

117TH CONGRESS
1ST SESSION

H. R. 5314

AN ACT

To protect our democracy by preventing abuses of presidential power, restoring checks and balances and accountability and transparency in government, and defending elections against foreign interference, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Our Democ-
3 racy Act”.

4 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
5 **CONTENTS.**

6 (a) DIVISIONS.—This Act is organized into divisions
7 as follows:

8 (1) Division A—Preventing Abuses of Presi-
9 dential Power.

10 (2) Division B—Restoring Checks and Bal-
11 ances, Accountability, and Transparency.

12 (3) Division C—Miscellaneous.

13 (4) Division D—Severability.

14 (5) Division E—Protecting Election Officials.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—PREVENTING ABUSES OF PRESIDENTIAL POWER

TITLE I—ABUSE OF THE PARDON POWER PREVENTION

Sec. 101. Short title.

Sec. 102. Congressional oversight relating to certain pardons.

Sec. 103. Bribery in connection with pardons and commutations.

Sec. 104. Prohibition on presidential self-pardon.

TITLE II—ENSURING NO PRESIDENT IS ABOVE THE LAW

Sec. 201. Short title.

Sec. 202. Tolling of statute of limitations.

Sec. 203. Contracts by the President, the Vice President, or a Cabinet Member.

Sec. 204. Forfeiture of benefits for former Presidents convicted of a felony.

Sec. 205. Limitation on nondisclosure agreements.

TITLE III—ENFORCEMENT OF THE FOREIGN AND DOMESTIC
EMOLUMENTS CLAUSES OF THE CONSTITUTION AND AC-
COUNTABILITY IN ACCESS TO CLASSIFIED INFORMATION

Subtitle A—Enforcement of the Foreign and Domestic Emoluments Clauses
of the Constitution

- Sec. 301. Short title.
- Sec. 302. Definitions.
- Sec. 303. Prohibition on acceptance of foreign and domestic emoluments.
- Sec. 304. Civil actions by Congress concerning foreign emoluments.
- Sec. 305. Disclosures concerning foreign and domestic emoluments.
- Sec. 306. Enforcement authority of the Director of the Office of Government Ethics.
- Sec. 307. Jurisdiction of the Office of Special Counsel.
- Sec. 308. Rulemaking for ethics requirements for legal expense funds.
- Sec. 309. Limitations and disclosure of certain donations to, and disbursements by, Inaugural Committees.

Subtitle B—Accountability in Access to Classified Information

- Sec. 311. Transparency in access to classified information during presidential transitions.
- Sec. 312. Transparency in family access to classified information.

DIVISION B—RESTORING CHECKS AND BALANCES,
ACCOUNTABILITY, AND TRANSPARENCY

TITLE IV—ENFORCEMENT OF CONGRESSIONAL SUBPOENAS

- Sec. 401. Short title.
- Sec. 402. Findings.
- Sec. 403. Enforcement of congressional subpoenas.
- Sec. 404. Compliance with congressional subpoenas.
- Sec. 405. Rule of construction.
- Sec. 406. Enforcement of requests for information from certain committees of Congress.

TITLE V—REASSERTING CONGRESSIONAL POWER OF THE PURSE

- Sec. 500. Short title.

Subtitle A—Strengthening Congressional Control and Review To Prevent
Impoundment

- Sec. 501. Strengthening congressional control.
- Sec. 502. Strengthening congressional review.
- Sec. 503. Updated authorities for and reporting by the Comptroller General.
- Sec. 504. Advance congressional notification and litigation.
- Sec. 505. Penalties for failure to comply with the Impoundment Control Act of 1974.

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- Sec. 511. Expired balance reporting in the President’s budget.
- Sec. 512. Cancelled balance reporting in the President’s budget.
- Sec. 513. Lapse in appropriations—Reporting in the President’s budget.
- Sec. 514. Transfer and other repurposing authority reporting in the President’s budget.
- Sec. 515. Authorizing cancellations in indefinite accounts by appropriation.
- Sec. 516. White House employee information.
- Sec. 517. Machine-readable format required for agency reports.

