

118TH CONGRESS
2D SESSION

S. 4859

To prohibit Federal employees and contractors from directing online platforms to censor any speech that is protected by the First Amendment to the Constitution of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2024

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To prohibit Federal employees and contractors from directing online platforms to censor any speech that is protected by the First Amendment to the Constitution of the United States, 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 “Standing to Challenge
5 Government Censorship Act”.

6 **SEC. 2. EMPLOYEE PROHIBITIONS.**

7 (a) DEFINITIONS.—In this section:

1 (1) COVERED INFORMATION.—The term “cov-
2 ered information” means information relating to—

3 (A) a phone call;

4 (B) any type of digital communication, in-
5 cluding a post on a covered platform, an e-mail,
6 a text, and a direct message;

7 (C) a photo;

8 (D) shopping and commerce history;

9 (E) location data, including a driving route
10 and ride hailing information;

11 (F) an IP address;

12 (G) metadata;

13 (H) search history;

14 (I) the name, age, or demographic infor-
15 mation of a user of a covered platform; and

16 (J) a calendar item.

17 (2) COVERED PLATFORM.—The term “covered
18 platform” means—

19 (A) an interactive computer service, as
20 that term is defined in section 230(f) of the
21 Communications Act of 1934 (47 U.S.C.
22 230(f)); and

23 (B) any platform through which a media
24 organization disseminates information, without

1 regard to whether the organization disseminates
2 that information—

- 3 (i) through broadcast or print;
- 4 (ii) online; or
- 5 (iii) through any other channel.

6 (3) EMPLOYEE.—

7 (A) IN GENERAL.—The term “em-
8 ployee”—

9 (i) means an employee of an Execu-
10 tive agency; and

11 (ii) includes—

12 (I) an individual, other than an
13 employee of an Executive agency,
14 working under a contract with an Ex-
15 ecutive agency; and

16 (II) the President and the Vice
17 President.

18 (B) RULE OF CONSTRUCTION.—With re-
19 spect to an individual described in subpara-
20 graph (A)(ii)(I), solely for the purposes of this
21 Act, the Executive agency that has entered into
22 the contract under which the employee is work-
23 ing shall be construed to be the Executive agen-
24 cy employing the employee.

1 (4) EXECUTIVE AGENCY.—The term “Executive
2 agency” —

3 (A) has the meaning given the term in sec-
4 tion 105 of title 5, United States Code; and

5 (B) includes the Executive Office of the
6 President.

7 (5) PROVIDER.—The term “provider” means a
8 provider of a covered platform.

9 (b) PROHIBITIONS.—

10 (1) IN GENERAL.—An employee acting under
11 official authority or influence may not—

12 (A) use any form of communication (with-
13 out regard to whether the communication is
14 visible to members of the public) to direct, co-
15 erce, compel, or encourage a provider to take,
16 suggest or imply that a provider should take, or
17 request that a provider take any action to cen-
18 sor speech that is protected by the Constitution
19 of the United States, including by—

20 (i) removing that speech from the ap-
21 plicable covered platform;

22 (ii) suppressing that speech on the ap-
23 plicable covered platform;

24 (iii) removing or suspending a par-
25 ticular user (or a class of users) from the

1 applicable covered platform or otherwise
2 limiting the access of a particular user (or
3 a class of users) to the covered platform;

4 (iv) labeling that speech as
5 disinformation, misinformation, or false, or
6 by making any similar characterization
7 with respect to the speech; or

8 (v) otherwise blocking, banning, delet-
9 ing, deprioritizing, demonetizing,
10 deboosting, limiting the reach of, or re-
11 stricting access to the speech;

12 (B) direct or encourage a provider to share
13 with an Executive agency covered information
14 containing data or information regarding a par-
15 ticular topic, or a user or group of users on the
16 applicable covered platform, including any cov-
17 ered information shared or stored by users on
18 the covered platform;

19 (C) work, directly or indirectly, with any
20 private or public entity or person to take an ac-
21 tion that is prohibited under subparagraph (A)
22 or (B); or

23 (D) on behalf of the Executive agency em-
24 ploying the employee—

1 (i) enter into a partnership with a
2 provider to monitor any content dissemi-
3 nated on the applicable covered platform;
4 or

5 (ii) solicit, accept, or enter into a con-
6 tract or other agreement (including a no-
7 cost agreement) for free advertising or an-
8 other promotion on a covered platform.

9 (2) EXCEPTION.—Notwithstanding subpara-
10 graph (B) of paragraph (1), the prohibition under
11 that subparagraph shall not apply with respect to an
12 action by an Executive agency or employee pursuant
13 to a warrant that is issued by any court of com-
14 petent jurisdiction, including a court of the United
15 States of competent jurisdiction in accordance with
16 the procedures described in rule 41 of the Federal
17 Rules of Criminal Procedure.

18 (c) PRIVATE RIGHT OF ACTION.—

19 (1) IN GENERAL.—A person, the account, con-
20 tent, speech, or other information of which has been
21 affected in violation of this section, may bring a civil
22 action in an appropriate district court of the United
23 States (and a State government, the Government of
24 the District of Columbia, or the government of a ter-
25 ritory of the United States may bring a civil action

1 in an appropriate district court of the United States
2 on behalf of such a person, if that person is subject
3 to the jurisdiction of the applicable government) for
4 reasonable attorneys' fees, injunctive relief, and ac-
5 tual damages against—

6 (A) the applicable Executive agency; and

7 (B) the employee of the applicable Execu-
8 tive agency who committed the violation.

9 (2) PRESUMPTION OF LIABILITY.—In a civil ac-
10 tion brought under paragraph (1), there shall be a
11 rebuttable presumption against the applicable Exec-
12 utive agency or employee if the person bringing the
13 action, or the government bringing the action on be-
14 half of a person, demonstrates that the applicable
15 employee communicated with a provider on a matter
16 relating to—

17 (A) covered information with respect to
18 that person; or

19 (B) a statement made by that person on
20 the applicable covered platform.

21 (3) APPLICABILITY.—A person or government
22 described in paragraph (1) may bring a civil action
23 under this subsection with respect to any violation of

1 this section committed before, on, or after the date
2 of enactment of this Act.

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