

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Communications Act of 1934 to create a Federal cause of action to address jawboning, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. CRUZ (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Communications Act of 1934 to create a Federal cause of action to address jawboning, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Justice Against  
5 Weaponized Bureaucratic Overreach to Networked Ex-  
6 pression Act” or the “JAWBONE Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Private speech intermediaries, such as  
10 broadcasters and interactive computer service pro-

1       viders, as well as providers of speech-enabling artifi-  
2       cial intelligence systems, are critical for access to in-  
3       formation and individual expression and have a right  
4       to independent editorial judgement.

5               (2) Such entities can also serve as chokepoints  
6       convenient for the government to target for censor-  
7       ship of disfavored speech and information.

8               (3) Government coercion of such private speech  
9       intermediaries and artificial intelligence system pro-  
10      viders threatens freedom of speech and open inquiry,  
11      particularly for users who have no say in, or knowl-  
12      edge of, how their speech or access to information  
13      is affected.

14              (4) At the same time, not all government com-  
15      munication to a private speech platform is coercive.  
16      Interactions between the government and websites,  
17      for example, may serve lawful enforcement purposes  
18      or facilitate legitimate dialogue with the private sec-  
19      tor.

20              (5) Members of the public also have an interest  
21      under the First Amendment to the Constitution of  
22      the United States in hearing what their government  
23      has to say. The people of the United States cannot  
24      engage with the views of their government unless the  
25      government can express those views.

1           (6) It is therefore necessary to limit the ability  
2 of the government to create, through coercion, a sys-  
3 tem of speech regulation that evades convenient judi-  
4 cial redress and, consequently, the First Amend-  
5 ment, while maintaining the ability of the govern-  
6 ment to inform and persuade.

7 **SEC. 3. FEDERAL CAUSE OF ACTION FOR JAWBONING.**

8           Title VII of the Communications Act of 1934 (47  
9 U.S.C. 601 et seq.) is amended by adding at the end the  
10 following:

11 **“SEC. 723. PROHIBITION ON FEDERAL AGENCY OR EM-**  
12 **PLOYEE JAWBONING.**

13           “(a) DEFINITIONS.—In this section:

14           “(1) AGENCY.—The term ‘agency’ has the  
15 meaning given the term in section 3502 of title 44,  
16 United States Code.

17           “(2) ARTIFICIAL INTELLIGENCE SYSTEM.—The  
18 term ‘artificial intelligence system’ has the meaning  
19 given the term ‘artificial intelligence’ in section 5002  
20 of the National Artificial Intelligence Initiative Act  
21 of 2020 (15 U.S.C. 9401).

22           “(3) BROADCASTER.—The term ‘broadcaster’  
23 means—

24           “(A) any licensee, operator, or owner of a  
25 broadcast station; and

1           “(B) any national broadcast network that  
2 provides television or radio programming to one  
3 or more broadcast stations, including through  
4 ownership of, or contractual network affiliation  
5 agreements with, those stations.

6           “(4) COERCE.—

7           “(A) IN GENERAL.—The term ‘coerce’  
8 means to take a harmful, hostile, or unfavorable  
9 action, to imply the possibility of taking such  
10 action, or to threaten such action.

11           “(B) FACTORS.—Factors relevant to  
12 whether an action by an agency, officer, or em-  
13 ployee satisfies the definition of ‘coerce’ under  
14 subparagraph (A) include—

15           “(i) the word choice and tone of any  
16 relevant communication from the agency,  
17 officer, or employee;

18           “(ii) the existence of any Federal reg-  
19 ulatory or enforcement authority over the  
20 recipient of any relevant communication  
21 from the agency, officer, or employee;

22           “(iii) whether any relevant commu-  
23 nication from the agency, officer, or em-  
24 ployee referred to adverse consequences to  
25 the recipient;

1           “(iv) whether any relevant commu-  
2           nication from the agency, officer, or em-  
3           ployee was private or public;

4           “(v) whether any relevant communica-  
5           tion from the agency, officer, or employee  
6           included an affirmative disclaimer that the  
7           communication lacked legal force;

8           “(vi) whether any relevant commu-  
9           nication from the agency, officer, or em-  
10          ployee included a factual statement without  
11          legal force that could be useful to the deci-  
12          sion-making of the recipient;

13          “(vii) whether any relevant commu-  
14          nication from the agency, officer, or em-  
15          ployee was for the purpose of aiding com-  
16          pliance with existing law; and

17          “(viii) whether any relevant commu-  
18          nication from the agency, officer, or em-  
19          ployee led the recipient to act contrary to  
20          its own policies.