PART 2—EMPOWERING CONGRESSIONAL REVIEW THROUGH NONPARTISAN
CONGRESSIONAL AGENCIES AND TRANSPARENCY INITIATIVES

- Sec. 521. Requirement to respond to requests for information from the Comptroller General for budget and appropriations law decisions.
- Sec. 522. Reporting requirements for Antideficiency Act violations.
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- Sec. 524. Publication of budget or appropriations law opinions of the Department of Justice Office of Legal Counsel.
- Sec. 525. Treatment of requests for information from members of Congress.

Subtitle C—Strengthening Congressional Role in and Oversight of Emergency
Declarations and Designations

- Sec. 531. Improving checks and balances on the use of the National Emergencies Act.
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- Sec. 601. Short title.
- Sec. 602. Definitions.
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TITLE VII—PROTECTING INSPECTOR GENERAL INDEPENDENCE

Subtitle A—Requiring Cause for Removal

- Sec. 701. Short title.
- Sec. 702. Amendment.
- Sec. 703. Removal or transfer requirements.

Subtitle B—Inspectors General of Intelligence Community

- Sec. 711. Independence of Inspectors General of the Intelligence Community.
- Sec. 712. Authority of Inspectors General of the Intelligence Community to determine matters of urgent concern.
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- Sec. 721. Short title.

- Sec. 722. Change in status of Inspector General offices.
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- Sec. 731. Inspector General for the Office of Management and Budget.

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- Sec. 801. Short title.
- Sec. 802. Additional whistleblower protections.
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Subtitle B—Whistleblowers of the Intelligence Community

- Sec. 811. Limitation on sharing of intelligence community whistleblower complaints with persons named in such complaints.
- Sec. 812. Disclosures to Congress.
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TITLE IX—ACCOUNTABILITY FOR ACTING OFFICIALS

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- Sec. 1001. Short title.
- Sec. 1002. Strengthening Hatch Act enforcement and penalties against political appointees.
- Sec. 1003. Including Executive Office of the President under limitation on nepotism in the civil service.
- Sec. 1004. Disclosure of Hatch Act investigations for certain political employees.
- Sec. 1005. Clarification on candidates visiting Federal property.
- Sec. 1006. Applying Hatch Act to president and vice president while on Federal property.
- Sec. 1007. Granting the Office of Special Counsel rulemaking authority.
- Sec. 1008. Greater accountability for political appointees.
- Sec. 1009. Investigating former Political employees.
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- Sec. 1011. Ethics pledge.
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- Sec. 1102. Ascertainment of successful candidates in general elections for purposes of presidential transition.

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TITLE XIV—ELIMINATING FOREIGN INTERFERENCE IN ELECTIONS

- Sec. 1401. Clarification of application of foreign money ban.
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TITLE XV—PROHIBITING CAMPAIGNS FROM PAYING SPOUSE OF CANDIDATE

- Sec. 1501. Prohibiting Use of Campaign Funds to Compensate Spouses of Candidates; Disclosure of Payments Made to Spouses and Family Members.
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TITLE XVI—PROTECTING ELECTION OFFICIALS FROM DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

- Sec. 1601. Short title.
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- Sec. 1701. Issuance of cybersecurity guidance and best practices for campaigns by Federal Election Commission.

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- Sec. 1801. Exclusion of employees with existing security clearances from determination of limit on number of employees of House Member offices permitted to have clearances.
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- Sec. 1901. Short title.
- Sec. 1902. Purpose.
- Sec. 1903. Sense of Congress.
- Sec. 1904. Expansion of definition of public communication.
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- Sec. 1906. Application of disclaimer statements to online communications.
- Sec. 1907. Political record requirements for online platforms.
- Sec. 1908. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.
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TITLE XX—PROHIBITING USE OF DEEPPAKES IN ELECTION
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- Sec. 2001. Prohibition on distribution of materially deceptive audio or visual media prior to election.

TITLE XXI—ASSISTANCE FOR TRANSITION TO RANKED CHOICE
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- Sec. 2101. Short title.
- Sec. 2102. Assistance for transition to ranked choice voting.

DIVISION D—SEVERABILITY

TITLE XXII—SEVERABILITY

- Sec. 2201. Severability.
- Sec. 2202. Prohibition on use of Federal property for political conventions.
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TITLE XXIII—PREVENTING A PATRONAGE SYSTEM

- Sec. 2301. Limitations on exception of competitive service positions.

DIVISION E—PROTECTING ELECTION OFFICIALS

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- Sec. 2401. Election officials security task force.

