

118TH CONGRESS
1ST SESSION

S. 3318

To prohibit the use of funds to implement, administer, or enforce measures requiring certain employees to refer to an individual by the preferred pronouns of such individual or a name other than the legal name of such individual, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2023

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To prohibit the use of funds to implement, administer, or enforce measures requiring certain employees to refer to an individual by the preferred pronouns of such individual or a name other than the legal name of such individual, 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 “Safeguarding Honest
5 Speech Act”.

1 **SEC. 2. NO FEDERAL FUNDS FOR COMPELLED LANGUAGE.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law, no Federal funds may be used for the purpose
4 of implementing, administering, or enforcing any rule, pol-
5 icy, guidance, recommendation, or memorandum requiring
6 an employee or contractor of any Federal agency or De-
7 partment to use—

8 (1) another person’s preferred pronouns if they
9 are incompatible with such person’s sex; or

10 (2) a name other than a person’s legal name
11 when referring to such person.

12 (b) ENFORCEMENT.—

13 (1) IN GENERAL.—All Federal agencies and
14 Departments shall ensure that, not later than 30
15 days following a written notice from any employee or
16 contractor described in subsection (a) regarding an
17 alleged violation of subsection (a), a formal response
18 to the notice is issued to the employee or contractor.

19 (2) PRIVATE RIGHT OF ACTION.—In the case
20 that the formal response issued under paragraph (1)
21 does not represent a satisfactory outcome for the
22 employee or contractor, any employee or contractor
23 described in subsection (a) and aggrieved by a viola-
24 tion of subsection (a) may commence a civil action
25 against the Federal agency or Department respon-
26 sible for the alleged violation.

1 (3) RELIEF.—In any action under this sub-
 2 section, the court may award appropriate relief, in-
 3 cluding—

4 (A) temporary, preliminary, or permanent
 5 injunctive relief;

6 (B) compensatory damages;

7 (C) punitive or exemplary damages, which
 8 may not exceed \$100,000; and

9 (D) reasonable fees for attorneys.

10 (4) STATUTE OF LIMITATIONS.—An action
 11 under this subsection shall be brought not later than
 12 1 year after the date on which the alleged violation
 13 of subsection (a) occurred.

14 (c) DEFINITIONS.—In this section:

15 (1) PERSON.—The term “person” means an in-
 16 dividual.

17 (2) SEX.—The term “sex” means sex recog-
 18 nized based solely on a person’s reproductive biology
 19 and genetics at birth.

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