

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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  
24 this section committed before, on, or after the date  
25 of enactment of this Act.