1 **DIVISION A—PREVENTING**
2 **ABUSES OF PRESIDENTIAL**
3 **POWER**
4 **TITLE I—ABUSE OF THE PARDON**
5 **POWER PREVENTION**

6 **SEC. 101. SHORT TITLE.**

7 This title may be cited as the “Abuse of the Pardon
8 Power Prevention Act”.

9 **SEC. 102. CONGRESSIONAL OVERSIGHT RELATING TO CER-**
10 **TAIN PARDONS.**

11 (a) SUBMISSION OF INFORMATION.—In the event
12 that the President grants an individual a pardon for a cov-
13 ered offense, not later than 30 days after the date of such
14 pardon the Attorney General shall submit to the chairmen
15 and ranking minority members of the appropriate congres-
16 sional committees—

17 (1) all materials obtained or produced by the
18 prosecution team, including the Attorney General
19 and any United States Attorney, and all materials
20 obtained or prepared by any investigative agency of
21 the United States government, relating to the of-
22 fense for which the individual was so pardoned; and

23 (2) all materials obtained or produced by the
24 Department of Justice in relation to the pardon.

1 (b) TREATMENT OF INFORMATION.—Rule 6(e) of the
2 Federal Rules of Criminal Procedure may not be con-
3 strued to prohibit the disclosure of information required
4 by subsection (a) of this section.

5 (c) DEFINITIONS.—In this section:

6 (1) The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on the Judiciary of the
9 House of Representatives and the Committee
10 on the Judiciary of the Senate; and

11 (B) if an investigation relates to intel-
12 ligence or counterintelligence matters, the Per-
13 manent Select Committee on Intelligence of the
14 House of Representatives and the Select Com-
15 mittee on Intelligence of the Senate.

16 (2) The term “covered offense” means—

17 (A) an offense against the United States
18 that arises from an investigation in which the
19 target or subject is—

20 (I) the President;

21 (ii) a relative of the President;

22 (iii) any member or former member of
23 the President’s administration;

1 (iv) any person who worked on the
2 President's presidential campaign as a
3 paid employee; or

4 (v) in the case of an offense motivated
5 by a direct and significant personal or pe-
6 cuniary interest of any individual described
7 in clause (I), (ii), (iii), or (iv), any person
8 or entity;

9 (B) an offense under section 192 of title 2,
10 United States Code; or

11 (C) an offense under section 1001, 1505,
12 1512, or 1621 of title 18, United States Code,
13 provided that the offense occurred in relation to
14 a Congressional proceeding or investigation.

15 (3) The term "pardon" includes a commutation
16 of sentence.

17 (4) The term "relative" means any family mem-
18 ber, up to a third degree relation to the President,
19 or a spouse thereof.

20 **SEC. 103. BRIBERY IN CONNECTION WITH PARDONS AND**
21 **COMMUTATIONS.**

22 Section 201 of title 18, United States Code, is
23 amended—

24 (1) in subsection (a)—

(A) in paragraph (1), by inserting “, including the President and the Vice President of the United States,” after “or an officer or employee or person”; and

(B) in paragraph (3), by inserting before the period at the end the following: “, including any pardon, commutation, or reprieve, or an offer of any such pardon, commutation, or reprieve”; and

(2) in subsection (b)(3), by inserting “(including, for purposes of this paragraph, any pardon, commutation, or reprieve, or an offer of any such pardon, commutation, or reprieve)” after “corruptly gives, offers, or promises anything of value”.

SEC. 104. PROHIBITION ON PRESIDENTIAL SELF-PARDON.

The President’s grant of a pardon to himself or herself is void and of no effect, and shall not deprive the courts of jurisdiction, or operate to confer on the President any legal immunity from investigation or prosecution.

**TITLE II—ENSURING NO
PRESIDENT IS ABOVE THE LAW**

SEC. 201. SHORT TITLE.

This title may be cited as the “No President is Above the Law Act”.

1 **SEC. 202. TOLLING OF STATUTE OF LIMITATIONS.**

2 (a) OFFENSES COMMITTED BY THE PRESIDENT OR
3 VICE PRESIDENT DURING OR PRIOR TO TENURE IN OF-
4 FICE.—Section 3282 of title 18, United States Code, is
5 amended by adding at the end the following:

6 “(c) OFFENSES COMMITTED BY THE PRESIDENT OR
7 VICE PRESIDENT DURING OR PRIOR TO TENURE IN OF-
8 FICE.—In the case of any person serving as President or
9 Vice President of the United States, the duration of that
10 person’s tenure in office shall not be considered for pur-
11 poses of any statute of limitations applicable to any Fed-
12 eral criminal offense committed by that person (including
13 any offenses committed during any period of time pre-
14 ceding such tenure in office).

