

End Big Tech Cancel Culture with the TERMS Act

Transparency in Enforcement, Restricting, and Monitoring of Services Act

Senators Ted Cruz (R-Texas), Marsha Blackburn (R-Tenn), Katie Britt (R-Ala.), Tom Cotton (R-Ark.), Mike Crapo (R-Idaho), Cynthia Lummis (R-Wyo.), Roger Marshall (R-Kan.), Jim Risch (R-Idaho), and Eric Schmitt (R-Mo.)

The Problem

In recent years, an alarming, widespread trend has emerged. Major companies, from social media platforms to banks, and payment processors to restaurants, have used their structural power to silence conservatives and deny them access to basic services.

Last year, Senator Cruz released an investigative report revealing how technology companies like Slack and Eventbrite weaponized broadly worded terms of service to prevent conservative organizations from accessing critical business tools. As a result, advocacy groups and individuals lost thousands of dollars and access to common services for messaging and business development. The concentrated market of online service providers has left some conservative organizations with a tough choice: either shut up or shut down.

When online service providers discriminate based on ideology, they risk infringing on users' speech. This risk is greatest when providers hide their bias and quietly cancel users for their political views, preventing customers' free choice in the market.

The Solution

The TERMS Act, S. 1010, would require each online service provider to publicly disclose information needed for consumers to make informed decisions about whether to use the provider's products or services. The bill would require online service providers to:

1. **Publicly disclose well-defined acceptable use policies.** Online service providers must detail prohibited acts or practices; explain how policies are enforced, including any reliance on third parties; identify the information considered in determining violations; and provide advance notice of any policy updates.
2. **Provide users with advanced written notice of an account restriction, including termination or cancellation.** The notice must identify what acts led to the decision to restrict a user's account.
3. **Publicly post annual reports detailing actions taken to enforce acceptable use policies.** These public reports must include, among other details, the number of actions taken by an online service provider in response to a policy violation, broken down by the violated provision and the corresponding action.

A House companion bill has been introduced by Rep. Craig Goldman (R-Texas) and co-sponsored by Rep. Randy Weber (R-Texas).



U.S. SENATE COMMITTEE ON

COMMERCE, SCIENCE, & TRANSPORTATION

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