

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1162
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Accountability for Gov-
3 ernment Censorship Act”.

4 **SEC. 2. REPORTS ON FEDERAL AGENCY COMMUNICATIONS**
5 **WITH INTERACTIVE COMPUTER SERVICES**
6 **REGARDING CENSORSHIP OF SPEECH.**

7 (a) AGENCY REPORT TO OMB.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of this Act, the head of
10 each agency shall submit a report to the Director of
11 the Office of Management and Budget listing each
12 instance, during the 5-year period immediately pre-
13 ceding the date of enactment of this Act, that an of-
14 ficer or employee of the agency communicated with
15 an interactive computer service that is not owned
16 and operated by the Federal Government for the
17 purposes of—

1 (A) removing or suppressing lawful speech,
2 in whole or in part, from or on any interactive
3 computer service;

4 (B) adding any disclaimer, information, or
5 other alert to lawful speech expressed on any
6 interactive computer service; or

7 (C) removing or restricting the access of
8 any person or entity to any interactive com-
9 puter service.

10 (2) ADDITIONAL INFORMATION.—With respect
11 to any communication listed pursuant to paragraph
12 (1), the head of the agency shall include the fol-
13 lowing information:

14 (A) The name of the sub-agency, bureau,
15 or office at which the officer or employee is em-
16 ployed.

17 (B) The name of any officer or employee
18 involved in the communication, including their
19 position and direct supervisor or supervisors.

20 (C) The statutory authority for making the
21 communication (if any), and if no such author-
22 ity exists, an explanation for why the agency
23 viewed it in their authority to take the action.

24 (D) The name of the interactive computer
25 service that received the communication, includ-

1 ing the name and positions of employees of the
2 interactive computer service that were specifi-
3 cally communicated with.

4 (E) A written justification summarizing
5 and explaining the purpose for taking the com-
6 munication.

7 (F) A written summary of the outcome of
8 the communication.

9 (G) A list of any other agency that was in-
10 volved in, consulted with, or otherwise coordi-
11 nated on the communication.

12 (3) REPORTING EXCEPTION.—The head of an
13 agency shall not include in the report required under
14 paragraph (1) any communication that was taken
15 for the purpose of exercising legitimate law enforce-
16 ment functions related to—

17 (A) combating child pornography and ex-
18 ploitation, human trafficking, or the illegal
19 transporting of, or transacting in, controlled
20 substances; or

21 (B) safeguarding, or preventing, the un-
22 lawful dissemination of properly classified na-
23 tional security information.

24 (4) CERTIFICATION OF NO COMMUNICATIONS.—

25 If an officer or employee of an agency has not en-

1 gaged in a communication described under para-
2 graph (1) during such 5-year period, the head of
3 that agency shall submit to the Director a certifi-
4 cation to that effect not later than 90 days after the
5 date of enactment of this Act.

6 (b) OMB REPORT TO CONGRESS.—

7 (1) IN GENERAL.—Not later than 270 days
8 after the date of enactment of this Act, the Director
9 shall submit to the Committee on Homeland Secu-
10 rity and Governmental Affairs of the Senate and the
11 Committee on Oversight and Accountability of the
12 House of Representatives a report, which may in-
13 clude a classified annex, that includes—

14 (A) the information on communications
15 submitted to the Director by any agency pursu-
16 ant to subsection (a); and

17 (B) a summary of the agency communica-
18 tions reported under subsection (a), organized
19 by interactive computer service, that received
20 such communications.

21 (2) UNCLASSIFIED FORM.—The information in-
22 cluded in the report submitted by the Director list-
23 ing communications under subsection (a), descrip-
24 tions of such communications under each of sub-
25 paragraphs (A) through (D) of subsection (a)(2),

1 and the summary under paragraph (1)(B) of this
2 paragraph may not be included in any classified
3 annex and shall be submitted in unclassified form.

4 (c) INSPECTORS GENERAL REVIEW AND ENFORCE-
5 MENT.—

6 (1) IN GENERAL.—Not later than 270 days
7 after the date of enactment of this Act, each Inspec-
8 tor General of an agency that submits a report or
9 certification to the Director under subsection (a)
10 shall conduct a review of the agency's compliance
11 with the requirements of this Act and submit a re-
12 port on such compliance to the Committee on Home-
13 land Security and Governmental Affairs of the Sen-
14 ate and the Committee on Oversight and Account-
15 ability of the House of Representatives.

16 (2) CONGRESSIONAL BRIEFING FOR AGENCIES
17 FOUND TO BE NONCOMPLIANT.—An agency required
18 to submit a report or certification to the Director
19 under subsection (a) that is found by the agency's
20 Inspector General to be noncompliant with the re-
21 quirements of this Act shall brief the Committee on
22 Homeland Security and Governmental Affairs of the
23 Senate and the Committee on Oversight and Ac-
24 countability of the House of Representatives not

1 later than 60 days after the committee receives an
2 Inspector General report on an agency's compliance.

3 (d) DEFINITIONS.—In this Act—

4 (1) the term “agency” has the meaning given
5 that term in section 551(1) of title 5, United States
6 Code, and includes any office within the Executive
7 Office of the President;

8 (2) the term “Director” means the Director of
9 the Office of Management and Budget; 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)).

