

efforts in northeast Syria because this not only threatens to give ISIS an opportunity to resurge and again use Syria as a launchpad for attacks throughout the region and beyond, but it also leaves our Syrian partners out to dry.

Any withdrawal of U.S. forces must be done in close coordination with our coalition allies and partners because our courageous Syrian opposition friends need to be a part of this, and we need to talk to them in a manner that ensures our national security.

I hope my colleagues will join me as I oppose this resolution and look forward to a future debate on AUMF issues.

Mr. Speaker, I yield back the balance of my time.

Mr. McCAUL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me say, it has been a good debate. There is nothing more important in this body than issues of war and peace and what we have been talking about today.

I was a counterterrorism Federal prosecutor after 9/11 and the chairman of the Homeland Security Committee when ISIS and the caliphate were at their strength with external operations and, yes, the southern border and the threat that that poses. We can talk about the merits some more, and I appreciate this discussion.

But at the heart of this under the War Powers Resolution privilege is, and I am quoting directly: “. . . that United States Armed Forces are engaged in hostilities . . . without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs. . . .”

The authority is there, and if you look under the AUMF of 2001 “. . . to prevent any future acts of international terrorism. . . .”

I want to close with what President Trump said. I was a part of this decision with him on June 9, 2020. He said:

Since October 7, 2001, United States Armed Forces have conducted counterterrorism operations against al-Qaida. Since August of 2014, they have targeted the Islamic State of Iraq and Syria, otherwise known as ISIS, formerly known as al-Qaida in Iraq.

These ongoing operations have been successful in seriously degrading ISIS capabilities in Syria and Iraq.

If we want to start having a debate without repealing and replacing the 2001 AUMF, then I would just argue to my colleagues that that would be the productive route to fix this issue of whether the United States should be present in the Middle East at all.

And to close, our Afghanistan hearing, what a mess we have left behind and what a threat that has become, as well.

Mr. Speaker, I urge my colleagues to oppose this, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired. Pursuant to the order of the House of today, the previous question is ordered on the concurrent resolution.

The question is on adoption of the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. GAETZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1515

PROTECTING SPEECH FROM GOVERNMENT INTERFERENCE ACT

GENERAL LEAVE

Mr. COMER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 140.

The SPEAKER pro tempore (Mr. GROTHMAN). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 199 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for consideration of H.R. 140.

The Chair appoints the gentleman from Nebraska (Mr. FLOOD) to preside over the Committee of the Whole.

□ 1515

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 140) to amend title 5, United States Code, to prohibit Federal employees from advocating for censorship of viewpoints in their official capacity, and for other purposes, with Mr. FLOOD in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Accountability or their respective designees.

The gentleman from Kentucky (Mr. COMER) and the gentleman from New York (Mr. GOLDMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. COMER).

Mr. COMER. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I rise in support of H.R. 140, the Protecting Speech from Government Interference Act. This legislation is clearly needed.

During the Oversight and Accountability Committee's February 8 hearing on protecting speech from government interference and social media bias, the Oversight and Accountability Committee learned just how easy it

was for the Federal Government to influence a private company to accomplish what it constitutionally cannot, and that is limit the free exercise of speech.

At the hearing, we heard hours of witness testimony that revealed the extent to which Federal employees have repeatedly and consistently communicated with social media platforms to censor and suppress the lawful speech of Americans.

The hearing exposed just how much the Biden administration attempted to normalize a policy of Federal censorship. Biden administration officials have publicly called upon and privately coordinated with private-sector social media companies to ban specific accounts viewed as politically inconvenient.

During our February 8 hearing, one of our witnesses, a former FBI official and former Twitter employee, called for Federal legislation that would reasonably and effectively limit government interactions with private-sector platforms.

I agree with him. It is inappropriate and dangerous for the Federal Government to decide what lawful speech is allowed on a private-sector platform.

My bill, the Protecting Speech from Government Interference Act, makes this type of behavior an unlawful activity for Federal officials to engage in, subjecting those who attempt to censor the lawful speech of Americans to disciplinary actions and monetary penalties.

The Federal Government should not be able to decide what lawful speech is allowed. We have the First Amendment for a very good reason. Federal officials, no matter their rank or resources, must be prohibited from coercing the private sector to suppress certain information or limit the ability of citizens to freely express their own views on a private-sector internet platform.

Former White House Press Secretary Jen Psaki, for example, should not have been free to use her official authority to openly call for Facebook or any other social media company to ban specific accounts or types of speech from its platform. That was not an appropriate use of the authorities or resources of a senior executive branch official.

Further, Federal employees should not feel empowered to infringe on the independence of private entities by pressuring them to complicate or change their community guidelines and content modernization policies.

If the Biden administration needs to express its policy positions or political preferences, it has immense communication resources of its own through which to engage in the public square and offer its information and arguments.

If the administration feels it is losing the policy argument and the public's

confidence to stronger voices, the answer should never be to deploy the resources and power of the Federal Government to limit the speech of others.

The legislation before us today expands the current Federal employee political activity limitations of the Hatch Act to include a prohibition on Federal employees using their official authority to influence or coerce a private-sector internet platform to censor lawful speech.

This includes a prohibition on actions that would result in a private-sector platform suppressing, restricting, or adding disclaimers or alerts to any lawful speech posted on its platform by a person or entity.

Whether an ordinary citizen or an established media organization, all Americans have a right to utilize these new and powerful communication technology resources to share their views and opinions without Uncle Sam putting his thumb on the scale to tilt the debate in one direction.

Americans know that the First Amendment protects them from this kind of government censorship, protects them from Federal officials who seek to use their positions, their influence, and their resources to censor lawful speech.

The only thing that has changed is that the public square has moved online, with powerful new communication tools.

We are discussing this legislation today because Americans know that something is wrong, and they have asked Congress to fix it.

This bill is a targeted first step to address one clear part of the problem—the troubling development that Federal officials in the U.S. Government view it as their role to censor the speech of Americans.

I urge all my colleagues to support this very necessary legislation.

Mr. Chair, I reserve the balance of my time.

Mr. GOLDMAN of New York. Mr. Speaker, I yield myself such time as I may consume.

This bill purports to protect free speech from government censorship. I agree, it is a great idea. It is such a good idea, in fact, that the Founding Fathers put it in the Constitution. It is called the First Amendment. We don't need a new bill to protect free speech because that is currently the law of the land, so we must ask ourselves: What is the point of this bill?

As our esteemed ranking member observed last night, Vladimir Putin and Xi Jinping probably don't make a habit of watching congressional proceedings, but we are willing to bet that this floor debate is of keen interest to Russian and Chinese agents bent on destabilizing our democracy and influencing our elections to serve their interests.

H.R. 140 would effectively allow these and other foreign malign actors—who have poured hundreds of millions of dollars into online propaganda to create chaos, mistrust, hate, and confu-

sion for Americans—to continue using social media platforms unfettered to wreak havoc on our democratic institutions, including the integrity of our elections.

It would do so by undermining the only defense that we have against these operations, which is the ability of our national security, intelligence, and law enforcement agencies to warn social media platforms and the public about the deployment of counterfeit accounts, disinformation, and cyber surveillance by malign actors.

Now, I have no doubt that my Republican colleagues will claim that, of course, all of our national security apparatus is able to warn social media companies of foreign interference. But the way that this bill is written—even if that is the case, which it is not—they would have to wait 72 hours in order to do that. Seventy-two hours on the internet is a lifetime. Everything that they would want to accomplish would be accomplished within 72 hours.

Now, there are exceptions to that. So, clearly, my Republican colleagues recognize that there need to be exceptions, but those exceptions cover a very, very narrow window, a narrow scope of child pornography, human or drug trafficking, or the dissemination of classified information. Anything else that might not be lawful speech still has to wait 72 hours, far too long.

Now, Democrats acted in good faith to identify and correct these dangerous loopholes in our committee, but all of our amendments were voted down. Our Democratic and Republican colleagues attempted again to address the most dangerous flaws of this bill by submitting 64 amendments for floor consideration, but Republicans only allowed 10 to be considered here today. Of those, only one—one—was offered by a Democrat. So much for all the open floor rules that our Republicans have talked about.

Now, in fairness, Republicans accepted multiple minor amendments that were submitted late, and yet still rejected many of the timely amendments. Some of those Democratic amendments would have cured the obvious weaknesses and loopholes of this unnecessary bill.

There was one amendment that would allow our intelligence community, national security apparatus, and law enforcement to inform social media companies of national security threats.

Another amendment would allow them to inform the social media companies in order to combat domestic and international terrorism.

Another amendment would have addressed fraud targeting seniors.

Another amendment would have ensured the safety of children online. Another amendment prevented attacks on the U.S. Capitol.

One amendment even would have prevented the incitement of violence by Neo-Nazis and other hate groups.

They were all voted down. They even blocked a bipartisan amendment of-

fered by Congresswoman HOULAHAN and Congresswoman MACE to ensure that law enforcement can still act immediately to prevent sexual assault.

By rejecting these commonsense amendments, Republicans have made it clear that this bill is not about protecting the rights and safety of all Americans. In fact, even though there is no evidence—and I will get to that in a minute—that warrants this bill, there is plenty of evidence that Russia interfered in our elections in 2016.

Now, what this bill does is it welcomes the same kind of election interference that we know Russia did in 2016 and that they continue to do today. Just like Donald Trump sided with Vladimir Putin over our intelligence communities in Helsinki in 2018, this bill and the Republicans who are sponsoring this bill are siding with Russia and Vladimir Putin over our national security apparatus and our law enforcement.

My Republican colleagues claim that they have put this bill forward because the FBI somehow colluded with Twitter to suppress the New York Post article on the Hunter Biden laptop story for all of 24 hours 3 weeks before the Presidential election, a private business decision based on the best information available at the time, and which had absolutely no discernible impact on the availability of the article nor the outcome of the election.

The chairman of this committee just referenced a hearing that we had where there were hours of testimony about censorship. Well, the only testimony I witnessed about censorship was former President Trump trying to take down tweets that he did not like on Twitter. There was no evidence—none at all—that the FBI or any other law enforcement agencies directed Twitter to take down any unlawful speech, and that includes the Hunter Biden laptop story.

Now, we can spend some time, although we don't need to, on why that story was both highly suspicious and also glaringly false, but the broader point is that this is a bill that seeks a solution where there is no problem. There is no protected speech that has been prohibited by the Federal Government, and there is no actual evidence of any censorship under the First Amendment.

We are basically trying to change the law to redefine censorship, and in doing so we would be opening up the floodgates to allow for all sorts of unprotected speech to be distributed throughout our social media world online because the government officials who are charged with making sure that our laws are not violated, that crimes are not committed will be handcuffed and unable to do their jobs for fear that they will be fined thousands of dollars if they are wrong.

I urge all my colleagues to stand with free speech and American democracy and oppose this dangerous bill.

Mr. Chair, I reserve the balance of my time.

