

118TH CONGRESS
1ST SESSION

H. R. 4848

To provide for a right of action against Federal employees for violations of First Amendment rights.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2023

Mr. BISHOP of North Carolina (for himself, Ms. HAGEMAN, Mr. JOHNSON of Louisiana, Mr. VAN DREW, Mr. STEUBE, Mr. BIGGS, Mr. GOODEN of Texas, Mr. NEHLS, Mr. GAETZ, and Mr. JORDAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for a right of action against Federal employees for violations of First Amendment rights.

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 “Censorship Account-
5 ability Act”.

1 **SEC. 2. RIGHT OF ACTION AGAINST FEDERAL EMPLOYEES**
2 **FOR VIOLATIONS OF FIRST AMENDMENT**
3 **RIGHTS.**

4 (a) **IN GENERAL.**—A Federal employee who, under
5 color of any statute, ordinance, regulation, custom, or
6 usage, of the United States, subjects, or causes to be sub-
7 jected, any citizen of the United States or any person
8 within the jurisdiction thereof to the deprivation of any
9 rights, privileges, or immunities secured by the First
10 Amendment, shall be liable to the party injured in an ac-
11 tion at law, suit in equity, or other proper proceeding for
12 redress.

13 (b) **EXCEPTION.**—This section does not authorize a
14 Federal employee to bring a suit against their Federal em-
15 ployer or the Federal Government for conduct that is with-
16 in the scope of the employment relationship.

17 (c) **ATTORNEY’S FEES.**—In any action or proceeding
18 to enforce this Act, the court, in its discretion, may allow
19 the prevailing party, other than the United States, a rea-
20 sonable attorney’s fee as part of the costs.

21 (d) **DEFINITION.**—In this section, the term “Federal
22 employee” means an individual, other than the President
23 or the Vice President, who occupies a position in any agen-
24 cy or instrumentality of the executive branch (including
25 any independent agency).

1 (e) SEVERABILITY.—If any provision of this Act or
2 the application of a provision of this Act to any person
3 or circumstance, is held to be unconstitutional, the re-
4 mainder of this Act, and the application of the provisions
5 to any person or circumstance, shall not be affected there-
6 by.

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