

The SECURE Act

Safe Electronic Communication and User Rights Enforcement: a constituent proposal on digital communication rights

The Problem: Unaccountable Gatekeeping of Digital Communications

When an email or message is blocked today, the sender receives no notice, no reason, and no path to appeal. The message simply disappears, often without even reaching the recipient's junk folder. A handful of large platforms decide, by opaque and shifting criteria, whose messages get delivered. Small businesses, medical practices, nonprofits, and ordinary constituents lose critical communications with no recourse and frequently no knowledge it happened.

The same unaccountable power extends to platform programming interfaces (APIs). Developers and companies build products on APIs that platforms publish and promote. Then the platform restricts or revokes access at will, particularly for competitors, with no meaningful notice, explanation, or avenue of appeal, destroying the businesses built on them. I have experienced this directly and litigated it against multiple technology companies.

These are not isolated experiences. In its monopolization case against Meta, the Federal Trade Commission amassed extensive evidence of the company's long-standing policy of denying API access to apps that competed with its core functions, a policy Meta maintained for years before publicly suspending it in late 2018. Yet that conduct was never judged on its merits: the court ultimately ruled for Meta on the ground that the company faces competition *today*, whatever the market looked like when the conduct occurred. When even a federal enforcement action of that scale leaves the underlying practice unaddressed, it is because no standing rule of the road exists. That is the gap Congress can fill.

The American Precedent: Delivery as a Public Trust

In 1775, the Second Continental Congress appointed Benjamin Franklin the first Postmaster General, establishing reliable, protected correspondence as a foundation of American democracy a year before the Declaration of Independence. The Communications Act of 1934 extended that principle to the telephone: universal service, regulated delivery, and accountability to the public. For 250 years, whoever carried Americans' messages answered to the American people. Today's digital carriers answer to no one.

The Proposal: Two Core Reforms

1. Deliverability rights. Senders acting lawfully are entitled to notice when a message is not delivered, the specific reason for the block, and an independent appeal process. This is the same due process the postal system has always provided.

2. Open API access. Large platforms must offer documented, non-discriminatory programming interfaces to their public communication systems, so competitors and innovators can build better tools and users are not locked in. Access, once granted, cannot be arbitrarily revoked to stifle competition.

The full proposal also addresses user data transparency, end-to-end encryption, limits on both corporate and government surveillance, and accountable content moderation. Complete text: <https://secureact.us>

The Ask: Comments, Not Commitment

I am asking Congresswoman Lee to **circulate this proposal to technology industry stakeholders and policy experts with a request for comments**. This requires no sponsorship or endorsement. It positions the Congresswoman as convening a needed conversation on digital communication rights, and it subjects the proposal to the expert scrutiny it should receive before any legislative step.