Mr. COMER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado (Mrs. BOEBERT).

Mrs. BOEBERT. Mr. Chairman, free speech is under attack here in America, the free United States of America. Putin is a thug, yes. China is a threat. But nothing—and I mean nothing—will bring America to its knees like the removal of our free speech, the cornerstone for our constitutional Republic.

America without free speech is like a phone without a charger. It is only a matter of time before it dies.

□ 1530

Attacks on free speech should not be seen with a partisan lens. Any attack on free speech is an attack on every American who gave their life so that you and I could live freely, so that you and I could express our thoughts, beliefs, and opinions without fear of retribution or persecution.

Mr. Chair, the sad reality is the Biden administration has decided to collude with Big Tech to silence the voice of the American people under the guise of misinformation.

We saw in our committee hearings it was demonstrated that the FBI colluded with Big Tech to silence Americans' free speech. The gentleman from New York says, well, it is Russia and China who are going to interfere with our elections. No, no, Democrats are doing just fine with that on their own. When they have the Federal Government working for them and their agenda to push that forward and silence Americans' free speech, they are doing just fine with election interference.

We have seen the polls that said if Americans knew about the Hunter Biden laptop from hell, the election outcome would have been different, and you all wanted that silenced so greatly.

Now let me ask you—we certainly have the Constitution; I would love to get my colleagues on the other side of the aisle a copy—who decides what is true or false? I certainly don't trust the Federal Government to make that distinction.

They were wrong about the Hunter Biden laptop. They were wrong about the vaccine mandates, about masks, about the Wuhan lab leak, wrong about shutting down churches and schools and businesses, and they are dead wrong to use their positions to attack Americans' free speech.

For the current resident of 1600 Pennsylvania Avenue, the only thing harder than climbing a flight of stairs, riding a bicycle, or reading a teleprompter seems to be telling the truth.

Free speech isn't just for kind speech or true speech or widely accepted speech, it is for all speech, and it is worth fighting for. I thank my friend, colleague, and chairman of the Oversight and Accountability Committee, Mr. COMER, for his work to preserve free speech in America.

The CHAIR. Members are reminded to refrain from engaging in personalities toward the President.

Mr. GOLDMAN of New York. Mr. Chair, I would like to respond briefly because there is all this talk about collusion between the Biden administration and the FBI and Twitter, and you can say it as many times as you want to say it, and it still doesn't make it so because there is no evidence of that.

In this country we rely on facts and evidence. We don't just rely on conclusory allegations including fake polls that don't support what you're trying to say.

Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. LANDSMAN).

Mr. LANDSMAN. Mr. Chairman, I rise today to ensure that this debate is placed in an honest and important historical context.

In the 1930s and early 1940s, Hitler needed America out of his war. He used propaganda in this country to divide us and to keep us out of his war in Europe.

Pro-Hitler propaganda was all over the country, and it reached this body. We know this now. Members of Congress were in on it.

As a Jew, this is frighteningly similar to what is happening today.

One year ago, a new foreign adversary invaded Eastern Europe. Putin, like Hitler, wants us divided and isolated from his war. We must be clear-eyed about pro-Putin propaganda and who and why some intentionally, and others unintentionally, are promoting his will.

Why are we being asked to ban American officials from trying to stop propaganda from foreign adversaries like Putin?

Why are some proposing we leave Syria, which Putin wants?

Why is the call to abandon Ukraine continuing to emerge from some Members?

Remember, Hitler did this. He used Americans to spread his propaganda, and it cost millions their lives. Putin is doing the same thing.

I urge my colleagues to vote "no" on H.R. 140 and to call out any and all attempts to promote Putin's propaganda and will.

At the appropriate time I will offer a motion to recommit this bill to committee.

If the House Rules permitted, I would have offered the motion with an important amendment to the bill. The amendment would have delayed implementation of the bill until Federal agencies reported to Congress that this bill would have no negative impact on lawful activities to combat speech that incites violence, discriminatory speech, or domestic terrorism.

The bill as drafted is very unclear on those points. As I and my colleagues have pointed out, if passed, H.R. 140 will encourage the spread of foreign propaganda. It will also promote hateful, harmful, and violent content online, undermine democracy, and make us less safe.

We clearly need more information about the effects this bill would have

on speech that incites violence, discrimination, domestic terrorism, and Federal agencies, including the Department of Justice and the intelligence community, are best positioned to provide that information. These critical issues must be addressed before this bill is implemented.

Mr. Chairman, I include in the RECORD the text of my amendment.

Add at the end the following:

SEC. 3. EFFECTIVE DATE; REPORT ON NEGATIVE EFFECTS.

This Act and the amendments made by this Act shall not take effect until the date that the head of each employing agency has submitted a report to Congress confirming that this Act and the amendments made by this Act will have no negative effect on lawful activities to combat—

- (1) speech that incites violence;
- (2) discriminatory speech; or
- (3) domestic terrorism.

Mr. COMER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. ROSE).

Mr. ROSE. Mr. Chairman, free speech is the cornerstone of a free and thriving society.

Unfortunately, recent revelations made in the Twitter files show that free speech under the First Amendment is under attack—even by those within our own Federal Government.

Our Founding Fathers fought hard to enshrine the right to free speech in our Constitution. As social media companies and Big Tech corporations collude with rogue Federal officials to censor and deplatform members of our free society—including Members of Congress and other conservative voices—we must continue to do everything we can to fight to protect the First Amendment for everyone.

The Protecting Speech for Government Interference Act does exactly that. It is a victory against the modern-day attacks on our freedom, and it is a victory for all freedom-loving citizens of the United States who embrace and accept the right to free speech.

I urge my colleagues to vote in favor of the bill.

Mr. GOLDMAN of New York. Mr. Chairman, I will point out one additional factor here that I think is very important for everyone to consider. When asked what evidence there is that the FBI colluded or directed Twitter to take down any speech, the chairman offered two emails from one specific FBI agent, which suggested that a couple of Twitter handles or tweets had given misleading information very specifically about the time, place, or manner of voting in the upcoming elections.

If my Republican colleagues believe that people should be able to lie on Twitter and provide disinformation about when, where, and how to vote, then they should absolutely support this bill. If that is all that you have, and that is all that you have cited, this bill is a complete waste of time and is totally unnecessary.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. LOIS FRANKEL).

Ms. LOIS FRANKEL of Florida. Mr. Chairman, my, my, my. If you want to talk about protecting speech from government interference, let's talk about my home State of Florida because nowhere in this country is free speech more endangered than in the Sunshine State.

Florida: Where Republicans are erasing Black history and gender studies from our schools; where Republicans are threatening teachers and librarians with jail time—jail time—if they put books on their shelves that celebrate the likes of Rosa Parks or Roberto Clemente; Florida, where Republicans have made it illegal—illegal—for businesses to promote a culture of diversity, inclusion or respect; Florida, where progressive thinkers are being fired from colleges, and rightwing donors are being appointed to their boards.

It is Florida where Republicans actually punished Disney World because Disney World opposed the State's homophobic legislation. It is the great State of Florida where free speech is only free if you agree with our governor.

If you want to talk about protecting free speech from government interference, let's talk about Florida.

Mr. COMER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I rise today in support of H.R. 140, Protecting Speech from Government Interference Act, and I applaud and appreciate Chairman COMER bringing this bill forward.

In a recent hearing held by the Oversight and Accountability Committee with former executives from Twitter, a clear and very disturbing pattern emerged: A coordinated effort between a privately owned social media giant and the Federal Government to suppress critical reporting ahead of the 2020 Presidential election.

Mr. Chairman, the Federal Government and its legions of unelected bureaucrats must not be the final decisionmaker of what information Americans can and cannot read.

The onus is on Congress to provide a way to effectively prevent Federal bureaucrats from suppressing lawful speech. This bill, H.R. 140, would do just that.

For almost 100 years, the Hatch Act has served as an important barrier against taxpayer-funded employees participating in political activities while on official time, and added suppression of free speech to its list of prohibited activities.

I urge strong support for this legislation, and I am encouraged by Chairman COMER's commitment to thoroughly investigate the ever-increasing encroachment by Big Tech companies into the privacy and First Amendment rights of millions of Americans.

Mr. GOLDMAN of New York. Mr. Chairman, I have no idea what hearing the gentleman from North Carolina is

referring to, because at the hearing with Twitter executives that I attended where the head of trust and safety was specifically asked if the FBI had given any information, instructions, or directions about the Hunter Biden New York Post story, he specifically said no, they did not receive any information.

If that is what you all think that you are basing this bill on, the actual facts in evidence are precisely the opposite of that.

It is preposterous that you continue to say that over and over and over as if it is true when the evidence is directly contradictory to that.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

The CHAIR. Members are reminded to direct their remarks to the Chair.

□ 1545

Ms. JACKSON LEE. How grateful I am to be on the floor with the distinguished gentleman from New York and, of course, our distinguished ranking member, who has really laid out the parameters of this legislation. I certainly acknowledge the manager of this underlying legislation and offer my thoughts, with a little bit of consternation.

I cherish the Constitution and cherish the First Amendment. It is first for a reason: The Founding Fathers were wise enough, even with some of the failings of the Constitution, including the existence of slavery—but they were wise enough to understand that the core of democracy is, in fact, the freedom to express, the freedom to associate, the freedom to access, the freedom of religion. The First Amendment captures all of those elements.

I am somewhat lost to connect this legislation to the protection of free speech. I do know that this is part of the unending obsession that my friends on the other side of the aisle have with Mr. Biden, President Biden, and his son.

All investigations that are relevant and that are concerning the American people's integrity or national security are important, but how do you stretch this legislation to suggest that it is a question of free speech in the decisions being made to hold or not hold on purposes that may be business purposes, for all we know, Mr. Chair? It may not be free speech.

I would say that there are many other instances that free speech has been stifled. We cannot discuss the history of African Americans through the misrepresentation of critical race theory.

We are getting orders in our States like Texas to not engage in diversity, equity, and exclusiveness.

The CHAIR. The time of the gentlewoman has expired.

Mr. GOLDMAN of New York. Mr. Chair, I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. This bill does not deal with free speech. This bill is a

gotcha bill, and I ask my friends if we can, in a coordinated manner, discuss some of the important issues of the day that really need addressing.

I know that we will do the debt ceiling in months to come, but I would argue that we should protect the First Amendment, give everybody a right to freedom of speech and freedom of what they hear.

If they would join me on that, I would welcome their support in what true free speech is. We can hear, and we can speak. That is important.

Mr. COMER. Mr. Chair, I yield 2 minutes to the gentleman from South Carolina (Mr. FRY).

Mr. FRY. Mr. Chair, I rise in strong support of H.R. 140, Protecting Speech from Government Interference Act.

I thank Chairman COMER for his leadership and work to bring this issue to the floor, and I appreciate the hard work of the House Oversight Committee.