21          “(5) CONTENT ACTION.—The term ‘content ac-  
22          tion’—

23                 “(A) with respect to an interactive com-  
24                 puter service, means—

1           “(i) adding information to, altering  
2 information on, or removing information  
3 from the interactive computer service, in-  
4 cluding with respect to a label appended to  
5 information;

6           “(ii) altering the presentation of infor-  
7 mation on the interactive computer service,  
8 including such presentation by the rec-  
9 ommendation system of the interactive  
10 computer service;

11           “(iii) limiting interaction by an infor-  
12 mation content provider with the inter-  
13 active computer service, including termi-  
14 nating or suspending an information con-  
15 tent provider from the interactive computer  
16 service; or

17           “(iv) altering a policy of the inter-  
18 active computer service affecting the mod-  
19 eration of information;

20           “(B) with respect to an artificial intel-  
21 ligence system, means—

22           “(i) adding, altering, or removing in-  
23 formation generated or provided by the ar-  
24 tificial intelligence system; or

1                   “(ii) limiting interaction by an infor-  
2                   mation content provider with the artificial  
3                   intelligence system; and

4                   “(C) with respect to a broadcaster, means  
5                   adding information or programming to, altering  
6                   information or programming on, or removing  
7                   information or programming from a broadcast,  
8                   including before the programming is finalized or  
9                   while the programming is in an investigative or  
10                  production phase of development.

11                  “(6) EMPLOYEE.—The term ‘employee’ includes  
12                  a fellow, contractor, or consultant.

13                  “(7) INFORMATION.—The term ‘information’  
14                  means lawful expression protected by the First  
15                  Amendment to the Constitution of the United  
16                  States.

17                  “(8) INFORMATION CONTENT PROVIDER.—The  
18                  term ‘information content provider’ has the meaning  
19                  given the term in section 230.

20                  “(9) INTERACTIVE COMPUTER SERVICE.—The  
21                  term ‘interactive computer service’ has the meaning  
22                  given to the term in section 230.

23                  “(10) RECOMMENDATION SYSTEM.—The term  
24                  ‘recommendation system’ means a fully or partially  
25                  automated system used by an interactive computer

1 service to suggest, promote, or rank information pro-  
2 vided by an information content provider.

3 “(b) PROHIBITION.—

4 “(1) IN GENERAL.—Except as provided in para-  
5 graph (2), it shall be unlawful for an agency, or an  
6 officer or employee of the United States under color  
7 or pretense of office or employment, to coerce or at-  
8 tempt to coerce a broadcaster, a provider of an  
9 interactive computer service, or a provider of an ar-  
10 tificial intelligence system within the United States  
11 (including the territories of the United States) for  
12 the purpose of, or if a reasonable person would un-  
13 derstand the coercion or attempted coercion to be  
14 for the purpose of, incentivizing the broadcaster or  
15 provider to take a content action.

16 “(2) EXCEPTIONS.—

17 “(A) IN GENERAL.—Paragraph (1) shall  
18 not apply to—

19 “(i) an action that—

20 “(I) is taken pursuant to a lawful  
21 investigation under, or the enforce-  
22 ment of, Federal or State law; and

23 “(II) does not violate the First  
24 Amendment to the Constitution of the  
25 United States;

1           “(ii) an action or threat to take action  
2           authorized by a warrant issued using the  
3           procedures described in the Federal Rules  
4           of Criminal Procedure (or, in the case of  
5           a State court, issued using State warrant  
6           procedures) by a court of competent juris-  
7           diction; or

8           “(iii) directions from an agency, or an  
9           officer or employee of the United States, to  
10          a broadcaster, a provider of an interactive  
11          computer service, or a provider of an artifi-  
12          cial intelligence system to take an action  
13          directly relating to the official use of the  
14          broadcast station, interactive computer  
15          service, or artificial intelligence system, re-  
16          spectively, by the agency, officer, or em-  
17          ployee.

