

119TH CONGRESS  
1ST SESSION

# H. R. 162

To provide for a right of action against Federal employees for violations  
of First Amendment rights.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2025

Ms. HAGEMAN (for herself, Ms. GREENE of Georgia, Mr. MASSIE, Mr. NEHLS,  
Mr. CLOUD, Mr. CRANE, Mr. BRECHEEN, Mr. OGLES, Mr. CLINE, and  
Mr. MOORE of Alabama) introduced the following bill; which was referred  
to the Committee on the Judiciary

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## A BILL

To provide for a right of action against Federal employees  
for violations of First Amendment rights.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “First Amendment Ac-  
5 countability Act”.

1 **SEC. 2. RIGHT OF ACTION AGAINST FEDERAL EMPLOYEES**  
2 **FOR VIOLATIONS OF FIRST AMENDMENT**  
3 **RIGHTS.**

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

13 (b) EXCEPTION.—This section does not authorize a  
14 Federal employee to bring a suit against their Federal em-  
15 ployer or the Federal Government for conduct that is with-  
16 in the scope of the employment relationship.

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

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

1       (e) SEVERABILITY.—If any provision of this Act or  
2 the application of a provision of this Act to any person  
3 or circumstance is held to be unconstitutional, the remain-  
4 der of this Act, and the application of the provisions to  
5 any person or circumstance, shall not be affected thereby.

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