As promised, House Republicans have already opened the transparency floodgates, shedding light on a slew of this administration's failures and oversteps in their position of power, working against the American people.

Because of this work, the House Oversight Committee has deduced that Federal officials have been using their influence and position of authority to censor Americans on social media platforms.

This is a blatant threat to every single American's First Amendment rights, Mr. Chair. The Federal Government should not be able to nitpick what speech is or isn't allowed in this country or limit citizens from freely voicing their opinions, which includes on social media platforms.

Our government, Mr. Chair, and, indeed, our Constitution were created to protect those freedoms, not suppress them.

I strongly urge my colleagues to support this bill and prohibit Federal employees from using their authority to influence and censor the lawful freedom of speech.

Mr. GOLDMAN of New York. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I remind you and everyone that the First Amendment does not protect all speech. It protects lawful speech.

For example, if you make a death threat over the internet, that is not protected speech. That is a Federal crime.

Let's remember, as we take on this absolutist view that all speech is free speech, that there are many restrictions under our laws about what is lawful speech and what is not.

Mr. Chair, I yield such time as he may consume to the gentleman from Maryland (Mr. RASKIN), our constitutional legal scholar and esteemed and distinguished ranking member.

Mr. RASKIN. Mr. Chairman, I thank the distinguished gentleman from New York for his excellent leadership on this bill today on the floor.

The distinguished gentlewoman from Colorado posed a question that I have been hearing my Republican colleagues utter over the last several days: Who decides what is true or false? How can we know what is true or false? The gentlewoman confided her fear that the Federal Government would end up defining what is true or false.

Well, my, my, my. That is an absolute assault on the Constitution of the United States because we have an entire Federal judiciary, which is based on people getting up in court and swearing an oath under God or the Constitution to tell the truth, the whole truth, and nothing but the truth. The whole point of what Federal courts do is to determine what is true and what is false.

Yet, now, we have an entire political party, which is organizing itself around this radical, moral agnosticism, claiming that there is no way we can know the difference between whether an election is on Tuesday or whether an election is on Thursday, as Vladimir Putin wants to tell us through his sinister propaganda put out by the Internet Research Agency.

The whole judicial system is based on the difference between truth and lies.

In fact, the administrative system, do you want to get Social Security? Either you are 65, or you are not. That is a matter of positive fact.

You qualify for Medicare, or you don't. Truth or fact.

Yes, our system operates on the basis of truth or fact. Don't throw up your hands and say: "Oh, well, we can't know what the truth is. We can't know what lies are. We don't want bureaucrats telling us what that is."

That is what democratic government is. That is how we operate, by our commitment to the truth. That is why we all swear an oath here to uphold the Constitution. That is why people go to court and swear an oath to tell the truth.

Now, they take their shocking nihilism about what is true and what is false, and they convert it to this entire Congress. It all starts, of course, with January 6 and, before that, the Presidential election. It all starts with the big lie, Donald Trump's big lie.

They say: "Well, who knows? Maybe he won. Maybe he didn't. You say Joe Biden is President. We say Donald Trump is President." Nonsense.

Mr. Chairman, 60 Federal and State courts rejected every claim of electoral fraud and corruption that they put forward. They don't have a single court that ever ruled in their favor.

Donald Trump lost that election by more than 7 million votes, 306-232 in the electoral college, so then their big lie now has to stretch all the way over January 6. We have to disbelieve the evidence of our own eyes, of our own ears. We saw them come and descend upon this Chamber, this Congress, wounding and injuring 150 of our police officers, breaking people's noses, breaking people's fingers, putting people in the hospital.

Already, they are back on the news with big lies, saying, "No, no, no. It was a tourist visit," like these real tourists up here who have come to watch Representatives in the United States Congress say there is no difference between truth and lies, real tourists who are not beating the day-lights out of our police officers.

So the lie now extends to January 6. Who knows what really happened? Yes, we all saw it. We saw the Vice President of the United States getting chased out of the Chamber with people yelling, "Hang Mike Pence, hang Mike Pence."

We had a bipartisan committee for a year and a half with more than a thousand witnesses, a hundred subpoenaed witnesses under oath, most of them from the Trump White House and the Trump family and Republicans testifying about Trump's plan to overturn the Presidential election and get Pence just to install him in office.

Yet, they are agnostic about: "Well, the truth and lies, who knows what really happened? Who knows?" Yes. Who knows.

They have a perfect bill for you, then. We call it the Putin protection act. That is what it is, the Putin protection act.

The distinguished gentleman from New York explained Putin spent millions of dollars in 2016 to pump propaganda, electoral sabotage, into our political system. He did. Every security agency in the country told us that. We got a bipartisan report from the Senate saying it.

They are agnostic about it. When it comes to Putin, they see no evil, hear no evil, none of it. But we know that it happened.

That is Putin's plan. Why? Putin cannot beat America politically. He can't beat us economically. He can't beat us militarily. Putin can't beat us philosophically. There is one thing he has—the internet. Why? Because we are a wide open country. He says: Let's take advantage of it. Let's go on their social media platform. We will put people who oppose Putin on the internet in jail—which they do. If you send a tweet against Putin, you are going to jail.

If you put out a tweet against his filthy imperialist war, which some of them support in Ukraine, if you put out a tweet against that in Russia, you are going to jail.

He says: Let's take advantage of America's openness. We will take advantage of them, and we are going to put out propaganda. We will lie about when the election is. We will say it is on Thursday when it is on Tuesday. We will tell people to go vote next week, whatever.

That is the genesis of this whole thing. We have our security agencies who alert social media. They say they are putting up fraudulent information on your platform.

Now they come forward and say that the Democrats are trying to—what?—tell the truth. Not Democrats, the gov-

ernment, our paid Federal Government agencies, are trying to tell the social media when foreign malign actors like Russia, China, and Iran are trying to interfere in our elections.

That is what this is about—Putin protection act. They want Putin and Xi to run free over our platforms, and then they want to fine Federal Government employees thousands of dollars if they alert our government to what foreign malign actors are doing.

The whole justification for it is their silly obsession with Hunter Biden's laptop and this New York Post story, which was taken down by Twitter for 1 day 3 weeks before the election as an exercise of their private decision-making.

Then Elon Musk buys Twitter, and he fires six journalists because they disagree with him. They have no problem with that because, of course, it is a private entity. They can do whatever they want. They want to fire journalists, they fire them. They want to take the story down for an hour or a day, they can do that.

Then they want to turn that into the basis for handcuffing the entire Government of the United States so we can't protect ourselves against Vladimir Putin and President Xi? Give me a break.

Mr. COMER. Mr. Chair, I yield 2 minutes to the gentleman from Wisconsin (Mr. GROTHMAN).

Mr. GROTHMAN. Mr. Chair, I also rise to speak in favor of H.R. 140, the Protecting Speech from Government Interference Act.

It is unfortunate that this bill is necessary today. We all know why it is necessary.

In the past, the government weighed in on Twitter and Facebook to lean on them to remove certain posts regarding news stories regarding eventually President Biden's son and his interactions with Ukraine, as well as perhaps interactions with regard to China.

The reason the government weighed in this time is because they wanted to make sure that President Biden won the election.

This is a dangerous thing. There is a certain type of government in which the government weighs in on private businesses. The private businesses are able to stay wealthy. The owners of these businesses are allowed to remain billionaires, provided they play ball with orders from the government.

In other words, you give up your freedom; you maintain your wealth. I am afraid that is the type of country we are heading toward.

The scariest thing about this speech is when we looked at the Pew Research Center and found that 65 percent of Democrats apparently support some form of censorship by the government, which is really a scary thing as to where we head.

Soon the day may come in which a majority of Americans—I don't know the breakdown of that 65 percent, how many were young Americans and old

Americans. Apparently, our young Americans are being educated that this is okay, that the government knows best.

Apparently, whether it is on political matters like we had going on with Hunter Biden, I suppose also with regard to things like COVID and treatments for COVID, whatever it is, everybody, now we can marshal the big corporations of America and, under threats of who knows what, we can ask these big businesses, which don't exactly have monopolies but, as a practical matter, you have to use them.

The CHAIR. The time of the gentleman has expired.

Mr. COMER. Mr. Chair, I yield an additional 1 minute to the gentleman from Wisconsin.

Mr. GROTHMAN. As a practical matter, you have to use them, and we say: Okay. You are worth a billion dollars, to those who own these companies, but we want you to say such and such.

It is very scary that the type of young people who apparently are voting Democrat in elections don't have a problem with this.

That is why this bill is introduced today. We want to make sure that, in the future, when the government has a preferred opinion, be it on a potential President's relative, be it on a certain treatment for a disease, that the American public will be able to also get the other side of the story, the side of the story the government doesn't want you to know.

That is why it is so scary that the Democratic Party is opposing this and why it is so scary that apparently their base, if this opinion is right, doesn't have a problem with a bunch of smart government bureaucrats deciding which version of the truth you are going to get.

I realize it is difficult, apparently, where your base voter is, for the Democratic Party to vote for this bill.

□ 1600

I hope you vote for it anyway and I hope you correct what the young people have apparently been getting in school, that in a free country, one of the things we should all have is the ability to say what we want. The news you are getting should not be vetted by the government.

Mr. GOLDMAN of New York. Mr. Chair, I must commend my colleagues. Everyone is really consistent on the talking points that must have been circulated. Of course, they are not based on evidence, but everybody does seem to believe that somehow the FBI was censoring people on Twitter. Of course, those of us on the Oversight Committee who have sat through the hearings have not seen any of that.

I am also a little bewildered now because what is basically coming out is that my friends on the other side of the aisle apparently don't support law enforcement doing their jobs, don't support the Intelligence Committee doing their jobs to protect our national secu-

rity, to protect our elections, to protect our democracy. Instead, they want to provide an opportunity for alternative facts to get around the internet as fast and as quickly and as unfettered as possible, but I am here to tell you that we Democrats fully support the First Amendment.

Every single one of us observes, adheres, cherishes the First Amendment. That is, in fact, part of the reason why we in the minority on the Oversight Committee have asked the chairman to do some oversight of Michael Cohen, the former President's former personal lawyer, who was jailed in solitary confinement for 16 days by the Trump administration because they did not want him to publish a book.

That is a prohibition on our free speech. That is censorship. That is a violation of free speech. If we want to talk about free speech, that is what we should be talking about, not some phantom issue that doesn't exist about the FBI trying to make sure that our elections remain free and fair and without foreign interference.

Mr. Chair, may I inquire as to the time remaining?

The Acting CHAIR (Mr. MOOLENAAR). The gentleman from New York has 1½ minutes remaining.

Mr. GOLDMAN of New York. Mr. Chair, I reserve the balance of my time.

Mr. COMER. I reserve the balance of my time.

Mr. GOLDMAN of New York. Mr. Chair, I have now been here for about an hour. I have yet to hear any evidence at all that the FBI has, in any way, censored any one on social media, on Twitter, or otherwise.