18          “(B) BURDEN OF ESTABLISHING EXCEP-  
19          TION.—An agency, officer, or employee against  
20          whom a civil action is brought under subsection  
21          (c) shall bear the burden of establishing that an  
22          exception under subparagraph (A) of this para-  
23          graph applies.

24          “(c) PRIVATE RIGHT OF ACTION.—

1           “(1) IN GENERAL.—A person aggrieved by a  
2 violation of subsection (b), including an information  
3 content provider, may bring a civil action against the  
4 applicable agency, officer, or employee in an appro-  
5 priate district court of the United States.

6           “(2) SCOPE OF REVIEW.—In a civil action  
7 brought under paragraph (1), to the extent nec-  
8 essary to the decision and when presented, the court  
9 shall decide all relevant questions of law and inter-  
10 pret constitutional and statutory provisions.

11           “(3) RELIEF.—In a civil action brought under  
12 paragraph (1)—

13           “(A) a person may obtain compensatory  
14 damages and the cost of the civil action, includ-  
15 ing reasonable attorney fees and other litigation  
16 costs reasonably incurred;

17           “(B) except as provided in subparagraph  
18 (C), the court may, in addition to any other re-  
19 lief available at law, grant equitable relief that  
20 may be appropriate or necessary to correct a  
21 violation of subsection (b); and

22           “(C) punitive damages may not be award-  
23 ed.

24           “(4) PRE-TRIAL MOTION FOR LIMITED DIS-  
25 COVERY.—

1           “(A) MOTION.—If a party to a civil action  
2 brought under paragraph (1) moves to dismiss  
3 the action under rule 12(b)(6) of the Federal  
4 Rules of Civil Procedure or moves to dismiss  
5 the action for lack of standing, the party that  
6 opposes the motion to dismiss may file a pre-  
7 trial motion for limited discovery at the discre-  
8 tion of the court.

9           “(B) LIMITATIONS ON TIME AND SCOPE.—  
10 If the court grants a pre-trial motion for lim-  
11 ited discovery filed under subparagraph (A), the  
12 court shall enter an order limiting that dis-  
13 covery—

14           “(i) to a period of not more than 30  
15 days; and

16           “(ii) to evidence that permits the  
17 party that did not move to dismiss the ac-  
18 tion under subparagraph (A) to respond to  
19 the merits of the motion to dismiss.

20           “(C) EXTENSION.—

21           “(i) HEARING.—Upon request, the  
22 court may hold a hearing to determine  
23 whether to extend discovery, with respect  
24 to a motion for limited discovery granted  
25 under this paragraph, by not more than 1

1 additional period of not more than 30  
2 days.

3 “(ii) DETERMINATION.—The court  
4 may extend discovery under clause (i) for  
5 good cause shown by the party seeking the  
6 extension.

7 “(5) NO IMMUNITY FROM LIABILITY FOR SUB-  
8 JECTIVE BELIEF OF UNPROTECTED SPEECH.—No  
9 agency, officer, or employee that is a party to a civil  
10 action brought under paragraph (1) shall be immune  
11 from liability on the basis of a finding that the agen-  
12 cy, officer, or employee had a subjective belief that  
13 the information that is the subject of the claim in  
14 the civil action was not lawful expression protected  
15 by the First Amendment to the Constitution of the  
16 United States.

17 “(6) MANDATORY DEFENSE AND INDEMNIFICA-  
18 TION OF FEDERAL EMPLOYEES.—

19 “(A) DEFENSE.—If a civil action is  
20 brought under paragraph (1) against an officer  
21 or employee of the United States in the indi-  
22 vidual capacity of that officer or employee, the  
23 Department of Justice, if the officer or em-  
24 ployee so elects, shall represent the officer or  
25 employee.

1 “(B) INDEMNIFICATION.—

2 “(i) IN GENERAL.—If a civil action is  
3 brought under paragraph (1) against an  
4 officer or employee of the United States in  
5 the individual capacity of that officer or  
6 employee, the Federal Government shall  
7 indemnify the officer or employee for any  
8 verdict, judgment, or other monetary  
9 award rendered against the officer or em-  
10 ployee.

11 “(ii) EXCEPTION.—In a civil action  
12 described in clause (i), if the court finds  
13 that the officer or employee acted in a will-  
14 ful and wanton manner in incurring liabil-  
15 ity under this section, clause (i) shall not  
16 apply and the court shall order the officer  
17 or employee to reimburse the Federal Gov-  
18 ernment the reasonable costs and reason-  
19 able attorney fees expended for the defense  
20 of the officer or employee.