15 “(d) DELAY IN TRIAL OR OTHER LEGAL PRO-
16 CEEDINGS.—In the case of an indictment of any person
17 serving as President or Vice President of the United
18 States, a trial or other legal proceeding with respect to
19 such indictment may be delayed at the discretion of a
20 court of competent jurisdiction to the extent that ongoing
21 criminal proceedings would interfere with the performance
22 of the defendant’s duties while in office.

23 “(e) BURDEN OF PROOF.—With respect to an exer-
24 cise of discretion under subsection (d), the burden of proof
25 shall be on the defendant to demonstrate that an ongoing
26 criminal proceeding would pose a substantial burden on

1 the defendant’s ability to fulfill the duties of the defend-
 2 ant’s office.”.

3 (b) APPLICABILITY.—The amendments made by sub-
 4 section (a) shall apply to any offense committed before the
 5 date of the enactment of this section, if the statute of limi-
 6 tations applicable to that offense had not run as of such
 7 date.

8 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
 9 tion may be construed to preclude the indictment or pros-
 10 ecution of a President or Vice President, during that
 11 President or Vice President’s tenure in office, for viola-
 12 tions of the criminal laws of the United States.

13 **SEC. 203. CONTRACTS BY THE PRESIDENT, THE VICE**
 14 **PRESIDENT, OR A CABINET MEMBER.**

15 (a) AMENDMENT.—Section 431 of title 18, United
 16 States Code, is amended—

17 (1) in the section heading, by inserting “**the**
 18 **President, the Vice President, a Cabinet**
 19 **Member, or a**” after “**Contracts by**”; and

20 (2) in the first undesignated paragraph, by in-
 21 serting “the President, the Vice President, or any
 22 member of the Cabinet,” after “Whoever, being”.

23 (b) TABLE OF SECTIONS AMENDMENT.—The table of
 24 sections for chapter 23 of title 18, United States Code,

1 is amended by striking the item relating to section 431
2 and inserting the following:

“431. Contracts by the President, the Vice President, a Cabinet Member, or a
Member of Congress.”.

3 **SEC. 204. FORFEITURE OF BENEFITS FOR FORMER PRESI-**
4 **DENTS CONVICTED OF A FELONY.**

5 The Act entitled “An Act to provide retirement, cler-
6 ical assistants, and free mailing privileges to former Presi-
7 dents of the United States, and for other purposes”, ap-
8 proved August 25, 1958 (commonly known as the
9 “Former Presidents Act of 1958”; 3 U.S.C. 102 note),
10 is amended—

11 (1) in subsection (a), by striking “Each former
12 President” and inserting “Subject to subsection (h),
13 each former President”;

14 (2) in subsection (f), by striking paragraph (2)
15 and inserting:

16 “(2) who has not been impeached by the House
17 of Representatives and convicted by the Senate pur-
18 suant to the impeachment.”; and

19 (3) by adding at the end the following new sub-
20 section:

21 “(h)(1) If a former President is finally convicted of
22 a felony for which every act or omission that is needed
23 to satisfy the elements of the felony is committed during
24 or after the period such former President holds the office

1 of President of the United States of America, or was fi-
2 nally convicted of such a felony while holding such office—

3 “(A) no monetary allowance under subsection
4 (a) may be provided to such former President;

5 “(B) no funds may be obligated or expended
6 under subsection (g) with respect to such former
7 President except to the extent necessary to maintain
8 the security of such former President, as determined
9 by the Director of the Secret Service; and

10 “(C) such former President shall repay any
11 amounts received under subsection (a) during the
12 period beginning on the date on which such former
13 President is initially convicted of the felony and end-
14 ing on the date such former President is finally con-
15 victed of the felony.

16 “(2) The term ‘finally convicted’ means a convic-
17 tion—

18 “(A) which has not been appealed and is no
19 longer appealable because the time for taking an ap-
20 peal has expired; or

21 “(B) which has been appealed and the appeals
22 process for which is completed.”.

