
The PROMISE Act

As social media companies' influence has grown, it's no surprise that Americans have increasingly approached these big tech companies with further distrust and common skepticism. As Americans use these platforms, they often expect that they have the freedom to contribute their ideas, views, and opinions without prejudice or censorship. Yet repeatedly, Americans witness firsthand that Big Tech does in fact silence particular viewpoints.

These content moderation actions do not align with the corporate policies and promises made by the companies or their CEOs. For example, Twitter, as a business policy, states, "It's important to know that Twitter does not screen content or remove potentially offensive content. As a policy, we do not mediate content or intervene in disputes between users."¹ Twitter CEO, Jack Dorsey, has stated, "We do not look at content with regard to political viewpoints or ideology. We look at behavior."² These statements do not line up with the repeated and targeted actions taken by Twitter's moderation team.

While online companies may have the right to moderate content on their service, they do not have the moral or legal right to break their promises and lie, deceive, or mislead their consumers. In our dynamic free market, consumers are best empowered to make informed choices regarding the use of online social media platforms when they have the necessary facts.

To ensure consumers can make informed choices in a free online social media market, Senator Lee is introducing the Promoting Responsibility Over Moderation In the Social-media Environment (PROMISE) Act.

Bill Specifics:

- Would require a "covered entity"³ to implement, operate, and disclose information moderation policies that explain the standards, processes, and policies regarding its moderation of information provided by a user or other information content provider. Such policy must include:
 - Categories of information not permitted on its service or subject to moderation⁴ by users or the entity itself,
 - The process utilized in moderating content,
 - The notification process (if any) utilized to inform users of a moderation action taken, the rationale for the moderation decision, and options for redress (if any).
- Would require a "covered entity" to not make a "deceptive policy statement"⁵ with respect to its information moderation policy. A "deceptive policy statement" carries with it a rebuttable presumption that a statement is material and likely to cause injury.
- Violations of the requirements to implement, operate, or disclose an "information moderation policy" or to not make a "deceptive policy statement" would constitute an unfair or deceptive act or practice in violation of Section 5 of the Federal Trade Commission Act (15 U.S.C. 45(a)).

¹ <https://help.twitter.com/en/safety-and-security/offensive-tweets-and-content>

² Twitter's Jack Dorsey: 'We are not' discriminating against any political viewpoint, CNN, August 20, 2018, <https://money.cnn.com/2018/08/18/media/twitter-jack-dorsey-trump-social-media/index.html>

³ A "covered entity" is defined as an "interactive computer service" (47 U.S.C. 230(f)) who is "engaged in interstate or foreign commerce" and "moderates information provided by a user or another information provider."

⁴ "Moderate" is defined as an action to: (1) remove or restrict access to information, (2) alter or edit information, or (3) post, publish, or otherwise display a warning or fact check notice on information.

⁵ A "deceptive policy statement" is defined as an oral or written representation, omission, or practice made by an officer, director, or other authorized agency of the entity that (1) misleads or is likely to mislead a reasonable individual regarding the entity's service, and (2) affects or is likely to affect a reasonable individual's choice to user or use of the service.

For more information concerning this bill or to be added as a cosponsor, contact Joel Wellum (joel_wellum@lee.senate.gov) or Jack Ferguson (jack_ferguson@lee.senate.gov) in Senator Lee's office.