21 “(d) ENFORCEMENT BY STATES.—Any attorney gen-  
22 eral of a State may bring a civil action in the name of  
23 the State, as *parens patriae* on behalf of natural persons  
24 residing in the State, in any district court of the United  
25 States having jurisdiction of the defendant to secure relief

1 as provided in this section for injury sustained by those  
2 natural persons from a violation of subsection (b).”.

3 **SEC. 4. ESTABLISHMENT OF STANDARDS AND GUIDELINES**  
4 **FOR LOGGING COVERED COMMUNICATIONS**  
5 **WITH BROADCASTERS, PROVIDERS INTER-**  
6 **ACTIVE COMPUTER SERVICES, AND PRO-**  
7 **VIDERS OF ARTIFICIAL INTELLIGENCE SYS-**  
8 **TEMS.**

9 The National Institute of Standards and Technology  
10 Act (15 U.S.C. 271 et seq.) is amended by adding at the  
11 end the following:

12 **“SEC. 37. ESTABLISHMENT OF STANDARDS AND GUIDE-**  
13 **LINES FOR LOGGING COVERED COMMUNICA-**  
14 **TIONS WITH BROADCASTERS, PROVIDERS**  
15 **INTERACTIVE COMPUTER SERVICES, AND**  
16 **PROVIDERS OF ARTIFICIAL INTELLIGENCE**  
17 **SYSTEMS.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) AGENCY.—The term ‘agency’ has the  
20 meaning given such term in section 3502 of title 44,  
21 United States Code.

22 “(2) ARTIFICIAL INTELLIGENCE SYSTEM.—The  
23 term ‘artificial intelligence system’ has the meaning  
24 given to the term ‘artificial intelligence’ in section

1 5002 of the National Artificial Intelligence Initiative  
2 Act of 2020 (15 U.S.C. 9401).

3 “(3) BROADCASTER.—The term ‘broadcaster’  
4 has the meaning given such term in section 723 of  
5 the Communications Act of 1934.

6 “(4) CHILD SEXUAL ABUSE MATERIAL.—The  
7 term ‘child sexual abuse material’ means a visual de-  
8 piction defined in section 2256(8) of title 18, United  
9 States Code.

10 “(5) COMMUNICATION.—The term ‘communica-  
11 tion’ means any transfer, in whole or in part, by  
12 wire, oral, or electronic means, of signs, signals,  
13 writing, images, sounds, or data of any nature.

14 “(6) COMMUNICATION METADATA.—The term  
15 ‘communication metadata’ means structural or de-  
16 scriptive information associated with a communica-  
17 tion, such as—

18 “(A) the name of the sender and recipient;

19 “(B) the employer or institutional affili-  
20 ation of each person identified in subparagraph  
21 (A);

22 “(C) contact information for each person  
23 identified in subparagraph (A), such as a tele-  
24 phone number or email address; and

1           “(D) the date on which the communication  
2           was conveyed.

3           “(7) COVERED COMMUNICATION.—The term  
4           ‘covered communication’ means the contents of a  
5           communication and communication metadata from  
6           an officer or employee of the United States under  
7           color or pretense of office or employment to a broad-  
8           caster, provider of an interactive computer service,  
9           or provider of an artificial intelligence system re-  
10          garding an act or omission by such broadcaster,  
11          service, or system with respect to actual or potential  
12          expression on or from the broadcaster, service, or  
13          system, including any standards, processes, or poli-  
14          cies of such broadcaster or provider governing the  
15          broadcast, publication, display, or moderation of ex-  
16          pression on or from the broadcaster, service, or sys-  
17          tem, but excluding the contents of communications  
18          and communications metadata—

19                 “(A) to the extent it consists of classified  
20                 information, as defined in section 1 of the Clas-  
21                 sified Information Procedures Act (Public Law  
22                 96–456), if such information is so properly clas-  
23                 sified;

24                 “(B) relating to child sexual abuse mate-  
25                 rial; and

1           “(C) for actions, threats, or directions de-  
2           scribed in a subparagraph of section 723(b)(2)  
3           of the Communications Act of 1934.