23 **SEC. 205. LIMITATION ON NONDISCLOSURE AGREEMENTS.**

24 The President may not require an officer or employee
25 of the Executive Office of the President to enter into a

1 nondisclosure agreement that is not related to the protec-
2 tion of classified or controlled unclassified information as
3 a condition of employment or upon separation from the
4 civil service.

5 **TITLE III—ENFORCEMENT OF**
6 **THE FOREIGN AND DOMESTIC**
7 **EMOLUMENTS CLAUSES OF**
8 **THE CONSTITUTION AND AC-**
9 **COUNTABILITY IN ACCESS TO**
10 **CLASSIFIED INFORMATION**

11 **Subtitle A—Enforcement of the**
12 **Foreign and Domestic Emolu-**
13 **ments Clauses of the Constitu-**
14 **tion**

15 **SEC. 301. SHORT TITLE.**

16 This title may be cited as the “Foreign and Domestic
17 Emoluments Enforcement Act”.

18 **SEC. 302. DEFINITIONS.**

19 In this title:

20 (1) The term “emolument” means any profit,
21 gain, or advantage that is received directly or indi-
22 rectly from any government of a foreign country, the
23 Federal government, or any State or local govern-
24 ment, or from any instrumentality thereof, including

1 payments arising from commercial transactions at
2 fair market value.

3 (2) The term “person holding any office of
4 profit or trust under the United States” includes the
5 President of the United States and the Vice-Presi-
6 dent of the United States.

7 (3) The term “government of a foreign coun-
8 try” has the meaning given such term in section 1(e)
9 of the Foreign Agents Registration Act (22 U.S.C.
10 611(e)).

11 **SEC. 303. PROHIBITION ON ACCEPTANCE OF FOREIGN AND**
12 **DOMESTIC EMOLUMENTS.**

13 (a) FOREIGN.—Except as otherwise provided in sec-
14 tion 7342 of title 5, United States Code, it shall be unlaw-
15 ful for any person holding an office of profit or trust under
16 the United States to accept from a government of a for-
17 eign country, without first obtaining the consent of Con-
18 gress, any present or emolument, or any office or title.
19 The prohibition under this subsection applies without re-
20 gard to whether the present, emolument, office, or title
21 is—

22 (1) provided directly or indirectly by that gov-
23 ernment of a foreign country; or

24 (2) provided to that person or to any private
25 business interest of that person.

1 (b) DOMESTIC.—It shall be unlawful for the Presi-
2 dent to accept from the United States, or any of them,
3 any emolument other than the compensation for his or her
4 services as President provided for by Federal law. The
5 prohibition under this subsection applies without regard
6 to whether the emolument is provided directly or indi-
7 rectly, and without regard to whether the emolument is
8 provided to the President or to any private business inter-
9 est of the President.

10 **SEC. 304. CIVIL ACTIONS BY CONGRESS CONCERNING FOR-**
11 **EIGN EMOLUMENTS.**

12 (a) CAUSE OF ACTION.—The House of Representa-
13 tives or the Senate may bring a civil action against any
14 person for a violation of subsection (a) of section 303.

15 (b) SPECIAL RULES.—In any civil action described
16 in subsection (a), the following rules shall apply:

17 (1) The action shall be filed before the United
18 States District Court for the District of Columbia.

19 (2) The action shall be heard by a three-judge
20 court convened pursuant to section 2284 of title 28,
21 United States Code. It shall be the duty of such
22 court to advance on the docket and to expedite to
23 the greatest possible extent the disposition of any
24 such action. Such action shall be reviewable only by
25 appeal directly to the Supreme Court of the United

1 States. Such appeal shall be taken by the filing of
2 a notice of appeal within 10 days, and the filing of
3 a jurisdictional statement within 30 days, of the
4 entry of the final decision.

5 (3) It shall be the duty of the Supreme Court
6 of the United States to advance on the docket and
7 to expedite to the greatest possible extent the dis-
8 position of any such action and appeal.

9 (c) REMEDY.—If the court determines that a viola-
10 tion of subsection (a) of section 303 has occurred, the
11 court shall issue an order enjoining the course of conduct
12 found to constitute the violation, and such of the following
13 as are appropriate:

14 (1) The disgorgement of the value of any for-
15 eign present or emolument.