What I have heard is a private company has temporarily restricted a false article from appearing on its website based on serious suspicions of its derivation and, in fact, the same basis for that false article, a hard drive, was proven subsequently to have been altered.

The basis of what we are talking about underlying their concern was false, but nevertheless it was still able to be sent around the internet with ample time, and the social media site even apologized for doing it.

This is a bill that, once again, is a solution searching for a problem. Our First Amendment covers everything that is in here, but the effect of this is it would allow foreign countries to jeopardize our national security, to jeopardize our elections, and to, once again, interfere in our democratic process.

That is the only thing that this bill accomplishes and it should be voted down.

Mr. Chair, I yield back the balance of my time.

Mr. COMER. Mr. Chair, the problem I face is that the Federal employees see it as part of their job to censor Americans' First Amendment protected speech on social media and internet platforms, especially if the speech is

misaligned or inconvenient for the administration's political priorities.

This legislation fixes and addresses this problem head-on with a narrow prohibition on the activities of civil servants.

This bill expands the Hatch Act to prohibit Federal employees from using their official authority to censor lawful speech on third-party online platforms. This is the first step toward important work that should be done in this space of addressing the challenges of preserving free speech on the internet for all Americans.

I thank Judiciary Committee Chairman JIM JORDAN and Energy and Commerce Committee Chair CATHY MCMORRIS RODGERS for their early support in crafting this very important legislation.

I urge my colleagues to support this necessary bill.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Oversight and Accountability, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 118-1. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Speech from Government Interference Act".

SEC. 2. PROHIBITION ON FEDERAL EMPLOYEE CENSORSHIP.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VIII—PROHIBITION ON FEDERAL EMPLOYEE CENSORSHIP

"§7381. Policy regarding Federal employee censorship

"It is the policy of the Congress that employees acting in their official capacity should neither take action within their authority or influence to promote the censorship of any lawful speech, nor advocate that a third party, including a private entity, censor such speech.

"§7382. Prohibition on Federal employee censorship

"(a) IN GENERAL.—An employee may not—

"(1) use the employee's official authority to censor any private entity, including outside of normal duty hours and while such employee is away from the employee's normal duty post; or

"(2) engage in censorship of a private entity—

"(A) while the employee is on duty;

"(B) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

“(C) while wearing a uniform or official insignia identifying the office or position of the employee;

“(D) while using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof; or

“(E) while using any information system or information technology (as defined under section 11101 of title 40).

“(b) EXCEPTIONS FOR LAW ENFORCEMENT FUNCTIONS AND REPORTING REQUIREMENTS.—

“(1) IN GENERAL.—Nothing in this section shall be construed to prohibit an employee from engaging in lawful actions within the official authority of such employee for the purpose of exercising legitimate law enforcement functions, including activities to—

“(A) combat child pornography and exploitation, human trafficking, or the illegal transporting of or transacting in controlled substances; and

“(B) safeguarding, or preventing, the unlawful dissemination of properly classified national security information.

“(2) REPORTING.—

“(A) IN GENERAL.—Not later than 72 hours before an employee exercises a legitimate law enforcement function to take any action to censor any lawful speech (in this paragraph referred to as a ‘censorship action’), but not including any such action relating to activities described under subparagraph (A) or (B) of paragraph (1), the head of the agency that employs the employee shall submit, to the Office of Special Counsel and the chair and ranking member of the committees of Congress described under subparagraph (B), a report that includes—

“(i) an overview of the action, or actions, to be taken, including a summary of the action being taken and the rationale for why a censorship action is necessary;

“(ii) the name of the entity which the action is being requested of;

“(iii) the person and entity targeted by the censorship action, including the associated name or number of any account used or maintained by the entity and a description of the specific speech content targeted;

“(iv) the agency’s legal authority for exercising the law enforcement function;

“(v) the agency employee or employees involved in the censorship action, including their position and any direct supervisor;

“(vi) a list of other agencies that have been involved, consulted, or communicated with in coordination with the censorship action; and

“(vii) a classified annex, if the agency head deems it appropriate.

“(B) COMMITTEES.—The committees of Congress described under this subparagraph are the following:

“(i) The Committee on Oversight and Accountability, the Committee on the Judiciary, and the Committee on Energy and Commerce of the House of Representatives; and

“(ii) The Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Commerce, Science, and Transportation of the Senate.

“(C) CLARIFICATION OF OFFICE OF SPECIAL COUNSEL REPORTING REQUIREMENTS.—The reporting requirements in this paragraph do not apply to the Office of Special Counsel’s advisory and enforcement functions under subchapter II of chapter 12.

“(c) PENALTIES.—

“(1) IN GENERAL.—An employee who violates this section shall be subject to—

“(A) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

“(B) an assessment of a civil penalty not to exceed \$1,000; or

“(C) any combination of the penalties described in subparagraph (A) or (B).

“(2) APPLICATION TO SENIOR GOVERNMENT OFFICIALS.—Paragraph (1)(B) shall be applied by

substituting ‘\$10,000’ for ‘\$1,000’ for any employee who is—

“(A) paid from an appropriation for the White House Office; or

“(B) appointed by the President, by and with the advice and consent of the Senate;

“(d) ENFORCEMENT.—This section shall be enforced in the same manner as subchapter III of this chapter.

“(e) DEFINITIONS.—In this subchapter—

“(1) the term ‘censor’ or ‘censorship’ means influencing or coercing, or directing another to influence or coerce, for—

“(A) the removal or suppression of lawful speech, in whole or in part, from or on any interactive computer service;

“(B) the addition of any disclaimer, information, or other alert to lawful speech being expressed on an interactive computer service; or

“(C) the removal or restriction of access of any person or entity on an interactive computer service generally available to the public, unless such person or entity is engaged in unlawful speech or criminal activities on such service;

“(2) the term ‘employee’ has the meaning given that term in section 7322;

“(3) the term ‘interactive computer service’ has the meaning given that term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)); and

“(4) the term ‘lawful speech’ means speech protected by the First Amendment of the Constitution.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VIII—PROHIBITION ON FEDERAL EMPLOYEE CENSORSHIP

“7381. Policy regarding Federal employee censorship.

“7382. Prohibition on Federal employee censorship.”

(c) INCLUDING CENSORSHIP ACTIVITIES UNDER JURISDICTION OF OFFICE OF SPECIAL COUNSEL.—Strike paragraph (1) of section 1216(a) of title 5, United States Code, and insert the following:

“(1) political activity and censorship prohibited under subchapter III and subchapter VIII of chapter 73, relating to political and censorship activities, respectively, by Federal employees;”

(d) RULE OF CONSTRUCTION.—Nothing in this Act or any amendment made by this Act should be interpreted as prohibiting a lawful action by a Federal agency to enforce a Federal law or regulation, to establish or enforce the terms and conditions of Federal financial assistance, or to prohibit a Federal employee from using an official Federal account on an interactive computer service to communicate an official policy position, and relevant information, to the public, or provide information through normal press and public affairs relations.

(e) SEVERABILITY.—If any provision of this Act or any amendment made by this Act, or the application of a provision of this Act or an amendment made by this Act to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions to any person or circumstance, shall not be affected by the holding.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order, except those printed in House Report 118–7. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CLYDE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 118–7.

Mr. CLYDE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 16, insert the following and redesignate accordingly:

“(e) REPORT.—

“(1) IN GENERAL.—Not later than 240 days after the date of the enactment of this section, and annually thereafter, the Attorney General, in consultation with the Assistant Attorney General for Civil Rights and the Office of Special Counsel, shall submit to the committees of Congress described in subsection (b)(2)(B) a report evaluating the compliance by the Federal Government with this section, including a description of any action by the head of an agency or department in the executive branch to—

“(A) consult with any third parties about censorship by employees in the executive branch; or

“(B) engage in any activity prohibited under this section.

“(2) SUNSET.—This subsection shall terminate on the date that is 10 years after the date of the enactment of this subsection.”

The Acting CHAIR. Pursuant to House Resolution 199, the gentleman from Georgia (Mr. CLYDE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. CLYDE. Mr. Chair, I rise today to speak in support of my amendment to the Protecting Free Speech from Government Interference Act.

As we all know, the First Amendment is the foundation of our Republic. It protects our right to speak, to worship, and to express ourselves without fear of government retribution.

Unfortunately, we have seen an alarming trend of government officials attempting to censor and silence viewpoints with which they disagree, which are frequently conservative viewpoints.

This censorship often takes the form of using private companies to do the government’s bidding, otherwise known as government-by-proxy censorship. The government can pressure or coerce these companies to silence certain viewpoints, effectively bypassing the protections afforded by the First Amendment. This is an egregious violation of our constitutional rights and it must be stopped.

That is why I am proud to offer my amendment, which will strengthen the Protecting Free Speech from Government Interference Act.

My amendment requires the Attorney General to submit an annual report to Congress evaluating compliance with this Act by Federal agencies and employees in the executive branch, including any instances of censorship.

My amendment will shine a light on the Orwellian practice of using taxpayer dollars to suppress speech through leveraging private companies and hold the government accountable

for any attempts to circumvent Americans' First Amendment freedoms.

I thank Chairman COMER for his leadership on this critical issue and for his support of my amendment. Together, we can make sure that the government is held accountable and that our fundamental rights are protected.

I urge my colleagues to join me in supporting my amendment and the Protecting Free Speech from Government Interference Act.

Mr. Chair, I reserve the balance of my time.

Mr. GOLDMAN of New York. Mr. Chair, I rise in opposition to the amendment that is offered at the desk.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GOLDMAN of New York. Mr. Chair, we hear that the gentleman is concerned about the censorship of conservative viewpoints on social media. But we don't hear the same concern when Elon Musk takes over Twitter and immediately takes down the accounts of six journalists that he does not like. There was no other explanation for it, but it certainly sounds exactly like what my Republican colleagues are talking about, horrific censorship on Twitter. But somehow, that is okay.

So the only, then, explanation we get is, oh, well, it wasn't the Federal Government who told Mr. Musk to do that. Yet, it was the Federal Government who told Twitter to—I don't know—stall the Hunter Biden story or whatever we did, whatever they were alleged to do.

Well, the facts don't bear that out. There was actually no effort by the FBI to censor any journalist, any New York Post story, or anything else. But we continue to hear that over and over and over. Unfortunately, the facts don't actually match up with it.

Now, Twitter can do whatever it wants; it is a private company. So we need to have some sort of nexus to the Federal Government. Unfortunately, the facts and the evidence that has so far been developed by the Republican majority on the Oversight and Accountability Committee do not support any of these allegations.

What this amendment will do is continue their effort to undermine our Federal law enforcement, because what this amendment will do is create more bureaucracy, more reports, more time wasted on doing things other than keeping Americans safe and protecting our national security and our democracy.

This is nothing but an effort to have our good men and women in Federal law enforcement be distracted from doing the jobs that they are supposed to do, which is to protect our elections and our democracy from foreign interference, rather than write lengthy reports.

