H. R. _____

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.

IN THE HOUSE OF REPRESENTATIVES

Mr. Comer introduced the following bill; which was referred to the Committee on ________________

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”.

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SEC. 2. PROHIBITION ON FEDERAL EMPLOYEE CENSORSHIP.

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

“SUBCHAPTER VIII—PROHIBITION ON FEDERAL EMPLOYEE CENSORSHIP

§ 7381. Policy regarding Federal employee censorship

“It is the policy of the Congress that employees acting in their official capacity should neither take action within their authority or influence to promote the censorship of any speech, nor advocate that a third party, including a private entity, censor such speech.

§ 7382. Prohibition on Federal employee censorship

“(a) IN GENERAL.—An employee may not—

“(1) use the employee’s official authority or influence to advocate that any third party, including a private entity, take any action to censor any speech;

“(2) knowingly censor or discourage the exercise of speech of any person who—

“(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or
“(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee; or

“(3) engage in censorship—

“(A) while the employee is on duty;

“(B) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

“(C) while wearing a uniform or official insignia identifying the office or position of the employee; or

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

“(b) FURTHER RESTRICTED EMPLOYEES.—

“(1) IN GENERAL.—An employee described in paragraph (2) may not knowingly censor or discourage the exercise of speech of a person at any time, including outside normal duty hours and while such employee is away from their normal duty post.
(2) FURTHER RESTRICTED EMPLOYEE DESCRIBED.—The provisions of paragraph (1) shall apply to any employee—

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

“(B) who is—

“(i) an employee paid from an appropriation for the Executive Office of the President; or

“(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.

“(c) EXCEPTIONS.—Nothing in this Act shall be construed to prohibit an employee from engaging in lawful actions within the official authority of such employee for the purpose of safeguarding, or preventing the unlawful dissemination of properly classified national security information.
“(d) PENALTIES.—An employee who violates this section shall be subject to any of the penalties described in section 7326.

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

“(f) DEFINITIONS.—In this subchapter—

“(1) the term ‘censor’ or ‘censorship’ means ordering or advocating for—

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

“(B) the addition of any disclaimer, information, or other alert to such speech being expressed on any platform (including an interactive computer service); or

“(C) the removal or restriction of access of any person on any platform (including an interactive computer service) generally available to the public, unless such person is engaged in criminal activities;

“(2) the term ‘employee’ has the meaning given that term in section 7322; and
“(3) the term ‘interactive computer service’ has the meaning given that term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).”.

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

“SUBCHAPTER VIII—PROHIBITION ON FEDERAL EMPLOYEE CENSORSHIP

“7382. Prohibition on Federal employee censorship.”.

(c) SEVERABILITY.—If any provision of this Act or any amendment made by this Act, or the application of a provision of this Act or an amendment made by this Act to any person or circumstance, is held to be unconstitutinal, the remainder of this Act, and the application of the provisions to any person or circumstance, shall not be affected by the holding.