16 (2) The surrender of the physical present or
17 emolument to the Department of State, which shall,
18 if practicable, dispose of the present or emolument
19 and deposit the proceeds into the United States
20 Treasury.

21 (3) The renunciation of any office or title ac-
22 cepted in violation of such subsection.

23 (4) A prohibition on the use or holding of such
24 an office or title.

1 (5) Such other relief as the court determines
2 appropriate.

3 (d) USE OF GOVERNMENT FUNDS PROHIBITED.—No
4 appropriated funds, funds provided from any accounts in
5 the United States Treasury, funds derived from the collec-
6 tion of fees, or any other Government funds shall be used
7 to pay any disgorgement imposed by the court pursuant
8 to this section.

9 **SEC. 305. DISCLOSURES CONCERNING FOREIGN AND DO-**
10 **MESTIC EMOLUMENTS.**

11 (a) DISCLOSURES.—Section 102(a) of the Ethics in
12 Government Act of 1978 (5 U.S.C. App.) is amended by
13 adding at the end the following:

14 “(9) Any present, emolument, office, or title re-
15 ceived from a government of a foreign country, in-
16 cluding the source, date, type, and amount or value
17 of each present or emolument accepted on or before
18 the date of filing during the preceding calendar year.

19 “(10) Each business interest that is reasonably
20 expected to result in the receipt of any present or
21 emolument from a government of a foreign country
22 during the current calendar year.

23 “(11) In addition, the President shall report—

24 “(A) any emolument received from the
25 United States, or any of them, other than the

1 compensation for his or her services as Presi-
2 dent provided for by Federal law; and

3 “(B) any business interest that is reason-
4 ably expected to result in the receipt of any
5 emolument from the United States, or any of
6 them.”.

7 (b) REPORTING REQUIREMENTS RELATED TO
8 SPOUSES AND DEPENDENT CHILDREN.—Section
9 102(e)(1) of the Ethics in Government Act of 1978 (5
10 U.S.C. App.) is amended—

11 (1) in the matter preceding subparagraph (A),
12 by inserting after “paragraphs (1) through (5)” the
13 following: “and paragraphs (9) through (11)”; and

14 (2) by inserting after subparagraph (F) the fol-
15 lowing:

16 “(G) In the case of items described in
17 paragraphs (9) and (10) of subsection (a), all
18 information required to be reported under these
19 paragraphs.

20 “(H) In the case of items described in
21 paragraph (11)(A) of subsection (a), any such
22 items received by spouse or dependant child of
23 the President other than items related to the
24 President’s services as President provided for
25 by Federal law, and in the case of items de-

1 scribed in paragraph (11)(B) of subsection (a),
2 all information required to be reported under
3 that paragraph.”.

4 (c) **RULE OF CONSTRUCTION.**—Nothing in the
5 amendments made by this section shall be construed to
6 affect the prohibition against the acceptance of presents
7 and emoluments under section 303.

8 **SEC. 306. ENFORCEMENT AUTHORITY OF THE DIRECTOR**
9 **OF THE OFFICE OF GOVERNMENT ETHICS.**

10 (a) **GENERAL AUTHORITY.**—Section 402(a) of the
11 Ethics in Government Act of 1978 (5 U.S.C. App.) is
12 amended—

13 (1) by striking “(a) The Director” and insert-
14 ing “(a)(1) The Director”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(2) The Director shall provide overall direction of
18 executive branch policies related to compliance with the
19 Foreign and Domestic Emoluments Enforcement Act and
20 the amendments made by such Act and shall have the au-
21 thority to—

22 “(A) issue administrative fines to individuals
23 for violations;

1 “(B) order individuals to take corrective action,
2 including disgorgement, divestiture, and recusal, as
3 the Director deems necessary; and

4 “(C) bring civil actions to enforce such fines
5 and orders.”.

6 (b) SPECIFIC AUTHORITIES.—Section 402(b) of such
7 Act (5 U.S.C. App.) is amended—

8 (1) by striking “and” at the end of paragraph
9 (14);

10 (2) by striking the period at the end of para-
11 graph (15) and inserting “; and”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(16) developing and promulgating rules and
15 regulations to ensure compliance with the Foreign
16 and Domestic Emoluments Enforcement Act and the
17 amendments made by such Act, including estab-
18 lishing—

19 “(A) requirements for reporting and disclo-
20 sure;

21 “(B) a schedule of administrative fines
22 that may be imposed by the Director for viola-
23 tions; and

24 “(C) a process for referral of matters to
25 the Office of Special Counsel for investigation

1 in compliance with section 1216(d) of title 5,
2 United States Code.”.