For that reason, I oppose this amendment, and I reserve the balance of my time.

Mr. CLYDE. Mr. Chair, the gentleman from New York's remarks in

opposition to my amendment are puzzling.

I think my commonsense amendment should pass with broad bipartisan support as it simply requires transparency and accountability via the mechanism of a report to Congress. That is not a novel idea. It is actually a very good one. It keeps the average American citizen informed.

Mr. Chair, I yield 1 minute to the gentleman from Kentucky (Mr. COMER).

Mr. COMER. Mr. Chair, I rise in support of the amendment.

The Protecting Free Speech from Government Interference Act ensures that this new prohibition on government censorship is enforced in the same way as the Hatch Act.

My colleague, Mr. CLYDE's, amendment provides much-needed oversight of the implementation and enforcement of this new prohibited Federal employee activity. The amendment's required annual reports by the Attorney General—to be generated in consultation with the Office of Special Counsel—will help Congress evaluate the governmentwide compliance with this new prohibition.

□ 1615

The Clyde amendment will help create transparency and provide Congress valuable insight into any violations of this prohibition of government censorship. I appreciate the gentleman from Georgia working with the committee on his amendment, and I urge my colleagues to vote "yes."

Mr. CLYDE. Mr. Chair, I yield myself the balance of my time for closing.

I thank my friend from Kentucky (Mr. COMER) for his support for my amendment to the Protecting Speech from Government Interference Act.

It is clear that this should be a bipartisan issue, and we must come together to protect Americans' fundamental right of free speech.

My Democrat colleague on the other side of the aisle's opposition to my amendment is disappointing but not surprising. The Democrats have consistently shown that they are willing to use any means necessary to censor speech with which they disagree, whether it is through government officials or private companies. My amendment simply requires transparency and accountability from the executive branch, and I fail to see how anyone can be opposed to that.

Again, I urge all my colleagues to support my amendment to the Protecting Speech from Government Interference Act. We must take a stand against government-by-proxy censorship and ensure that the First Amendment is upheld for all Americans.

Mr. Chair, I yield back the balance of my time.

Mr. GOLDMAN of New York. Mr. Chair, it is funny to hear about how the Democrats are colluding in order to censor free speech on social media when the administration in control of

the Federal Government at the time of the alleged horrific censorship that my Republican colleagues are citing was a Republican administration.

It was the administration of President Donald Trump in October of 2020 when the Hunter Biden laptop story was paused for 24 to 48 hours. Yet, somehow, I gather that the FBI is supposed to be a Democratic-leaning organization and agency doing the Democrats' bidding. Well, you could have fooled me back in 2016 when the Director of the FBI announced 10 days before the election that he was reopening an investigation into the Democratic candidate for President while an investigation was also ongoing into the Republican candidate for President and yet that remained quiet. Explain to me how that is the FBI doing the bidding of the Democrats.

This whole thing, this amendment and this bill, have no place in this Congress. The amendment would just simply add more burdensome bureaucracy to what is already a fruitless effort of a bill. Therefore, we oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. CLYDE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. COMER

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 118-7.

Mr. COMER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 8, strike "and" and insert "or".

Page 3, line 9, strike "safeguarding, or preventing," and insert "safeguard, or prevent".

Page 3, line 10, insert a comma after "of".

Page 6, line 14, strike the semicolon and insert a period.

Page 6, strike lines 15 and 16 and insert the following:

"(d) ENFORCEMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (c)(2), this section shall be enforced in the same manner as subchapter III of this chapter.

"(2) APPLICATION.—Notwithstanding any other provision of law, including section 1215(b), the Special Counsel may, in lieu of sending a report to the President under section 1215(b), seek civil monetary penalties under subsection (c)(2) pursuant to section 1215(a). This paragraph shall not be construed to limit or otherwise affect the President's authority to enforce any disciplinary action against an employee described under subsection (c)(2)."

The Acting CHAIR. Pursuant to House Resolution 199, the gentleman from Kentucky (Mr. COMER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. COMER. Mr. Chair, I yield myself such time as I may consume.

My amendment makes minor enhancements to this important piece of

legislation that were brought to our attention after our markup.

First, this amendment makes a few technical drafting edits. Second, this amendment clarifies the enforcement section of this legislation with the conforming edit to ensure that the U.S. Office of Special Counsel has the specific authority necessary to carry out the enforcement provisions this legislation establishes for senior government officials.

With this technical change to the special counsel's enforcement capabilities, we are ensuring that the real penalties we have introduced for senior officials can be carried out. We must ensure that senior officials will not escape accountability when they engage in government censorship prohibited by H.R. 140. This will help deter government employees.

Further, this amendment clarifies that the OSC can enforce a civil monetary fine of up to \$10,000 against senior officials, as clearly intended by the text we reported out of committee.

Mr. Chair, I ask for my colleagues' full support of this amendment, and I reserve the balance of my time.

Mr. GOLDMAN of New York. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GOLDMAN of New York. Mr. Chair, I yield myself such time as I may consume.

This is a technical amendment. It doesn't make much of a difference to what is already a bad bill.

But it is interesting to me that this amendment was allowed to come to the floor, and so many amendments from the Democrats, which actually made meaningful substantive changes to this bill, were not allowed to come to the floor.

Now, we have heard a lot over the past 2 months of this Congress about how the Republican majority is going to do things differently, that they are going to have open rules so that everybody can offer amendments on the floor. But what is clear is that the open rules, I suppose, only apply to the Republican Party. They don't apply to the Democratic Party.

What is upsetting about that, at least for me personally, is I had an amendment that I had also offered in the Rules Committee last night to include an exception not just for child trafficking, child exploitation, human trafficking, and drug trafficking, but also for foreign interference in our elections so that our law enforcement could actually do the work that is needed to protect our democracy, to protect our elections.

This is not some fanciful idea that this bill is actually addressing, a non-existent problem where the FBI is not actually even censoring people. No, that amendment had to do with two charged indictments of Russians in 2016 for interfering in our election. There is actual evidence to support that amend-

ment. Yet, my Republican colleagues did not even allow it to come to the floor.

Mr. Chair, I yield such time as he may consume to the gentleman from Maryland (Mr. RASKIN).

Mr. RASKIN. Mr. Chair, I just want to echo the very important point you just made. We have a sequence of trivial amendments that have been added by the majority, and they refuse to consider what I think is the central amendment that this legislation would need in order for it not to be an utter disaster for America if this legislation were to pass.

Now, they concede implicitly by their legislation that there is a problem with saying we are not going to allow any government officials to get in touch with the social media, because they create an exception for certain things: for child pornography, for human trafficking, and for drug dealing. And I agree with all of those. But are those more important and more grave than the national security interests of the United States itself?

What about assaults on our elections, which go right to the heart of national security? What about assaults on our energy security structure? What about assaults on our power structure? Not only do they not build that into their bill; they will not even allow us to put it on the floor for an open vote among all of our colleagues in Congress.

Why won't they do that? Well, because if there is a national security exception to their Putin protection act, at that point, the exception swallows the rule, because the rule is let's let Putin and Xi and every autocrat, theocrat, and dictator on Earth run amuck on our social media and not allow our government officials to say anything about it. That is the effect of this legislation.

I thank Mr. GOLDMAN for yielding.

Mr. COMER. Mr. Chair, I just want to reiterate this. This bill protects the First Amendment rights for American citizens. My colleagues would like us to believe that by protecting an Americans' right to say whatever lawful speech they want, we are empowering Russia and China. It is just not true.

Mr. Chair, I yield back the balance of my time.

Mr. GOLDMAN of New York. Mr. Chair, I yield myself the balance of my time for closing.

Mr. Chair, I think this amendment and the chairman's comments are very telling. Of course nobody objects to protecting the free, lawful speech of any American from the Federal Government. That is the First Amendment. But what this bill does is it creates a tremendous barrier to our law enforcement intelligence community and national security apparatus from protecting Americans from all sorts of illicit, malign activity that occurs on social media.

So by preventing us from bringing our substantive, thoughtful amendments to the floor for a vote, what this

bill is ultimately doing, the net effect of it, even if it is not the intent of it, is that it is allowing foreign actors to interfere in everything that happens in our democracy, including our elections.

Now, why does this matter? Why would it matter? Well, because we all know the special counsel definitively proved that Russia interfered in the 2016 election to help Donald Trump win. And the Trump campaign welcomed that interference and used it for their benefit. If you disagree, go look at Special Counsel Mueller's report. That is what is called conclusions based on evidence, not what this bill is.

Mr. Chair, for that reason, we oppose this amendment as well as the underlying bill itself.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. COMER).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. BISHOP OF NORTH CAROLINA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 118-7.

Mr. BISHOP of North Carolina. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, beginning on line 25, strike paragraph (1) and insert the following:

“(1) IN GENERAL.—Nothing in this section shall be construed to prohibit an employee from engaging in lawful actions against unlawful speech within the official authority of such employee for the purpose of exercising legitimate law enforcement functions.”

Page 3, line 15, after “function”, insert “under paragraph (1)”.

Page 3, line 16, strike “lawful” and insert “unlawful”.

Page 3, line 17, strike “but” and all that follows through line 24 and insert the following: “and consistent with subparagraph (D), the head of the agency that employs the employee shall submit, to the Office of Special Counsel and the chair and ranking member of the committees of Congress described under subparagraph (B), a report that includes—”.

Page 5, after line 19, insert the following:

“(D) REPORTING REQUIREMENTS FOR CERTAIN ACTIONS.—

“(i) Any censorship action relating to combating child pornography and exploitation, human trafficking, or the illegal transporting of or transacting in controlled substances shall be exempt from the reporting requirement under this paragraph.

“(ii) With respect to any censorship action related to safeguarding, or preventing the unlawful dissemination of, properly classified national security information, subparagraph (A) shall be applied by substituting ‘Not later than 72 hours after’ for ‘Not later than 72 hours before’.”

Page 5, line 6, before “and the”, insert “the Permanent Select Committee on Intelligence.”.

Page 5, line 11, before “and”, insert “Select Committee on Intelligence.”.

Page 7, line 14, strike “and”.

Page 7, beginning on line 16, strike “Constitution.” and insert “Constitution; and”.

Page 7, after line 17, insert the following:

“(5) the term ‘unlawful speech’ means speech not protected by the First Amendment of the Constitution.”.

The Acting CHAIR. Pursuant to House Resolution 199, the gentleman from North Carolina (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. BISHOP of North Carolina. Mr. Chair, I am grateful that the chairman and lead sponsor will, I anticipate, lend his support to this amendment. It will close a loophole that would defeat the purpose of the bill. In fact, absent this amendment, the bill would inadvertently validate the very conduct this bill aims to stop.

