

**H. R. \_\_\_\_\_**

*To prohibit States, political subdivisions, and recipients of Federal funds from compelling any person to renounce or refrain from constitutionally protected expression concerning any foreign country, foreign government, industry, or political cause as a condition of contract, employment, licensure, or receipt of public benefits, and for other purposes.*

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**IN THE HOUSE OF REPRESENTATIVES**

[Date], 2026

Mr. DYCHES (for himself) introduced the following bill; which was referred jointly to the Committee on the Judiciary, the Committee on Education and the Workforce, and the Committee on Oversight and Government Reform

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**A BILL**

To enforce the First Amendment to the Constitution of the United States against compelled political speech imposed by States, political subdivisions, and recipients of Federal funds, including pledges, oaths, certifications, or contractual conditions requiring any person to refrain from boycotting, criticizing, advocating against, or otherwise engaging in protected expression concerning any foreign country, foreign government, industry, or political cause; to provide a private right of action; to deny Federal funds to States that maintain such laws or contractual conditions; and for other purposes.

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

**(a) SHORT TITLE.**—This Act may be cited as the “First Amendment Restoration Act of 2026”.

**(b) TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

Sec. 4. Prohibition on compelled political speech as a condition of public contract, employment, licensure, or benefit.

Sec. 5. Voidability of contractual provisions.

Sec. 6. Private right of action.

Sec. 7. Federal enforcement and Department of Justice authority.

Sec. 8. Conditioning of Federal funds.

Sec. 9. Rule of construction; preservation of antidiscrimination law.

Sec. 10. Severability.

Sec. 11. Effective date.

## **SEC. 2. FINDINGS.**

Congress finds the following:

(1) The First Amendment to the Constitution of the United States provides that “Congress shall make no law ... abridging the freedom of speech”, and is incorporated against the States through the Fourteenth Amendment by *Gitlow v. New York*, 268 U.S. 652 (1925).

(2) In *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943), the Supreme Court held that “if there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein”.

- (3) In *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982), the Supreme Court held that politically motivated boycotts constitute expressive conduct protected by the First Amendment.
- (4) In *Board of County Commissioners v. Umbehr*, 518 U.S. 668 (1996), the Supreme Court held that the government may not terminate or refuse to enter a contract in retaliation for the contractor's exercise of constitutionally protected speech.
- (5) Beginning in 2014 and continuing to the present, not fewer than 38 States have enacted statutes, executive orders, or contractual requirements compelling individuals, partnerships, sole proprietorships, or businesses seeking public contracts, public employment, professional licensure, or public benefits to certify, pledge, or otherwise affirm that they do not and will not engage in boycotts of, or other protected expression critical of, the State of Israel, the State of Israel's government, or persons doing business in or with Israeli-controlled territory.
- (6) These laws have been used to deprive specific individuals of livelihood and public benefits, including (A) Bahia Amawi, a Palestinian-American children's speech pathologist employed by the Pflugerville Independent School District in Texas for nine years, who lost her contract in 2018 after refusing to sign a pledge not to boycott Israel; (B) Esther Koontz, a Mennonite mathematics teacher who was removed from a Kansas State Department of Education teacher-training program in 2017 after refusing to sign a similar pledge; (C) Alan Leveritt, publisher of the Arkansas Times, whose advertising contracts with Arkansas state entities were conditioned on signing a pledge not to boycott Israel; (D) Abby Martin, a documentary filmmaker, whose speaking engagement at Georgia Southern University was canceled in 2020 after she refused to sign such a pledge; and (E) victims of Hurricane Harvey in Texas in 2017 who were initially required to sign such a pledge as a condition of receiving disaster relief.
- (7) Federal district courts in Arizona (*Jordahl v. Brnovich*), Texas (*Amawi v. Pflugerville Independent School District*), Kansas (*Koontz v. Watson*), and Georgia (*Martin v. Wrigley*) have each held that such compelled certifications violate the First

Amendment, and a panel of the Eighth Circuit Court of Appeals so held in *Arkansas Times v. Waldrip* before being reversed en banc.

