

118TH CONGRESS
1ST SESSION

H. R. 140

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

JANUARY 9, 2023

Mr. COMER (for himself, Mr. JORDAN, and Mrs. RODGERS of Washington) introduced the following bill; which was referred to the Committee on Oversight and Accountability

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.

○