Emerging evidence, most notably the Twitter files, depicts what one expert has termed the largest censorship program in U.S. Government history. On the pretext of protecting election infrastructure or enforcing the Foreign Agents Registration Act, personnel of the Cybersecurity and Infrastructure Security Agency, CISA; the Department of Homeland Security, DHS; the FBI, the Office of the Director of National Intelligence; the CIA; the Global Engagement Center from the State Department, which most Americans had never heard of; and even the CDC practically embedded themselves with operators of social media platforms and corporate media to manage and curate Americans’ public discourse, to induce Twitter, Facebook, YouTube, Instagram, et cetera, to take down lawful and First Amendment protected speech of Americans time and again and again.

In so doing, these omnipresent Federal agencies established working relationships with a small cadre of supposed internet research groups, affiliated in some cases with well-known universities and NGOs, but loaded with political partisans, who purported to create black-box analytical efforts to identify social media accounts that amplified content from Russia.

But these purported experts, like Hamilton 68, didn’t identify Russian-amplifying bot networks, as they claimed, through some sophisticated algorithm. They just found a bunch of American Trump supporter accounts and labeled them that. And for months and months, as they became a trusted source for media that cited Hamilton 68, Twitter “trust and safety executives” like Yoel Roth stood quietly by knowing that Hamilton 68 was a fraud.

□ 1630

Guess what? Follow the money. Part of the working relationship between the agencies and the research groups was funding that flowed by the millions in government grants. Each day, it becomes clearer that between these three pillars—Federal security agencies, media operators, and internet analysts—a new Washington revolving door has emerged to facilitate the same people moving between them and profiting from the scam.

The base text of this bill would allow exactly this process to continue, but there is never a legitimate law enforcement purpose for Federal agents to take down speech that the First Amendment protects.

We have now seen agencies of the Federal Government once again targeting Americans for their political views. In the government’s attempt to stop Russian misinformation, they have targeted and attacked Americans for simply voicing opinions that they disfavor. Their actions violate our First Amendment principles, and Congress must take this action to stop it.

The amendment will address the flaw in the bill, but it is odd to me that Democrats who used to so revere the First Amendment are no longer concerned about it. In *Lamont v. Postmaster General* in 1965, which Democrats lauded, the Court held that Americans have a right to receive communist propaganda from abroad. The Democrats loved it then. Now, they don’t even want Americans to be able to post their views on social media. How abhorrent.

We will fix it. This bill will fix it. The amendment will fix the bill.

Mr. Chair, I reserve the balance of my time.

Mr. GOLDMAN of New York. Mr. Chair, I rise in opposition to the amendment at the desk.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GOLDMAN of New York. Mr. Chair, my esteemed colleague from North Carolina says that lawful speech on the internet should never be prohibited by Federal agencies, by the government. We agree. It is called the First Amendment. It has existed long before H.R. 140 was written.

What H.R. 140 does and what this amendment does even further is it makes it impossible for unlawful speech to actually be policed. What the private companies do not have is access to the intelligence agency information, national security information, law enforcement information that can determine whether or not the speech that is on the internet is being used in furtherance of crimes or is in and of itself a crime.

They recognize this because there is an exception. There is an exception to this prohibition on law enforcement agencies or Federal Government agencies from actually communicating with social media.

There is an exception for child pornography, human trafficking, and drug trafficking. I gather this amendment also deals with obscenity, but I think it is trying to close this loophole.

Clearly, there is a recognition that law enforcement needs to coordinate to some degree with our social media sites. What this law does is that, but for those very narrow categories, law enforcement has to wait 72 hours.

Everything is around the internet and over again many times within 72 hours. It is an exception that eats the

rule. There is no way that law enforcement can do its job because of this bill.

One would say if you were correct and if there were actual prohibition and censorship of lawful speech that was going on, and if you could show us evidence of that, then maybe one could imagine that a congressional bill was warranted and necessary. Of course, we have none of that. All we have are allegations without any facts or evidence.

We have people who have clearly not read the Twitter files talking about the Twitter files. What we don’t even hear about is all the evidence that Twitter algorithms actually promoted conservative voices more than they promoted Democratic voices.

If this amendment, as I understand it, restricts law enforcement’s ability to coordinate with social media sites to protect the public, prosecute crimes, investigate crimes, protect our national security, and protect our infrastructure, then I oppose this amendment because it makes a bad bill even worse.

Mr. Chair, I reserve the balance of my time.

Mr. BISHOP of North Carolina. Mr. Chair, I yield 30 seconds to the gentleman from Kentucky (Mr. COMER).

Mr. COMER. Mr. Chair, I rise in support of the amendment.

The Protecting Speech from Government Interference Act prohibits Federal employees from censoring lawful speech while ensuring that the government can still protect American citizens and enforce the law. It does this by narrowly exempting lawful actions to exercise legitimate law enforcement functions from the prohibition on censorship.

These are lawful actions to suppress unlawful speech, such as child pornography, the illegal transportation of controlled substances, or preventing the unlawful dissemination of properly classified national security information.

My colleague’s amendment further clarifies the initial intent of this exemption while preserving the bill’s reporting requirement to provide Congress timely reports on any lawful actions taken by agencies under this exemption.

Mr. Chair, I thank my colleague for his engagement on this important issue.

Mr. GOLDMAN of New York. Mr. Chair, I yield back the balance of my time.

Mr. BISHOP of North Carolina. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PERRY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 118-7.

Mr. PERRY. Mr. Chair, as the designee of Congresswoman VIRGINIA

Foxx, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 19, strike “; or” and insert “;”.
Page 2, line 22, strike the period and insert “; or”.

Page 2, after line 22, insert the following:
“(F) while the employee is engaged in activities for which official time is authorized under section 7131 of this title.”

The Acting CHAIR. Pursuant to House Resolution 199, the gentleman from Pennsylvania (Mr. PERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PERRY. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I rise to offer Dr. Foxx' amendment to prohibit censorship while acting as an employee performing activities under taxpayer-funded time. We want to prohibit censorship while you are acting as an agent of the Federal Government using taxpayer dollars.

Public-sector unions already make liberal use of the so-called official time policy—in my opinion, to the detriment of the American people. That is not what this is about.

However, it is important to get a context here of how much time we are talking about. Take the Department of the Treasury, which houses the IRS. In fiscal year 2019—going back a few years—employees spent nearly 350,000 hours receiving taxpayer funds while doing and conducting union activities.

I know in our office, especially during the pandemic, we often had to intervene with the IRS on behalf of our constituents who couldn't get their refunds back and couldn't get answers. Yet, 350,000 hours were used by these same people.

Mr. Chair, that is the equivalent of 40 years of time in 1 year conducting union activities. Those are the 350,000 hours that the employees at the IRS are not answering taxpayer inquiries.

Let's look at the Department of Veterans Affairs. VA employees spent over 500,000 hours in 1 year wheeling and dealing for their own union interests while our Nation's veterans stood in line. We have heard about the waiting list and the backlog. I don't know, maybe we can do something with that 500,000 hours, which is 57 years accumulated in 1 year.

We are not here to talk about these excesses. We are here to talk about censorship being conducted while on official government time. While I object to the entire practice, I hope even my colleagues who support taxpayer-funded lobbying can agree that those employees should be expressly prohibited from censoring the American people while on official time. That is it.

Mr. Chair, I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. GOLDMAN of New York. Mr. Chair, I rise in opposition to the amendment at the desk.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GOLDMAN of New York. Mr. Chair, it is unclear to me at all why this amendment is here because Federal officials are not allowed to censor lawful speech in their official capacity, which is also what the bill says. This is a completely redundant, unnecessary amendment, I suppose designed to rail against public service unions.

I do find it odd that the gentleman refers to the IRS not being able to respond to calls from Americans seeking help with their taxes when one of the very first bills that the majority passed would have eliminated the increase in IRS employees that was passed as part of the IRA last summer specifically so that the IRS would have enough employees to respond quickly to Americans seeking assistance.

Apparently, we have had a rise of conscience here recognizing that Americans and constituents of all of ours cannot get through to the IRS, which is why the IRA increased the number of agents working at the IRS. Apparently, that is not okay if they are collectively bargaining for fair wages and benefits.

This amendment is completely unnecessary. It is redundant. It makes what is already a bad bill duplicative and superfluous, and therefore, I oppose.

Mr. Chair, I reserve the balance of my time.

Mr. PERRY. Mr. Chair, just to comment before I yield some time, if the bill is redundant, if this isn't happening anyhow, then you shouldn't be opposed because it will affect no one.

Regarding the 87,000 IRS agents, we are not talking about hiring 87,000 process workers to go through claims. We are talking about 87,000 agents to come to your home to investigate you. That is what we oppose.

We want it to be done efficiently, and maybe if they weren't spending so much time on themselves, they could spend time on the American people.

Mr. Chair, I yield such time as he may consume to the gentleman from Kentucky (Mr. COMER).

Mr. COMER. Mr. Chair, I rise in support of the amendment.

The Protecting Speech from Government Interference Act ensures that the new prohibition on government censorship is enforced in the same manner as the Hatch Act is currently enforced.

My colleague's amendment further strengthens this enforcement. It enshrines Congress' intent to ensure that the Office of Special Counsel continues to treat employees exercising public-sector union-negotiated official time as official duty time.

Official time is taxpayer funded, and this amendment makes certain the Hatch Act's new censorship prohibition will continue to act to apply to Federal employees on official time.

Mr. Chair, I ask my colleagues to vote “yes” on this amendment.

Mr. GOLDMAN of New York. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, part of the problem with having a redundant amendment on the floor is that there were so many important amendments that the Democrats offered that were not even allowed to come to the floor, notwithstanding the purported open rules that Republicans have been so proudly championing this Congress.

One of those amendments would have included in the category of exceptions to this unnecessary bill coordinating between law enforcement and social media companies about neo-Nazis inciting anti-Semitic violence on social media. That amendment was offered in the committee and was unanimously rejected by my Republican colleagues, who apparently believe that neo-Nazis should incite violence against Jews unchecked and unfettered on social media.

□ 1645

Unfortunately, that amendment was also offered and rejected at the Rules Committee last night, and so, therefore, we don't have it here to argue about, and we will not be able to vote about it on the floor. Instead, we are voting on this redundant, unnecessary, and confusing amendment that does nothing to meaningfully change this bill but, instead, is an opportunity to rail against union workers.

For that, Mr. Chairman, I oppose this amendment, and I yield back the balance of my time.

Mr. PERRY. May I inquire of the time remaining, Mr. Chairman?

The Acting CHAIR. The gentleman has 1½ minutes remaining.

Mr. PERRY. What is awesome, Mr. Chairman, is that finally we can actually have amendments on the floor. We can have debate. Let's face it, as my good friend, my colleague from New York says, he is disappointed that his amendment or some amendment didn't make it through. But for the entire time of Speaker PELOSI's last reign of terror around here where we ran the place like an armed prison camp, there were no amendments on the floor—not one.

The gentleman might not agree with the amendment, he might not agree with the process, but at least the American people's voices are heard because amendments are on the floor now, and we are debating them right now.

