a user or other information content provider.

(3) DECEPTIVE POLICY STATEMENT.—The term “deceptive policy statement” means an oral or written representation, omission, or practice made by an officer, director, or other authorized agent of a covered entity regarding such covered entity’s information moderation policy that—
(A) misleads or is likely to mislead a reasonable individual regarding the covered entity’s service; and

(B) affects or is likely to affect a reasonable individual’s choice to use or use of the covered entity’s service.

(4) INFORMATION CONTENT PROVIDER.—The term “information content provider” has the meaning given such term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

(5) INTERACTIVE COMPUTER SERVICE.—The term “interactive computer service” has the meaning given such term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

(6) MODERATE.—With respect to information provided by a user or other information content provider, the term “moderate” means—

(A) to remove or otherwise restrict access to or the availability of such information;

(B) to edit or otherwise alter such information; or

(C) to post, publish, or otherwise display a warning, fact-check notice, or other label in conjunction with such information.