4           “(8) **EXPRESSION.**—The term ‘expression’  
5           means any speech, text, images, video, or any other  
6           information distributed by an information content  
7           provider, an interactive computer service, artificial  
8           intelligence system, or a broadcaster.

9           “(9) **INFORMATION CONTENT PROVIDER.**—The  
10          term ‘information content provider’ has the meaning  
11          given to the term in section 230 of the Communica-  
12          tions Act of 1934 (47 U.S.C. 230).

13          “(10) **INTERACTIVE COMPUTER SERVICE.**—The  
14          term ‘interactive computer service’ means an inter-  
15          active computer service as defined in section 230 of  
16          the Communications Act of 1934 (47 U.S.C. 230).

17          “(b) **STANDARDS AND GUIDELINES REQUIRED.**—

18          “(1) **IN GENERAL.**—Not later than 1 year after  
19          the date of the enactment of the Justice Against  
20          Weaponized Bureaucratic Overreach to Networked  
21          Expression Act, the Director shall, in consultation  
22          with the Secretary of Commerce, the Director of the  
23          Office of Science and Technology Policy, the Direc-  
24          tor of the Office of Management and Budget, and  
25          the head of any other agency the Director considers

1 appropriate, develop standards and guidelines to as-  
2 sist agencies in carrying out the requirements of sec-  
3 tion 701 of the National Science and Technology  
4 Policy, Organization, and Priorities Act of 1976, in-  
5 cluding the collection, retention, and transmission of  
6 covered communications through the portal estab-  
7 lished under such section.

8 “(2) ACCOUNTING FOR AND ADAPTING FOR  
9 SPECIFIC NEEDS OF AGENCIES.—In developing the  
10 standards and guidelines pursuant to paragraph (1),  
11 the Director shall account for and, as applicable,  
12 adapt such standards and guidelines to the specific  
13 needs of each agency.

14 “(c) ELEMENTS.—The standards and guidelines re-  
15 quired by subsection (b) shall include recommendations re-  
16 garding—

17 “(1) standard taxonomies and labeling of cov-  
18 ered communications to be transmitted to the portal  
19 described in such subsection;

20 “(2) the collection and logging of communica-  
21 tion metadata for each covered communication;

22 “(3) standard formats to ensure interoperability  
23 of covered communications transmitted to such por-  
24 tal;

1           “(4) data security standards and protocols for  
2           the collection and transmission of covered commu-  
3           nications to such portal; and

4           “(5) audit, management, and monitoring con-  
5           trols for the retention of covered communications by  
6           the agency.

7           “(d) BIENNIAL UPDATES TO THE STANDARDS AND  
8           GUIDELINES.—Not less than once every 2 years, the Di-  
9           rector shall, in consultation with the Secretary of Com-  
10          merce, the Director of the Office of Science and Tech-  
11          nology Policy, and the Director of the Office of Manage-  
12          ment and Budget, review the standards and guidelines  
13          issued under subsection (b) and may revise and update  
14          such standards and guidelines as necessary.

15          “(e) SUBMISSION TO THE DIRECTOR OF THE OFFICE  
16          OF SCIENCE AND TECHNOLOGY POLICY.—The Director  
17          shall submit the standards and guidelines developed under  
18          subsection (b), and any revisions made under subsection  
19          (d), to the Director of the Office of Science and Tech-  
20          nology Policy for purposes of carrying out section 701 of  
21          the National Science and Technology Policy, Organization,  
22          and Priorities Act of 1976.”.

1 **SEC. 5. ESTABLISHMENT OF PORTAL FOR COVERED COM-**  
2 **MUNICATIONS WITH BROADCASTERS, PRO-**  
3 **VIDERS OF INTERACTIVE COMPUTER SERV-**  
4 **ICES, AND PROVIDERS OF ARTIFICIAL INTEL-**  
5 **LIGENCE SYSTEMS.**

6 The National Science and Technology Policy, Organi-  
7 zation, and Priorities Act of 1976 (42 U.S.C. 6611 et seq.)  
8 is amended by adding at the end the following:

9 **“TITLE VII—COMMUNICATIONS**  
10 **WITH BROADCASTERS, PRO-**  
11 **VIDERS OF INTERACTIVE**  
12 **COMPUTER SERVICES, AND**  
13 **PROVIDERS OF ARTIFICIAL**  
14 **INTELLIGENCE SYSTEMS**

15 **“SEC. 701. PORTAL FOR COVERED COMMUNICATIONS WITH**  
16 **BROADCASTERS, PROVIDERS OF INTER-**  
17 **ACTIVE COMPUTER SERVICES, AND PRO-**  
18 **VIDERS OF ARTIFICIAL INTELLIGENCE SYS-**  
19 **TEMS.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) AGENCY.—The term ‘agency’ has the  
22 meaning given such term in section 3502 of title 44,  
23 United States Code.

