

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 4848**  
**OFFERED BY M .**

Strike all that follows after the enacting clause and insert the following:

1    **SECTION 1. SHORT TITLE.**

2        This Act may be cited as the “Censorship Account-  
3   ability Act”.

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

(a) IN GENERAL.—A Federal employee who, under color of any statute, ordinance, regulation, custom, or usage, of the United States, subjects, or causes to be subjected, any citizen of the United States or any person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the First Amendment, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

16 (b) EXCEPTION.—This section does not authorize a  
17 Federal employee to bring a suit against their Federal em-

1 ployer or the Federal Government for conduct that is with-  
2 in the scope of the employment relationship.

3 (c) ATTORNEY'S FEES.—In any action or proceeding  
4 to enforce this Act, the court, in its discretion, may allow  
5 the prevailing party, other than the United States, a rea-  
6 sonable attorney's fee as part of the costs.

7 (d) DEFINITION.—In this section, the term “Federal  
8 employee” means an individual, other than the President  
9 or the Vice President, who occupies a position in any agen-  
10 cy or instrumentality of the executive branch (including  
11 any independent agency).

12 (e) SEVERABILITY.—If any provision of this Act or  
13 the application of a provision of this Act to any person  
14 or circumstance is held to be unconstitutional, the remain-  
15 der of this Act, and the application of the provisions to  
16 any person or circumstance, shall not be affected thereby.

