

Union Calendar No.

118TH CONGRESS
1ST SESSION

H. R. 1162

[Report No. 118-]

To require the Office of Management and Budget to report to Congress on actions taken by Executive branch employees to censor lawful speech, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2023

Mr. PERRY introduced the following bill; which was referred to the Committee on Oversight and Accountability

MARCH --, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on February 24, 2023]

A BILL

To require the Office of Management and Budget to report to Congress on actions taken by Executive branch employees to censor lawful speech, 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 “Accountability for Gov-*
5 *ernment Censorship Act”.*

6 **SEC. 2. REPORTS ON FEDERAL AGENCY COMMUNICATIONS**
7 **WITH INTERACTIVE COMPUTER SERVICES RE-**
8 **GARDING CENSORSHIP OF SPEECH.**

9 *(a) AGENCY REPORT TO OMB.—*

10 *(1) IN GENERAL.—Not later than 180 days after*
11 *the date of enactment of this Act, the head of each*
12 *agency shall submit a report to the Director of the Of-*
13 *fice of Management and Budget listing each instance,*
14 *during the 5-year period immediately preceding the*
15 *date of enactment of this Act, that an officer or em-*
16 *ployee of the agency communicated with an inter-*
17 *active computer service that is not owned and oper-*
18 *ated by the Federal Government for the purposes of—*

19 *(A) removing or suppressing lawful speech,*
20 *in whole or in part, from or on any interactive*
21 *computer service;*

22 *(B) adding any disclaimer, information, or*
23 *other alert to lawful speech expressed on any*
24 *interactive computer service; or*

1 (C) removing or restricting the access of
2 any person or entity to any interactive computer
3 service.

4 (2) *ADDITIONAL INFORMATION.*—With respect to
5 any communication listed pursuant to paragraph (1),
6 the head of the agency shall include the following in-
7 formation:

8 (A) The name of the sub-agency, bureau, or
9 office at which the officer or employee is em-
10 ployed.

11 (B) The name of any officer or employee in-
12 volved in the communication, including their po-
13 sition and direct supervisor or supervisors.

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

18 (D) The name of the interactive computer
19 service that received the communication, includ-
20 ing the name and positions of employees of the
21 interactive computer service that were specifi-
22 cally communicated with.

23 (E) A written justification summarizing
24 and explaining the purpose for taking the com-
25 munication.

1 (F) *A written summary of the outcome of*
2 *the communication.*

3 (G) *A list of any other agency that was in-*
4 *volved in, consulted with, or otherwise coordi-*
5 *nated on the communication.*

6 (3) *REPORTING EXCEPTION.—The head of an*
7 *agency shall not include in the report required under*
8 *paragraph (1) any communication that was taken for*
9 *the purpose of exercising legitimate law enforcement*
10 *functions related to—*

11 (A) *combating child pornography and ex-*
12 *ploitation, human trafficking, or the illegal*
13 *transporting of, or transacting in, controlled*
14 *substances; or*

15 (B) *safeguarding, or preventing, the unlaw-*
16 *ful dissemination of properly classified national*
17 *security information.*

18 (4) *CERTIFICATION OF NO COMMUNICATIONS.—If*
19 *an officer or employee of an agency has not engaged*
20 *in a communication described under paragraph (1)*
21 *during such 5-year period, the head of that agency*
22 *shall submit to the Director a certification to that ef-*
23 *fect not later than 90 days after the date of enactment*
24 *of this Act.*

25 (b) *OMB REPORT TO CONGRESS.—*

1 (1) *IN GENERAL.*—Not later than 270 days after
2 the date of enactment of this Act, the Director shall
3 submit to the Committee on Homeland Security and
4 Governmental Affairs of the Senate and the Com-
5 mittee on Oversight and Accountability of the House
6 of Representatives a report, which may include a
7 classified annex, that includes—

8 (A) the information on communications
9 submitted to the Director by any agency pursu-
10 ant to subsection (a); and

11 (B) a summary of the agency communica-
12 tions reported under subsection (a), organized by
13 interactive computer service, that received such
14 communications.

15 (2) *UNCLASSIFIED FORM.*—The information in-
16 cluded in the report submitted by the Director listing
17 communications under subsection (a), descriptions of
18 such communications under each of subparagraphs
19 (A) through (D) of subsection (a)(2), and the sum-
20 mary under paragraph (1)(B) of this paragraph may
21 not be included in any classified annex and shall be
22 submitted in unclassified form.

23 (c) *INSPECTORS GENERAL REVIEW AND ENFORCE-*
24 *MENT.*—

1 (1) *IN GENERAL.*—Not later than 270 days after
2 the date of enactment of this Act, each Inspector Gen-
3 eral of an agency that submits a report or certifi-
4 cation to the Director under subsection (a) shall con-
5 duct a review of the agency’s compliance with the re-
6 quirements of this Act and submit a report on such
7 compliance to the Committee on Homeland Security
8 and Governmental Affairs of the Senate and the Com-
9 mittee on Oversight and Accountability of the House
10 of Representatives.

11 (2) *CONGRESSIONAL BRIEFING FOR AGENCIES*
12 *FOUND TO BE NONCOMPLIANT.*—An agency required
13 to submit a report or certification to the Director
14 under subsection (a) that is found by the agency’s In-
15 spector General to be noncompliant with the require-
16 ments of this Act shall brief the Committee on Home-
17 land Security and Governmental Affairs of the Senate
18 and the Committee on Oversight and Accountability
19 of the House of Representatives not later than 60 days
20 after the committee receives an Inspector General re-
21 port on an agency’s compliance.

22 (d) *DEFINITIONS.*—In this Act—

23 (1) the term “agency” has the meaning given
24 that term in section 551(1) of title 5, United States

1 *Code, and includes any office within the Executive*
2 *Office of the President;*

3 *(2) the term “Director” means the Director of the*
4 *Office of Management and Budget; and*

5 *(3) the term “interactive computer service” has*
6 *the meaning given that term in section 230(f) of the*
7 *Communications Act of 1934 (47 U.S.C. 230(f)).*