24 “(2) ARTIFICIAL INTELLIGENCE SYSTEM.—The  
25 term ‘artificial intelligence system’ has the meaning  
26 given to the term ‘artificial intelligence’ in section

1 5002 of the National Artificial Intelligence Initiative  
2 Act of 2020 (15 U.S.C. 9401).

3 “(3) BROADCASTER.—The term ‘broadcaster’  
4 has the meaning given such term in section 723 of  
5 the Communications Act of 1934.

6 “(4) COMMUNICATION, COMMUNICATION  
7 METADATA, COVERED COMMUNICATION, EMPLOYEE,  
8 AND EXPRESSION.—The terms ‘communication’,  
9 ‘communication metadata’, ‘covered communication’,  
10 ‘employee’, and ‘expression’ have the meanings given  
11 such terms in section 37 of the National Institute of  
12 Standards and Technology Act.

13 “(5) CONTENT ACTION.—The term ‘content ac-  
14 tion’ has the meaning given such term in section  
15 723 of the Communications Act of 1934.

16 “(6) INFORMATION CONTENT PROVIDER AND  
17 INTERACTIVE COMPUTER SERVICE.—The terms ‘in-  
18 formation content provider’ and ‘interactive com-  
19 puter service’ have the meanings given such terms in  
20 section 230 of the Communications Act of 1934 (47  
21 U.S.C. 230).

22 “(7) PORTAL.—The term ‘portal’ means the  
23 covered communications portal established by the  
24 Director of the Office of Science and Technology  
25 Policy pursuant to subsection (c).

1           “(b) ADOPTION OF NATIONAL INSTITUTE OF STAND-  
2 ARDS AND TECHNOLOGY STANDARDS AND GUIDE-  
3 LINES.—Upon receiving the standards and guidelines  
4 from the Director of the National Institute of Standards  
5 and Technology pursuant to section 37(e) of the National  
6 Institute of Standards and Technology Act, the Director  
7 shall, in consultation with the Secretary of Commerce and  
8 the Director of the Office of Management and Budget,  
9 issue a requirement that the head of each agency—

10                   “(1) adopt such standards and guidelines; and

11                   “(2) comply with the requirements for trans-  
12 mission of covered communications pursuant to sub-  
13 section (c).

14           “(c) ESTABLISHMENT OF COVERED COMMUNICA-  
15 TIONS PORTAL.—The Director shall, in consultation with  
16 the Secretary of Commerce and the Director of the Office  
17 of Management and Budget—

18                   “(1) establish a portal for covered communica-  
19 tions; and

20                   “(2) require each head of an agency to transmit  
21 to the portal, not less than once every 120 days, new  
22 or previously unreported covered communications  
23 discovered through reasonable efforts, including em-  
24 ployee self-reporting.

1           “(d) PUBLIC WEBSITE FOR COVERED COMMUNICA-  
2 TIONS.—

3           “(1) IN GENERAL.—Subject to paragraph (2),  
4 the Director of the Office of Science and Technology  
5 Policy shall make available on a publicly accessible,  
6 searchable website, a detailed description of each  
7 covered communication, received by the Director  
8 under subsection (c) that—

9           “(A) summarizes the contents of each cov-  
10 ered communication; and

11           “(B) identifies all requests, whether im-  
12 plied or express, for content actions included in  
13 such covered communications.

14           “(2) AVAILABILITY OF SENSITIVE COVERED  
15 COMMUNICATIONS.—

16           “(A) IN GENERAL.—The Director may, in  
17 consultation with the Director of the Office of  
18 Management and Budget and the applicable  
19 agency head, redact information contained in a  
20 detailed description of a covered communica-  
21 tion, as described in paragraph (1), before pub-  
22 lication to the public, to the extent that such in-  
23 formation falls into an exemption described in  
24 a paragraph of section 552(b) of title 5, United

1 States Code (commonly known as the ‘Freedom  
2 of Information Act’), if—

3 “(i) the description includes markings  
4 detailing the specific exemption under  
5 which such redactions were made; and

6 “(ii) such information is unredacted  
7 when an exemption is no longer applicable.

