



Testimony of Tepring Piquado
Senior Director of State & Local Government Relations, Western US
Chamber of Progress
Re: Iowa S.S.B 1189: The Protecting Online Free Speech Act

February 28, 2023

Good morning Senators:

My name is Tepring Piquado, Senior Director of State and Local Government Relations for Chamber of Progress, a tech industry coalition committed to ensuring all Americans benefit from technological leaps.

We urge your committee to oppose S.S.B. 1189, which would unleash more offensive, harmful content onto our online communities and run afoul of the U.S. Constitution.

We know that consumers want to see safer, healthy, online communities. In a national poll commissioned by my organization, 67% of voters said social media companies and online platforms should be able to block violent and offensive content.¹ In fact, a majority of voters want social media companies to do **more** to remove harmful content, not less.

Unfortunately, this bill would make the problem worse by tying platforms' hands in the fight against toxic, incendiary content.

By threatening platforms with enormous fees unless they commit to changing their terms of service, S.S.B. 1189 effectively blocks services from taking action to remove content that is lawful but damages discourse, such as content from white supremacists, domestic terrorists, and Qanon.

The bill doubles down on its intent to force platforms to host all content, even if it conflicts with a platform's terms of service. Specifically, the bill forces platforms to adhere to the blanket provisions in the bill instead of enforcing their own terms

¹ http://progresschamber.org/wp-content/uploads/2022/07/COP_Anti-Trust-Legislation_ANALYSIS_D2.pdf
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of service. This requirement would eliminate platforms' most effective response to users who habitually violate their terms of service.

S.S.B. 1189 would also **arm bad actors with information about why platforms remove their posts, and would block platforms from permanently removing these nefarious actors.** The bill does this by requiring platforms to provide a "specific and detailed explanation" whenever content was removed or blocked.

Finally, this law will almost certainly face – and lose – a court challenge under the First Amendment.

Last year in Florida, Federal U.S. District Judge Robert Hinkle blocked a bill that would have prevented platforms from removing or blocking certain content, similar to S.S.B. 1189. In his opinion, Judge Hinkle stated "[t]he legislation compel[ed] providers to host speech that violates their standards—speech they otherwise would not host—and forbids providers from speaking as they otherwise would."² Texas was also met with a lawsuit immediately upon passing a similar bill attempting to eradicate platforms' ability to censor and filter content altogether.

We urge you to reject S.S.B. 1189.

Thank you,

Tepring Piquado
Director of State & Local Government Relations, Western US

² https://storage.courtlistener.com/recap/gov.uscourts.flnd.371253/gov.uscourts.flnd.371253.113.0_1.pdf
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