

AMENDMENT TO
RULES COMMITTEE PRINT 118-1
OFFERED BY MR. PERRY OF PENNSYLVANIA

Add at the end the following:

1 **SEC. 3. REPORTS ON FEDERAL AGENCY COMMUNICATIONS**
2 **WITH INTERACTIVE COMPUTER SERVICES**
3 **REGARDING CENSORSHIP OF SPEECH.**

4 (a) AGENCY REPORT TO OMB.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the head of
7 each agency shall submit a report to the Director of
8 the Office of Management and Budget listing each
9 instance, during the 5-year period immediately pre-
10 ceding the date of enactment of this Act, that an of-
11 ficer or employee of the agency communicated with
12 an interactive computer service that is not owned
13 and operated by the Federal Government for the
14 purposes of—

15 (A) removing or suppressing lawful speech,
16 in whole or in part, from or on any interactive
17 computer service;

1 (B) adding any disclaimer, information, or
2 other alert to lawful speech expressed on any
3 interactive computer service; or

4 (C) removing or restricting the access of
5 any person or entity to any interactive com-
6 puter service.

7 (2) ADDITIONAL INFORMATION.—With respect
8 to any communication listed pursuant to paragraph
9 (1), the head of the agency shall include the fol-
10 lowing information:

11 (A) The name of the sub-agency, bureau,
12 or office at which the officer or employee is em-
13 ployed.

14 (B) The name of any officer or employee
15 involved in the communication, including their
16 position and direct supervisor or supervisors.

17 (C) The statutory authority for making the
18 communication (if any), and if no such author-
19 ity exists, an explanation for why the agency
20 viewed it in their authority to take the action.

21 (D) The name of the interactive computer
22 service that received the communication, includ-
23 ing the name and positions of employees of the
24 interactive computer service that were specifi-
25 cally communicated with.

1 (E) A written justification summarizing
2 and explaining the purpose for taking the com-
3 munication.

4 (F) A written summary of the outcome of
5 the communication.

6 (G) A list of any other agency that was in-
7 volved in, consulted with, or otherwise coordi-
8 nated on the communication.

9 (3) REPORTING EXCEPTION.—The head of an
10 agency shall not include in the report required under
11 paragraph (1) any communication that was taken
12 for the purpose of exercising legitimate law enforce-
13 ment functions related to—

14 (A) combating child pornography and ex-
15 ploitation, human trafficking, or the illegal
16 transporting of, or transacting in, controlled
17 substances; or

18 (B) safeguarding, or preventing, the un-
19 lawful dissemination of properly classified na-
20 tional security information.

21 (4) CERTIFICATION OF NO COMMUNICATIONS.—
22 If an officer or employee of an agency has not en-
23 gaged in a communication described under para-
24 graph (1) during such 5-year period, the head of
25 that agency shall submit to the Director a certifi-

1 cation to that effect not later than 90 days after the
2 date of enactment of this Act.

3 (b) OMB REPORT TO CONGRESS.—

4 (1) IN GENERAL.—Not later than 270 days
5 after the date of enactment of this Act, the Director
6 shall submit to the Committee on Homeland Secu-
7 rity and Governmental Affairs of the Senate and the
8 Committee on Oversight and Accountability of the
9 House of Representatives a report, which may in-
10 clude a classified annex, that includes—

11 (A) the information on communications
12 submitted to the Director by any agency pursu-
13 ant to subsection (a); and

14 (B) a summary of the agency communica-
15 tions reported under subsection (a), organized
16 by interactive computer service, that received
17 such communications.

18 (2) UNCLASSIFIED FORM.—The information in-
19 cluded in the report submitted by the Director list-
20 ing communications under subsection (a), descrip-
21 tions of such communications under each of sub-
22 paragraphs (A) through (D) of subsection (a)(2),
23 and the summary under paragraph (1)(B) of this
24 paragraph may not be included in any classified
25 annex and shall be submitted in unclassified form.

1 (c) INSPECTORS GENERAL REVIEW AND ENFORCE-
2 MENT.—

3 (1) IN GENERAL.—Not later than 270 days
4 after the date of enactment of this Act, each Inspec-
5 tor General of an agency that submits a report or
6 certification to the Director under subsection (a)
7 shall conduct a review of the agency's compliance
8 with the requirements of this Act and submit a re-
9 port on such compliance to the Committee on Home-
10 land Security and Governmental Affairs of the Sen-
11 ate and the Committee on Oversight and Account-
12 ability of the House of Representatives.

13 (2) CONGRESSIONAL BRIEFING FOR AGENCIES
14 FOUND TO BE NONCOMPLIANT.—An agency required
15 to submit a report or certification to the Director
16 under subsection (a) that is found by the agency's
17 Inspector General to be noncompliant with the re-
18 quirements of this Act shall brief the Committee on
19 Homeland Security and Governmental Affairs of the
20 Senate and the Committee on Oversight and Ac-
21 countability of the House of Representatives not
22 later than 60 days after the committee receives an
23 Inspector General report on an agency's compliance.

24 (d) DEFINITIONS.—In this section—

1 (1) the term “agency” has the meaning given
2 that term in section 551(1) of title 5, United States
3 Code, and includes any office within the Executive
4 Office of the President;

5 (2) the term “Director” means the Director of
6 the Office of Management and Budget; and

7 (3) the term “interactive computer service” has
8 the meaning given that term in section 230(f) of the
9 Communications Act of 1934 (47 U.S.C. 230(f)).