8 “(B) AVAILABILITY TO CONGRESS.—The  
9 full, unredacted record of all covered commu-  
10 nications shall be made available to the Chair-  
11 man and Ranking Member of the Committee on  
12 Commerce, Science, and Transportation of the  
13 Senate and the Chairman and Ranking Member  
14 of the Committee on Energy and Commerce of  
15 the House of Representatives at an interval de-  
16 termined appropriate by the Chairmen and  
17 Ranking Members each Congress, but not less  
18 than once every fiscal year.

19 “(e) PROVIDER COMPLAINT PROCESS.—

20 “(1) IN GENERAL.—In establishing the publicly  
21 accessible, searchable website under subsection (d),  
22 the Director shall also establish a process within  
23 such website through which the broadcaster, pro-  
24 vider of an interactive computer service, or provider  
25 of an artificial intelligence system may, without re-

1       talion by the Federal Government, submit a com-  
2       plaint alleging that an officer or employee of the  
3       United States has violated section 723(b) of the  
4       Communications Act of 1934.

5               “(2) TRANSMITTAL OF COMPLAINT.—

6                       “(A) TRANSMITTAL.—Not later than 15  
7       days after receiving a valid complaint pursuant  
8       to paragraph (1) regarding an officer or em-  
9       ployee of the United States, the Director shall  
10      transmit such complaint to—

11                      “(i) the Inspector General of the  
12      agency that employs the officer or em-  
13      ployee;

14                      “(ii) the Chairman and Ranking  
15      Member of the Committee on Commerce,  
16      Science, and Transportation of the Senate;  
17      and

18                      “(iii) the Chairman and Ranking  
19      Member of the Committee on Energy and  
20      Commerce of the House of Representa-  
21      tives.

22                      “(B) VALIDITY.—For purposes of this  
23      paragraph, a complaint of the broadcaster, pro-  
24      vider of an interactive computer service, or pro-

1 vider of an artificial intelligence system is con-  
2 sidered valid if the complaint—

3 “(i) is brought by an employee or an  
4 authorized person acting on behalf of the  
5 broadcaster or provider; and

6 “(ii) identifies the communication and  
7 includes sufficient information to reason-  
8 ably substantiate an alleged violation of  
9 section 723(b) of the Communications Act  
10 of 1934.

11 “(f) AUDITS FOR COMPLIANCE WITH THE NATIONAL  
12 INSTITUTE OF STANDARDS AND TECHNOLOGY STAND-  
13 ARDS AND GUIDELINES.—

14 “(1) AUDITS REQUIRED.—Not less frequently  
15 than once every 2 years, each Inspector General of  
16 an agency shall audit the compliance of the agency  
17 of the Inspector General with—

18 “(A) the standards and guidelines required  
19 to be adopted under subsection (b)(1); and

20 “(B) the requirements of paragraph (2) of  
21 subsection (c) regarding transmittal of covered  
22 communications to the portal established under  
23 paragraph (1) of such subsection, including a  
24 review of whether the agency is properly catego-  
25 rizing a communication as a covered commu-

1            nication for listing in the portal and trans-  
2            mission to Congress and consideration of  
3            whether the agency is properly excluding a com-  
4            munication from categorization as a covered  
5            communication.

6            “(2) TRANSMITTAL OF FINDINGS.—Not later  
7            than 7 days after an Inspector General completes an  
8            audit under paragraph (1), the Inspector General  
9            shall transmit a summary of the findings of the In-  
10           spector General with respect to the audit to the fol-  
11           lowing:

12                   “(A) The Director.

13                   “(B) The Chairman and Ranking Member  
14                   of the Committee on Commerce, Science, and  
15                   Transportation of the Senate.

16                   “(C) The Chairman and Ranking Member  
17                   of the Committee on Energy and Commerce of  
18                   the House of Representatives.”.

19   **SEC. 6. SEVERABILITY.**

20            If any provision of this Act, or any amendment made  
21            by this Act, is determined to be unenforceable or invalid,  
22            the remaining provisions of this Act and the amendments  
23            made by this Act shall not be affected.