- (8) The same legislative template has been extended in numerous States to compel certifications of non-boycott of the fossil fuel industry, the firearm industry, companies that decline to provide reproductive health benefits or gender-affirming care, and other industries or political causes designated by State legislatures, demonstrating that the mechanism, once permitted in any application, will be replicated against political viewpoints across the ideological spectrum.
- (9) A government that may compel a teacher, contractor, or relief recipient to renounce protected expression concerning one foreign country, industry, or cause may compel renunciation of protected expression concerning any foreign country, industry, or cause, and the only durable protection of freedom of speech is the consistent application of the First Amendment without regard to the political popularity of the expression at issue.
- (10) Congress retains authority under section 5 of the Fourteenth Amendment to enforce the First Amendment, as incorporated, against the States, and under the Spending Clause and Commerce Clause to condition the receipt of Federal funds and to regulate interstate commerce in furtherance of constitutional protection.

### **SEC. 3. DEFINITIONS.**

In this Act:

- (1) **COVERED GOVERNMENTAL ENTITY.**—The term “covered governmental entity” means—
  - (A) any State, the District of Columbia, any territory or possession of the United States, or any political subdivision thereof, including any county, municipality, school district, public university, or special district;
  - (B) any agency, department, board, commission, or other instrumentality of an entity described in subparagraph (A); and

(C) any private entity acting under color of State law or as a recipient of Federal funds in carrying out a program or activity supported by such funds, with respect to such program or activity.

(2) **COMPELLED POLITICAL SPEECH PROVISION.**—The term “compelled political speech provision” means any statute, regulation, executive order, contract, contract addendum, certification, oath, pledge, affirmation, or other instrument of a covered governmental entity that requires, as a condition of—

(A) the award, renewal, performance, or continuation of any contract;

(B) the offer, retention, or terms of any employment;

(C) the issuance, renewal, or maintenance of any professional, occupational, or business license;

(D) the receipt of any grant, loan, scholarship, disaster relief, or other public benefit; or

(E) participation in any public program or activity,

that any person certify, pledge, affirm, attest, or otherwise represent that the person does not, and will not, engage in any boycott of, advocacy against, divestment from, sanctioning of, criticism of, protest against, or other constitutionally protected expression concerning, any foreign country, foreign government, industry, company, or political cause.

(3) **PROTECTED EXPRESSION.**—The term “protected expression” means any speech, association, assembly, petition, expressive conduct, or other activity protected by the First Amendment to the Constitution of the United States, including—

(A) participation in or advocacy for a politically motivated boycott, divestment, or sanctions effort, as recognized in *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982);

**(B)** individual decisions to refrain from purchasing goods or services from any country, government, industry, or company for reasons of conscience, political conviction, or religious belief;

**(C)** verbal or written criticism of any foreign country, foreign government, industry, or political cause, including in publications, classrooms, public meetings, places of worship, and online communications; and

**(D)** membership in, contribution to, or association with any organization engaged in the foregoing.

**(4) PERSON.**—The term “person” means any individual, sole proprietorship, partnership, limited liability company, corporation, association, religious organization, educational institution, or other legal entity, and any employee, contractor, or other natural person acting on behalf of such an entity.

**(5) FEDERAL FUNDS.**—The term “Federal funds” means any Federal financial assistance, including grants, contracts, cooperative agreements, loans, loan guarantees, scholarships, fellowships, and direct or indirect transfers of Federal funds, made to a covered governmental entity pursuant to any Federal program.

#### **SEC. 4. PROHIBITION ON COMPELLED POLITICAL SPEECH AS A CONDITION OF PUBLIC CONTRACT, EMPLOYMENT, LICENSURE, OR BENEFIT.**

**(a) IN GENERAL.**—It shall be unlawful for any covered governmental entity to enact, maintain, enforce, or rely upon any compelled political speech provision.

