

Union Calendar No. 479

118TH CONGRESS
2^D SESSION

H. R. 4848

[Report No. 118-579]

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

JULY 11, 2024

Additional sponsors: Mr. TIFFANY, Mrs. CAMMACK, Mr. MCCLINTOCK, Mr. DONALDS, Mr. MASSIE, Mrs. LUNA, Mr. NORMAN, Mr. GOOD of Virginia, Mr. CLINE, Mr. ISSA, Mr. FRY, Mr. OGLES, Mr. PERRY, Mr. MOORE of Alabama, Mr. CRANE, Mr. DAVIDSON, Mrs. HARSHBARGER, Mr. BURLISON, Mr. GOSAR, Mr. HIGGINS of Louisiana, Mrs. HOUCHIN, Mrs. MILLER of Illinois, Mr. POSEY, Ms. GREENE of Georgia, Mrs. SPARTZ, Ms. STEFANIK, Mr. WEBER of Texas, Mr. BRECHEEN, and Mr. CLOUD

JULY 11, 2024

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 italic]

[For text of introduced bill, see copy of bill as introduced on July 25, 2023]

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”.*

6 **SEC. 2. RIGHT OF ACTION AGAINST FEDERAL EMPLOYEES**
7 **FOR VIOLATIONS OF FIRST AMENDMENT**
8 **RIGHTS.**

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

17 (b) *EXCEPTION.*—*This section does not authorize a*
18 *Federal employee to bring a suit against their Federal em-*
19 *ployer or the Federal Government for conduct that is within*
20 *the scope of the employment relationship.*

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

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

6 (e) *SEVERABILITY.*—*If any provision of this Act or the*
7 *application of a provision of this Act to any person or cir-*
8 *cumstance is held to be unconstitutional, the remainder of*
9 *this Act, and the application of the provisions to any person*
10 *or circumstance, shall not be affected thereby.*

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