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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

# H. R.

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To amend title 5, United States Code, to prohibit Federal employees from advocating for censorship of viewpoints in their official capacity, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. COMER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend title 5, United States Code, to prohibit Federal employees from advocating for censorship of viewpoints in their official capacity, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Speech  
5 from Government Interference Act”.

1 **SEC. 2. PROHIBITION ON FEDERAL EMPLOYEE CENSOR-**  
2 **SHIP.**

3 (a) IN GENERAL.—Chapter 73 of title 5, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 “SUBCHAPTER VIII—PROHIBITION ON  
7 FEDERAL EMPLOYEE CENSORSHIP

8 “§ 7381. **Policy regarding Federal employee censor-**  
9 **ship**

10 “It is the policy of the Congress that employees act-  
11 ing in their official capacity should neither take action  
12 within their authority or influence to promote the censor-  
13 ship of any speech, nor advocate that a third party, includ-  
14 ing a private entity, censor such speech.

15 “§ 7382. **Prohibition on Federal employee censorship**

16 “(a) IN GENERAL.—An employee may not—

17 “(1) use the employee’s official authority or in-  
18 fluence to advocate that any third party, including  
19 a private entity, take any action to censor any  
20 speech;

21 “(2) knowingly censor or discourage the exer-  
22 cise of speech of any person who—

23 “(A) has an application for any compensa-  
24 tion, grant, contract, ruling, license, permit, or  
25 certificate pending before the employing office  
26 of such employee; or

1           “(B) is the subject of or a participant in  
2           an ongoing audit, investigation, or enforcement  
3           action being carried out by the employing office  
4           of such employee; or

5           “(3) engage in censorship—

6           “(A) while the employee is on duty;

7           “(B) in any room or building occupied in  
8           the discharge of official duties by an individual  
9           employed or holding office in the Government of  
10          the United States or any agency or instrumen-  
11          tality thereof;

12          “(C) while wearing a uniform or official in-  
13          signia identifying the office or position of the  
14          employee; or

15          “(D) using any vehicle owned or leased by  
16          the Government of the United States or any  
17          agency or instrumentality thereof.

18          “(b) FURTHER RESTRICTED EMPLOYEES.—

19                 “(1) IN GENERAL.—An employee described in  
20                 paragraph (2) may not knowingly censor or discour-  
21                 age the exercise of speech of a person at any time,  
22                 including outside normal duty hours and while such  
23                 employee is away from their normal duty post.

1           “(2) FURTHER RESTRICTED EMPLOYEE DE-  
2           SCRIBED.—The provisions of paragraph (1) shall  
3           apply to any employee—

4                   “(A) whose duties and responsibilities of  
5           the employee’s position continue outside normal  
6           duty hours and while away from the normal  
7           duty post; and

8                   “(B) who is—

9                           “(i) an employee paid from an appro-  
10                          piation for the Executive Office of the  
11                          President; or

12                           “(ii) an employee appointed by the  
13                          President, by and with the advice and con-  
14                          sent of the Senate, whose position is lo-  
15                          cated within the United States, who deter-  
16                          mines policies to be pursued by the United  
17                          States in relations with foreign powers or  
18                          in the nationwide administration of Fed-  
19                          eral laws.

20           “(c) EXCEPTIONS.—Nothing in this Act shall be con-  
21           strued to prohibit an employee from engaging in lawful  
22           actions within the official authority of such employee for  
23           the purpose of exercising legitimate law enforcement func-  
24           tions directly related to activities to combat child pornog-  
25           raphy, human trafficking, or the illegal transporting of or

1 transacting in controlled substances and safeguarding, or  
2 preventing, the unlawful dissemination of properly classi-  
3 fied national security information.

4 “(d) PENALTIES.—An employee who violates this sec-  
5 tion shall be subject to—

6 “(1) disciplinary action consisting of removal,  
7 reduction in grade, debarment from Federal employ-  
8 ment for a period not to exceed 5 years, suspension,  
9 or reprimand;

10 “(2) an assessment of a civil penalty not to ex-  
11 ceed \$10,000; or

12 “(3) any combination of the penalties described  
13 in paragraph (1) or (2).

14 “(e) ENFORCEMENT.—This section shall be enforced  
15 in the same manner as subchapter III of this chapter.

16 “(f) DEFINITIONS.—In this subchapter—

17 “(1) the term ‘censor’ or ‘censorship’ means or-  
18 dering or advocating for—

19 “(A) the removal or suppression of lawful  
20 speech, in whole or in part, from or on any  
21 platform (including an interactive computer  
22 service);

23 “(B) the addition of any disclaimer, infor-  
24 mation, or other alert to such speech being ex-

1           pressed on any platform (including an inter-  
2           active computer service); or

3           “(C) the removal or restriction of access of  
4           any person on any platform (including an inter-  
5           active computer service) generally available to  
6           the public, unless such person is engaged in  
7           criminal activities;

8           “(2) the term ‘employee’ has the meaning given  
9           that term in section 7322; and

10           “(3) the term ‘interactive computer service’ has  
11           the meaning given that term in section 230(f) of the  
12           Communications Act of 1934 (47 U.S.C. 230(f)).”.

13           (b) CLERICAL AMENDMENT.—The table of sections  
14           for chapter 73 of title 5, United States Code, is amended  
15           by adding at the end the following:

“SUBCHAPTER VIII—PROHIBITION ON FEDERAL EMPLOYEE CENSORSHIP

“7381. Policy regarding Federal employee censorship.

“7382. Prohibition on Federal employee censorship.”.

16           (c) SEVERABILITY.—If any provision of this Act or  
17           any amendment made by this Act, or the application of  
18           a provision of this Act or an amendment made by this  
19           Act to any person or circumstance, is held to be unconsti-  
20           tutional, the remainder of this Act, and the application  
21           of the provisions to any person or circumstance, shall not  
22           be affected by the holding.