**(b) PROHIBITED ACTIONS.**—Without limitation, no covered governmental entity may—

(1) require any person to sign, attest to, or otherwise affirm any certification, pledge, oath, or addendum that conditions any benefit or transaction described in section 3(2) on a representation regarding the person’s past, present, or future protected expression concerning any foreign country, foreign government, industry, or political cause;

- (2) deny, terminate, refuse to renew, reduce the compensation of, or otherwise penalize any contract, employment, license, grant, scholarship, benefit, or program participation on the basis of any person's protected expression, or refusal to disclaim such expression;
- (3) maintain any list, registry, or database of persons engaged in protected expression for the purpose of exclusion from public contracting, public employment, professional licensure, or public benefit; or
- (4) delegate to any private contractor, vendor, or grantee the imposition of a compelled political speech provision that the covered governmental entity could not lawfully impose directly.

**(c) APPLICATION REGARDLESS OF SUBJECT MATTER.**—The prohibition in subsection (a) shall apply with equal force regardless of the foreign country, foreign government, industry, company, or political cause concerning which the speech is compelled or restricted, and regardless of whether the speech sought to be compelled or restricted is favored or disfavored by any majority of the public, the Congress, the executive branch, or the State or political subdivision involved.

**(d) NO DE MINIMIS EXCEPTION.**—There shall be no de minimis exception to the prohibition under subsection (a). The dollar value of a contract, the size of an employer or contractor, or the duration of an employment or licensure relationship shall not affect the application of this section.

## **SEC. 5. VOIDABILITY OF CONTRACTUAL PROVISIONS.**

**(a) IN GENERAL.**—Any compelled political speech provision included in any contract, certification, addendum, or other instrument executed by a covered governmental entity shall be void and unenforceable as against public policy. The remainder of any such contract or instrument shall remain in full force and effect.

**(b) NO ENFORCEMENT.**—No covered governmental entity, and no court, arbitrator, or administrative tribunal, shall enforce, give effect to, or rely upon any compelled political speech provision in any proceeding.

**(c) RESTITUTION AND REINSTATEMENT.**—Any person who has been denied a contract, employment, license, or benefit, or who has lost a contract, employment, license, or benefit, on account of a compelled political speech provision, shall be entitled to—

- (1) reinstatement to the position, contract, license, or benefit denied or terminated;
- (2) back pay, lost compensation, lost contract value, and consequential damages from the date of denial or termination to the date of reinstatement, without offset for interim earnings;
- (3) where reinstatement is not feasible, front pay or front contract value in an amount equal to not less than 3 years of the lost compensation or contract value; and
- (4) compensation for any reasonable expenses, including legal fees, incurred as a result of the violation.

**SEC. 6. PRIVATE RIGHT OF ACTION.**

**(a) IN GENERAL.**—Any person aggrieved by a violation of section 4 may bring a civil action in any United States district court of competent jurisdiction, or in any State court of competent jurisdiction, individually or on behalf of a class of similarly situated persons.

**(b) RELIEF.**—In any action brought under this section, the court may award—

- (1) the relief described in section 5(c);
- (2) declaratory and injunctive relief, including statewide or system-wide injunctive relief invalidating the offending compelled political speech provision;
- (3) compensatory damages, including damages for emotional distress, reputational harm, and loss of livelihood;
- (4) punitive damages, where the violation was willful or in reckless disregard of the person’s constitutional rights;
- (5) reasonable attorneys’ fees and costs of the action; and
- (6) such other equitable relief as the court deems appropriate.

- (c) **NO STATE SOVEREIGN IMMUNITY.**—A State shall not be immune under the 11th Amendment to the Constitution of the United States from a suit in Federal court for a violation of this Act. Congress, in the exercise of its authority under section 5 of the Fourteenth Amendment, hereby abrogates any such immunity.
- (d) **STATUTE OF LIMITATIONS.**—An action under this section shall be commenced not later than 4 years after the date of the violation.
- (e) **ANTI-RETALIATION.**—It shall be unlawful for any covered governmental entity to discharge, demote, suspend, threaten, harass, exclude from any program, or in any other manner discriminate against any person for asserting a claim, providing information, or testifying in connection with a proceeding under this Act, or for refusing to sign a compelled political speech provision.

