

117TH CONGRESS
1ST SESSION

S. 2527

To require officers and employees of the legislative and executive branches to make certain disclosures related to communications with information content providers and interactive computer services regarding restricting speech.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2021

Mr. HAGERTY (for himself, Mr. RUBIO, Mr. JOHNSON, Mr. MARSHALL, and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require officers and employees of the legislative and executive branches to make certain disclosures related to communications with information content providers and interactive computer services regarding restricting speech.

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 “Disclose Government
5 Censorship Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) INFORMATION CONTENT PROVIDER; INTER-
2 ACTIVE COMPUTER SERVICE.—The terms “informa-
3 tion content provider” and “interactive computer
4 service” have the meanings given the terms in sec-
5 tion 230 of the Communications Act of 1934 (47
6 U.S.C. 230).

7 (2) LEGITIMATE LAW ENFORCEMENT PUR-
8 POSE.—The term “legitimate law enforcement pur-
9 pose” means for the purpose of investigating a
10 criminal offense by a law enforcement agency that is
11 within the lawful authority of that agency.

12 (3) NATIONAL SECURITY PURPOSE.—The term
13 “national security purpose” means a purpose that
14 relates to—

15 (A) intelligence activities;

16 (B) cryptologic activities related to na-
17 tional security;

18 (C) command and control of military
19 forces;

20 (D) equipment that is an integral part of
21 a weapon or weapons system; or

22 (E) the direct fulfillment of military or in-
23 telligence missions.

1 **SEC. 3. DISCLOSURES.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (c), any officer or employee in the executive or legislative
4 branch shall disclose and, in the case of a written commu-
5 nication, make available for public inspection, on a public
6 website in accordance with subsection (d), any commu-
7 nication by that officer or employee with a provider or op-
8 erator of an interactive computer service regarding action
9 or potential action by the provider or operator to restrict
10 access to or the availability of, bar or limit access to, or
11 decrease the dissemination or visibility to users of, mate-
12 rial posted by another information content provider,
13 whether the action is or would be carried out manually
14 or through use of an algorithm or other automated or
15 semi-automated process.

16 (b) TIMING.—The disclosure required under sub-
17 section (a) shall be made not later than 7 days after the
18 date on which the communication is made.

19 (c) LEGITIMATE LAW ENFORCEMENT AND NATIONAL
20 SECURITY PURPOSES.—

21 (1) IN GENERAL.—Any communication for a le-
22 gitimate law enforcement purpose or national secu-
23 rity purpose shall be disclosed and, in the case of a
24 written communication, made available for inspec-
25 tion, to each House of Congress.

1 (2) TIMING.—The disclosure required under
2 paragraph (1) shall be made not later than 60 days
3 after the date on which the communication is made.

4 (3) RECEIPT.—Upon receipt, each House shall
5 provide copies to the chairman and ranking member
6 of each standing committee with jurisdiction under
7 the rules of the House of Representatives or the
8 Senate regarding the subject matter to which the
9 communication pertains. Such information shall be
10 deemed the property of such committee and may not
11 be disclosed except—

12 (A) in accordance with the rules of the
13 committee;

14 (B) in accordance with the rules of the
15 House of Representatives and the Senate; and

16 (C) as permitted by law.

17 (d) WEBSITE.—

18 (1) LEGISLATIVE BRANCH.—The Sergeant at
19 Arms of the Senate and the Sergeant at Arms of the
20 House of Representatives shall designate a single lo-
21 cation on an internet website where the disclosures
22 and communications of employees and officers in the
23 legislative branch shall be published in accordance
24 with subsection (a).

1 (2) EXECUTIVE BRANCH.—The Director of the
2 Office of Management and Budget shall designate a
3 single location on an internet website where the dis-
4 closures and communications of employees and offi-
5 cers in the executive branch shall be published in ac-
6 cordance with subsection (a).

7 (e) NOTICE.—The Sergeant at Arms of the Senate,
8 the Sergeant at Arms of the House of Representatives,
9 and the Director of the Office of Management and Budget
10 shall take reasonable steps to ensure that each officer and
11 employee of the legislative branch and executive branch,
12 as applicable, are informed of the duties imposed by this
13 section.

14 (f) CONFLICTS OF INTEREST.—Any person who is a
15 former officer or employee of the executive branch of the
16 United States (including any independent agency) or any
17 person who is a former officer or employee of the legisla-
18 tive branch or a former Member of Congress, who person-
19 ally and substantially participated in any communication
20 under subsection (a) while serving as an officer, employee,
21 or Member of Congress, shall not, within 2 years after
22 any such communication under subsection (a) or 1 year
23 after termination of his or her service as an officer, em-
24 ployee, or Member of Congress, whichever is later, know-
25 ingly make, with the intent to influence, any communica-

1 tion to or appearance before any officer or employee of
2 any department, agency, court, or court-martial of the
3 United States, on behalf of any person with which the
4 former officer or employee personally and substantially
5 participated in such communication under subsection (a).

6 (g) PENALTIES.—Any person who violates sub-
7 sections (a), (b), (c), or (f) shall be punished as provided
8 in section 216 of title 18, United States Code.

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