This is a good amendment, it is required, and it should be required because we can't have government officials censoring their citizens while using taxpayer dollars to do it.

Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PERRY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FITZPATRICK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. GOOD OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 118-7.

Mr. GOOD of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 10, insert “(including any action to enforce a Federal law or regulation addressing obscene matters)” after “regulation”.

The Acting CHAIR. Pursuant to House Resolution 199, the gentleman from Virginia (Mr. GOOD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOOD of Virginia. Mr. Chairman, this amendment would add to the rule of construction a clarification that law enforcement can still enforce current law regarding obscenity matters.

Currently, Federal law prohibits the interstate distribution of obscene visual matter which is not protected speech under the First Amendment. In 2016 President Trump signed the Children's Internet Safety Presidential Pledge, and this pledge sought to protect children from the harms of pornography within the limits of the First Amendment. The pledge also encouraged public-private partnerships to prevent the sexual exploitation of children online.

In 2019 Members of this body, including Representatives JIM BANKS, MARK MEADOWS, VICKY HARTZLER, and BRIAN BABIN, sent a letter to Attorney General Barr requesting the Department of Justice enforce obscenity laws and prosecute the pornography industry.

The harmful effects this terrible industry has on our country cannot be overstated. In fact, at least 16 States have declared pornography a public-health crisis and a threat to society.

According to Fight the New Drug, most kids today are exposed to porn by age 13, and 84 percent of males and 57 percent of females ages 14 to 18 have reported viewing pornography.

Beyond the harm to these children mentally, emotionally, psychologically, and spiritually, exposure of this kind is sadly often connected to sexual violence. One study of hundreds of the most popular scenes in the porn industry found that 88 percent contained depictions of physical violence or aggression, while 49 percent contained depictions of verbal aggression.

The role of the Federal Government is to protect its citizens—particularly its children—and to fight to end sexual exploitation wherever it exists in our country.

Mr. Chairman, I urge my colleagues to join me in combating this terrible evil in our country and support this amendment, and I reserve the balance of my time.

Mr. GOLDMAN of New York. Mr. Chairman, I rise in opposition to the amendment at the desk.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. GOLDMAN of New York. Mr. Chairman, this is yet another redundant and unnecessary amendment. It is already presumably included in the exception for child pornography and child exploitation. I suppose if it is adding obscenity to those exceptions, then perhaps there is something there to it.

What really strikes me here is that there was a bipartisan amendment that was offered in the Rules Committee last night that would include an exception for sexual assault, and that was not passed through to the House floor.

If the chairman would indulge me for a moment and I could yield to him, can the gentleman explain why he opposed the bipartisan amendment that would prohibit sexual assault and yet he allowed through this amendment on basic obscenity?

Apparently, the chairman doesn't know what I am referring to.

There was a bipartisan amendment offered last night in the Rules Committee between Congresswoman HOULAHAN and Congresswoman MACE that would have added to the specified list of exceptions to law enforcement coordinating with social media companies in the event of information related to sexual assault.

That amendment was not passed through to the House, and we are not considering it today. Yet, here we are considering the gentleman from Virginia's amendment including as an exception, in the same way, issues related to obscenity and obscene matters.

Now, if my Republican colleagues believe that basic obscenity on the internet is worse than sexual assault, then they should say so. But that seems quite preposterous to me, and it is a shame that we cannot address the bipartisan Houlahan-Mace amendment on the floor today.

Mr. Chairman, I am prepared to close, and I reserve the balance of my time.

Mr. GOOD of Virginia. Mr. Chairman, I would hope we would get bipartisan support then for this amendment which does further protect our children and clarify that law enforcement can still enforce current law regarding obscene matters.

Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. COMER).

Mr. COMER. Mr. Chairman, I rise in support of the Good amendment.

This bill clarifies that Federal agencies are not prohibited from taking lawful actions to enforce our Nation's laws and regulations. My colleague's

amendment clarifies that Federal agencies may still enforce our Nation's laws that combat obscene matters which are not protected by the First Amendment.

This amendment clarifies congressional intent that our Federal agencies must continue working to keep our children safe from the lewd materials so often circulating on the Internet. Protecting our children should be a central focus of this legislative body, and this amendment cements that commitment.

Mr. Chairman, I urge my colleagues to vote “yes” on the amendment.

Mr. GOOD of Virginia. Mr. Chairman, I yield back the balance of my time.

Mr. GOLDMAN of New York. Mr. Chairman, I yield myself the balance of my time.

Let's get this straight. We have an amendment here because my colleagues on the other side of the aisle want to protect children from obscenity. Yet amendments that the Democrats have offered to protect our national security, to protect our elections from foreign interference, to protect against live-streaming of terrorist events and attacks used by international terrorists around the country to strike fear in Americans and others worldwide, and to an amendment that could protect against sexual assault, none of those amendments are here for us to address today.

Instead, what we are addressing right now is in addition to child pornography and child exploitation—two very legitimate law enforcement purposes that, of course, should be permitted to have coordination with social media companies—no, now we are really worried about protecting children from seeing nudity online.

Apparently, that is of such paramount importance that we don't care if Vladimir Putin has a red carpet to interfere in our elections. We don't care if people are threatening to assault people online and to threaten sexual assault. And we don't care if people are sending death threats online. No. We need to protect our children from seeing some nudity. That is what is so important that we need an amendment on the floor.

The joke of it all—and the gentleman from Pennsylvania commented on how great it is that we are considering amendments—is that apparently it is only great if you are a Republican because only Republican amendments are allowed to be considered on the floor.

That is a travesty. That is not what we were promised. That is not what the American people want to hear. So for all of those reasons, I oppose this unnecessary amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GOOD).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 118-7.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 2(e).

The Acting CHAIR. Pursuant to House Resolution 199, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I acknowledge the ranking member and the chairman of the important Oversight and Reform Committee and the work that they do to ensure that government agencies work well.

As they do so, I would expect that their efforts would meet all tests of credibility and, as well, the four corners of the Constitution.

I have tried to study this legislation. However, it concerns me, again, because it would make it more difficult for Government agencies to share pertinent information with important stakeholders to keep our country safe.

With no clear exceptions for national security, this legislation would add burdensome and unworkable reporting requirements and a 72-hour waiting period which could be detrimental to our democratic institutions during times when communication is necessary to protect our democracy.

This bill is seeking to limit the lawful activities of Federal law enforcement agencies, and it is a threat to our national security.

All of us stand on this floor and stand shoulder to shoulder with law enforcement. Our firefighters are here on the campus. We stand shoulder to shoulder with them. I am afraid, Mr. Chairman, this legislation would not show our confidence in those who have to do the job.

So I offer an amendment that provides a response to the section on severability that keeps the remaining portions of the act in place should a portion of the act or amendment made by the act be held to be unconstitutional. The insertion of such a severability clause in this bill is telling of the complete lack of faith, I believe, in the constitutional viability and credibility this entire bill aims to put forth.

While the general purpose of the severability doctrine clause is used to direct courts on what to do with a statute or a part of it, if a provision is invalidated, Congress is actually discouraged from using express severability clauses given it is unnecessary due to the court's strong presumption in favor of any such need for severability.

Moreover, Congress assumes its laws are constitutional. This should be constitutional. As such, the primary appli-

cation of a severability clause is for the functionality of the statute and whether the surviving provisions are capable of functioning independently.

This is not free speech. The majority is denying our Federal officers free speech to do their job to protect America.

So the included general severability clause in H.R. 140 is not intended to provide clarity to the court on particular specific sections of this bill, but rather, it is an ill attempt to save a poorly written bill and one that steps on the First Amendment rights of our hardworking patriots—our Federal employees—because it is anticipated that this bill may be held unconstitutional.

Mr. Chairman, I ask my colleagues to support the Jackson Lee amendment, and I reserve the balance of my time.

Mr. COMER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. COMER. Mr. Chairman, this bill is timely and necessary. We have learned just how easy it is for the Federal Government to influence a private company to limit the exercise of First Amendment protected speech.

During a recent hearing on the Twitter files, the Oversight and Accountability Committee heard from a former FBI official and Twitter employee who called for Federal legislation that would reasonably and effectively limit government interactions with private-sector platforms.

Let me be clear: A former FBI official and former Twitter employee endorsed and called for legislation just like this.

This legislation should not be controversial, but the intention of this amendment is to gut this bill. The intention of this amendment is to risk the implementation of this necessary legislation.

□ 1700

The inclusion of the clause this amendment removes is standard legislative practice. All this clause does is make sure that if a court decides to strike down any part of this act, that the rest of the act stays intact. It is that simple.

These clauses have been used in legislation for decades. Including a clause like the one in this legislation is standard practice that ensures that this much-needed and noncontroversial legislation can be faithfully implemented.

Mr. Chair, I urge my colleagues to vote "no" on this amendment, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from Texas has 2 minutes remaining.

Ms. JACKSON LEE. Mr. Chair, I yield 30 seconds to the gentleman from New York (Mr. GOLDMAN).

Mr. GOLDMAN of New York. Mr. Chair, just briefly, we were at that Twitter hearing when the former gen-

eral counsel of Twitter and of the FBI suggested that there needs to be legislation in order for social media companies to properly coordinate with law enforcement, and we wholeheartedly agree.

I am certain that he would never in a million years imagine that this would be the legislation because this completely guts the FBI's ability to protect the safety and security of the American people and our democracy.

The Acting CHAIR. The time of the gentleman has expired.

Ms. JACKSON LEE. Mr. Chair, I yield an additional 10 seconds to the gentleman from New York.

Mr. GOLDMAN of New York. Mr. Chair, let's not pretend the witness at that hearing wants this bill to be the legislation in order for social media and law enforcement to coordinate. I am happy to work with the chairman on that, but it is not this bill.

Mr. COMER. Mr. Chair, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chair, I yield myself the balance of my time.

First of all, let me thank the gentleman from New York for his clarification. He was in the hearing. He heard the witness ask for relief. But I would say that gentleman did not ask to have, at the core of the relief, a legislative initiative rooted in far-right conspiracy theories despite the clear lack of evidence that any Biden administration official violated the First Amendment or censored Americans or social media platforms.

We want to make sure that we are safe and have national security, but at the same time, how are we going to amend the Hatch Act and really shut down those who are involved in law enforcement and national security?

We saw what happened on January 6. We need all of the communications and intelligence that we need, not only to protect our law enforcement but to protect the United States of America.

My amendment is necessary, Mr. Chairman. It is necessary because the court's presumption is that the statute is constitutional. If there is a section that is found unconstitutional, the court will yield to this idea that they will look at it in a manner to discern what are the facts.

My amendment simply says that to put this in the legislation, you are then going to have a guardrail against this bill being found unconstitutional.

With that in mind, I ask my colleagues to support the Jackson Lee amendment, which is a clear expression of the law.