**SEC. 7. FEDERAL ENFORCEMENT AND DEPARTMENT OF JUSTICE AUTHORITY.**

- (a) **DEPARTMENT OF JUSTICE.**—The Attorney General is authorized to commence a civil action in the name of the United States to enforce this Act whenever the Attorney General has reasonable cause to believe that any covered governmental entity is engaged in a pattern or practice of conduct in violation of section 4.
- (b) **RELIEF.**—In any action brought by the Attorney General under this section, the court may grant—
- (1) declaratory and injunctive relief, including statewide or system-wide injunctive relief;
  - (2) civil penalties payable to the Treasury of the United States in an amount not to exceed \$50,000 per violation, with each compelled political speech provision imposed on a separate person constituting a separate violation; and
  - (3) such other equitable relief as the court deems appropriate.
- (c) **PRESERVATION OF PRIVATE RIGHTS.**—Nothing in this section shall preclude or limit any action brought by a private person under section 6.

**SEC. 8. CONDITIONING OF FEDERAL FUNDS.**

**(a) CERTIFICATION REQUIREMENT.**—As a condition of receiving any Federal funds, each covered governmental entity shall certify, in such form and at such intervals as the Attorney General shall prescribe, that the entity—

(1) has not enacted, and is not maintaining or enforcing, any compelled political speech provision; and

(2) has provided notice to all contractors, employees, licensees, and beneficiaries that any prior such provision has been rendered void and unenforceable by this Act.

**(b) WITHHOLDING OF FUNDS.**—If the Attorney General determines, after notice and an opportunity for hearing, that a covered governmental entity has failed to comply with subsection (a), the Attorney General shall direct the relevant Federal agency or agencies to withhold from such entity an amount equal to 5 percent of all Federal funds otherwise payable to such entity for the fiscal year of the determination, with such withholding to continue until the entity comes into compliance.

**(c) RESTORATION.**—Federal funds withheld under subsection (b) shall be restored to the entity, without interest, upon a determination by the Attorney General that the entity has come into compliance and has remediated all prior violations consistent with section 5(c).

**(d) RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to authorize the withholding of Federal funds for any reason other than the entity’s failure to comply with the requirements of this Act.

**SEC. 9. RULE OF CONSTRUCTION; PRESERVATION OF ANTIDISCRIMINATION LAW.**

**(a) ANTIDISCRIMINATION LAW PRESERVED.**—Nothing in this Act shall be construed to limit, repeal, or preempt the application of any Federal, State, or local law prohibiting discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, or any other protected characteristic, or to authorize a refusal to provide goods, services, or employment that would otherwise constitute unlawful discrimination on such a basis.

- (b) FEDERAL FOREIGN POLICY PRESERVED.**—Nothing in this Act shall be construed to limit the authority of the Federal Government to impose sanctions, embargoes, or other restrictions on commerce with any foreign country pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Trading with the Enemy Act (50 U.S.C. 4301 et seq.), or any other Act of Congress, or to require compliance therewith by any person subject to United States jurisdiction.
- (c) PRIVATE CHOICE PRESERVED.**—Nothing in this Act shall be construed to require any private person to engage in, or to refrain from engaging in, any boycott, divestment, sanctions effort, or other expressive conduct, or to compel any private contracting decision.
- (d) NO LIMIT ON STATE PROTECTION.**—Nothing in this Act shall be construed to preempt or limit any State law that provides equivalent or greater protection against compelled political speech than is provided by this Act.

#### **SEC. 10. SEVERABILITY.**

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provision to any other person or circumstance, shall not be affected thereby.

#### **SEC. 11. EFFECTIVE DATE.**

- (a) IN GENERAL.**—This Act shall take effect on the date of enactment.
- (b) PRE-EXISTING CONTRACTS.**—Any compelled political speech provision in any contract, certification, addendum, or instrument in effect on the date of enactment shall, by operation of section 5(a), be void and unenforceable as of such date, and no further enforcement action shall be taken under any such provision.
- (c) STATE COMPLIANCE.**—Each covered governmental entity shall, not later than 180 days after the date of enactment, repeal, rescind, or formally disavow any statute, regulation, executive order, or contractual practice maintained by such entity in violation of section 4, and shall provide written notice of such repeal, rescission, or disavowal to all affected persons.