Mr. Chair, I rise in support of the Jackson Lee Amendment No. 6 which would strike Section 2, Subsection (e), the severability provision in H.R. 140—the Protecting Speech from Government Interference Act.

Subsection (e) of Section 2 in H.R. 140 "provides a severability clause that keeps the remaining portions of the Act in place should a portion of the Act, or an amendment made by the Act, be held to be unconstitutional."

The insertion of such a severability clause in this bill is telling of the complete lack of faith

in the constitutional viability and credibility this entire bill aims to put forth.

While the general purpose of the severability doctrine clause is used to direct courts on what to do with the statute or a part of it, if a provision is invalidated, Congress is actually discouraged from using express severability clauses given it is unnecessary due to the court's strong presumption in favor of any such need for severability.

Moreover, Congress assumes its laws are constitutional. As such, the primary application of a severability clause is for the functionality of the statute and whether the surviving provisions are capable of functioning independently.

To include a general severability clause in H.R. 140 is not intended to provide clarity to the courts on particular or specific sections of this bill, but rather it is an ill attempt to save a poorly written bill that is anticipated to be unconstitutional in part or in whole.

Such a provision does not belong in this legislation and does not comport with traditional intended uses for such a doctrine typically preserved and carefully applied by courts (not legislators) in reviewing statutes in question as to unanticipated functionality or constitutionality concerns.

The entire bill as written is problematic, and such a clause would not save it.

For these reasons, I ask that my colleagues vote yes to the Jackson Lee amendment No. 6 to strike the severability clause of H.R. 140.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. JACKSON LEE. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. OGLES

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 118-7.

Mr. OGLES. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 2, strike "5" and insert "10".

The Acting CHAIR. Pursuant to House Resolution 199, the gentleman from Tennessee (Mr. OGLES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. OGLES. Mr. Chairman, accountability matters. Our Nation deserves nothing less than full transparency from Federal officials working in the name of the American people.

When government officials abuse their office to infringe on Americans' right to free speech, it is a very grave offense. Government officials who

abuse official taxpayer-funded resources to censor Americans need to be out of government service for a long time.

My amendment allows the Office of Special Counsel, which adjudicates the Hatch Act, and would adjudicate the newly added provisions of this bill, to punish those employees with a longer span of debarment.

This amendment revises the disciplinary action under the bill to allow for debarment from Federal employment for up to 10 years rather than 5. This better reflects the gravity of their offense. People who abuse their official office to violate Americans' constitutional rights shouldn't be able to return to government employment after a brief stint in the private sector.

Mr. Chair, I urge adoption of this amendment, and I reserve the balance of my time.

Mr. GOLDMAN of New York. Mr. Chair, I rise in opposition to the amendment at the desk.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GOLDMAN of New York. Mr. Chair, accountability matters, says my friend from Tennessee, and his amendment would place further penalties in the hands of the Office of Special Counsel which, as he mentions, is the office that also adjudicates the Hatch Act. Well, if you want accountability, let's start talking about the Hatch Act. Let's talk about the 13 Trump administration officials who violated the Hatch Act. Let's talk about Kellyanne Conway, who had more than 60 violations of the Hatch Act, so many that the Office of Special Counsel—that the gentleman from Tennessee references—recommended that she be fired.

Did anything happen to her? No. You know what she said? She said: Come talk to me when there is a jail sentence. Well, that is why last week in our markup on this bill I introduced the Kellyanne Conway amendment, which would have added criminal penalties for a knowing, willful, and intentional violation of the Hatch Act.

Now, as we all know, the Hatch Act is actually a law that prohibits government officials from abusing their office, as the gentleman from Tennessee just said. Without teeth in those penalties, the Trump administration senior officials ran roughshod all over that.

Unfortunately, what Mr. OGLES and the chairman are focused on is not on adding accountability to prohibit government officials from abusing their positions for political purposes. Instead, we are talking about the phantom problem of government officials abusing their authority to censor free speech, none of which has happened, and yet here we are with so many examples of violations of the Hatch Act, but we are not dealing with that.

We are not dealing with actual evidence, actual facts, actual violations of the law to put accountability, as the gentleman from Tennessee says, and

some teeth into our laws under the jurisdiction of the Oversight Committee to prevent abuse of power by government officials. That is where we should be spending our time, not on this bill and not on this amendment, which already has plenty of punishment for those who are in violation.

Mr. Chair, I reserve the balance of my time.

Mr. OGLES. Mr. Chair, this bill simply empowers the Office of Special Counsel to do better and adjudicate their job.

Mr. Chair, I yield such time as he may consume to the gentleman from Kentucky (Mr. COMER).

Mr. COMER. Mr. Chair, the Protecting Speech from Government Interference Act aims to prevent Federal employees from censoring the lawful speech of Americans.

My colleague's amendment further strengthens the enforcement of this new prohibition on Federal employee actions by increasing the potential debarment penalty from 5 to 10 years.

Increasing this debarment for up to 10 years serves as a strong deterrent to Federal employees and clearly underscores Congress' understanding of the significant harm these censorship activities have done to America's trust in their Federal Government.

We must rebuild this public trust that the Federal agencies Congress is charged with conducting oversight over are operating within the boundaries of their lawful authorities.

Civil servants that extend their duties beyond their legal authority to encroach on the speech rights of Americans do not deserve to serve in our Nation's government.

Mr. Chair, I ask my colleagues to vote "yes" on this amendment.

Mr. GOLDMAN of New York. Mr. Chair, I am prepared to close, and I reserve the balance of my time.

Mr. OGLES. Mr. Chair, I yield back the balance of my time.

Mr. GOLDMAN of New York. Mr. Chair, my colleagues on the other side of the aisle want to appear so tough that 5 years of debarment from Federal employment is not enough, so we are going to make it 10 because 5 just doesn't do it. The difference between 5 and 10 is going to mean that someone, some government official who is trying to censor lawful speech on the internet is going to say, whoa, whoa, 10 years, oh, I am not going to do it now—but 5 years.

These amendments are trivial; they are unnecessary; they have no meaning; and yet the meaningful amendments were not allowed to be brought to the floor.

Apparently the open rules only apply to my colleagues on the other side of the aisle, they do not apply to us. That is a shame because there are some very significant amendments that would make this bad, bad bill slightly better.

For that reason, I oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. OGLES).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. OGLES

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 118-7.

Mr. OGLES. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 9, strike "\$10,000" and insert "\$50,000".

The Acting CHAIR. Pursuant to House Resolution 199, the gentleman from Tennessee (Mr. OGLES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. OGLES. Mr. Chairman, again, accountability matters. If you are paid from an appropriation for the White House office or appointed by the President, by and with the advice and consent of the Senate, you need to be held to a standard of utmost impartiality.

These folks are paid generous salaries and have large platforms as Cabinet Secretaries or senior White House aides. The monetary penalty should reflect their increased responsibility compared to rank-and-file employees.

The American people have had enough of the swamp, and its efforts to infuse authoritarianism into the fabric of American society.

This amendment, which raises the penalty from \$10,000 to \$50,000 for senior officials who abuse their office to violate Americans' constitutional rights deserve a costly penalty.

I urge adoption of this amendment, and I reserve the balance of my time.

Mr. GOLDMAN of New York. Mr. Chair, I rise in opposition to the amendment at the desk.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GOLDMAN of New York. Mr. Chair, the problem with these civil penalties is not that it is going to bankrupt any government officials, but it has a tremendous chilling effect on anyone trying to do their job, on any Federal law enforcement or intelligence community official trying to protect our country, trying to enforce our laws, trying to keep Americans safe, trying to keep our democracy safe because what these penalties will do is create an amorphous barrier to this amorphous law where no one has any idea whether what they are doing is lawful or unlawful because who is to define lawful speech?

Well, traditionally, it is a court, and it is government officials who have to make that initial call, that initial discretionary decision whether or not speech is lawful. In what world, if they are risking a \$50,000 fine, are they ever going to take a risk to actually try to do something that might be on the line?

What these penalties will ultimately do is encourage good, upstanding, patriotic American Federal officials not to pursue their jobs, not to do their jobs in the way that we, the American people, need them to do their jobs, in a way that keeps us safe, in a way that enforces our criminal laws, in a way that protects us.

That will not happen because they are going to be fearful that they will lose a third to a quarter of their salary if they violate this H.R. 140.

Why on Earth would anyone take a chance if they are going to lose a third of their salary for an entire year on actually executing their job if they run the risk that someone somewhere is going to say that they stepped over the line and that in retrospect speech that they thought might be in furtherance of a crime wasn't actually in furtherance of a crime, and therefore, they lose their job and they lose a third of their salary?

□ 1715

It has an incredible trickle-down detrimental effect on any Federal official trying to do his or her job. Whether or not you realize that, that is how it is going to be perceived by every hard-working, patriotic American who has decided to go to work for their government.

You may think, my friends on the other side of the aisle, that the real problem here are Federal Government officials. You would be sorely mistaken, because I spent 10 years as a Federal career government official, working alongside every single law enforcement agent we had, and they are all trying to do their best.

What this law will do is it will prevent them from doing their best, and it will jeopardize every American in this country because of it.

Mr. Chair, I reserve the balance of my time.

Mr. OGLES. Mr. Chairman, the purpose of this amendment is to create greater accountability, responsibility, thoughtfulness in these Cabinet secretaries and senior officials so that it is not partisan politics that rules the day, but, rather, the American people—or the interests of the American people.

Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. COMER).

Mr. COMER. Mr. Chairman, I rise in support of the Ogles amendment.

The Protecting Speech from Government Interference Act introduces newly created civil fines for the most senior officials.

My colleague's amendment further strengthens this enforcement penalty for senior officials by increasing the civil monetary fines up to \$50,000.

This \$50,000 will serve as a deterrent to the administration's most senior officials—Senate-confirmed Presidential appointees and the White House staff—to prevent them from censoring the lawful speech of ordinary Americans.

It is especially important that our Nation's most senior leaders are held to a higher level of accountability given their higher level of influence.

I thank the gentleman from Tennessee (Mr. OGLES) for proposing this amendment which preserves the carefully negotiated structure of the bill.

I ask my colleagues to vote "yes" on the amendment.

Mr. GOLDMAN of New York. Mr. Chairman, I yield back the balance of my time.

Mr. OGLES. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. OGLES).

The amendment was agreed to.

Mr. COMER. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALFORD) having assumed the chair, Mr. MOOLENAAR, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 140) to amend title 5, United States Code, to prohibit Federal employees from advocating for censorship of viewpoints in their official capacity, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 5 o'clock and 19 minutes p.m.), the House stood in recess.

□ 1731

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MOOLENAAR) at 5 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adoption of H. Con. Res. 21; and

Motion to suspend the rules and pass H.R. 753.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, the remaining electronic vote will be conducted as a 5-minute vote.

SYRIA WAR POWERS RESOLUTION

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on adoption of the concurrent resolution (H. Con. Res. 21) directing the President, pursuant to section 5(c) of the War Powers