3 **SEC. 307. JURISDICTION OF THE OFFICE OF SPECIAL**
4 **COUNSEL.**

5 Section 1216 of title 5, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (4), by striking “and” at
9 the end;

10 (B) in paragraph (5) by striking the period
11 and inserting “; and”; and

12 (C) by adding at the end the following:

13 “(6) any violation of section 303 of the Foreign
14 and Domestic Emoluments Enforcement Act or of
15 the amendments made by section 305 of such Act.”;
16 and

17 (2) by adding at the end the following:

18 “(d) If the Director of the Office of Government Eth-
19 ics refers a matter for investigation pursuant to section
20 402 of the Ethics in Government Act of 1978, or if the
21 Special Counsel receives a credible complaint of a violation
22 referred to in subsection (a)(6), the Special Counsel shall
23 complete an investigation not later than 120 days there-
24 after. If the Special Counsel investigates any violation pur-
25 suant to subsection (a)(6), the Special Counsel shall re-

1 port not later than 7 days after the completion of such
2 investigation to the Director of the Office of Government
3 Ethics and to Congress on the results of such investiga-
4 tion.”.

5 **SEC. 308. RULEMAKING FOR ETHICS REQUIREMENTS FOR**
6 **LEGAL EXPENSE FUNDS.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of enactment of this Act, the Director of the Office
9 of Government Ethics shall finalize a rule establishing eth-
10 ics requirements for the establishment or operation of a
11 legal expense fund for the benefit of the President, the
12 Vice President, or any political appointee (as such term
13 is defined in section 1216 of title 5, United States Code)
14 consistent with the requirements of subsection (b).

15 (b) LIMITATIONS ON ACCEPTANCE OF CERTAIN PAY-
16 MENTS.—A legal expense fund described in subsection (a)
17 may not accept any contribution or other payment made
18 by—

19 (1) an individual who is a registered lobbyist
20 under the Lobbying Disclosure Act of 1995 (2
21 U.S.C. 1601 et seq.); or

22 (2) an agent of a foreign principal.

23 In the case of any such contribution being made, the legal
24 expense fund shall take appropriate remedial action and
25 the Director of the Office of Government Ethics may as-

1 sess a fine against the individual or agent. For purposes
 2 of this section, the term “agent of a foreign principal”
 3 has the meaning given such term under section 1 of the
 4 Foreign Agents Registration Act of 1938, as amended (2
 5 U.S.C. 611).

6 **SEC. 309. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-**
 7 **NATIONS TO, AND DISBURSEMENTS BY, INAUGURAL COMMITTEES.**

9 (a) REQUIREMENTS FOR INAUGURAL COMMIT-
 10 TEES.—Title III of the Federal Election Campaign Act
 11 of 1971 (52 U.S.C. 30101 et seq.) is amended by adding
 12 at the end the following new section:

13 **“SEC. 325. INAUGURAL COMMITTEES.**

14 **“(a) PROHIBITED DONATIONS.—**

15 **“(1) IN GENERAL.—It shall be unlawful—**

16 **“(A) for an Inaugural Committee—**

17 **“(i) to solicit, accept, or receive a do-**
 18 **nation from a person that is not an indi-**
 19 **vidual; or**

20 **“(ii) to solicit, accept, or receive a do-**
 21 **nation from a foreign national;**

22 **“(B) for a person—**

23 **“(i) to make a donation to an Inau-**
 24 **gural Committee in the name of another**
 25 **person, or to knowingly authorize his or**

1 her name to be used to effect such a dona-
2 tion;

3 “(ii) to knowingly accept a donation
4 to an Inaugural Committee made by a per-
5 son in the name of another person; or

6 “(iii) to convert a donation to an In-
7 augural Committee to personal use as de-
8 scribed in paragraph (2); and

9 “(C) for a foreign national to, directly or
10 indirectly, make a donation, or make an express
11 or implied promise to make a donation, to an
12 Inaugural Committee.

13 “(2) CONVERSION OF DONATION TO PERSONAL
14 USE.—For purposes of paragraph (1)(B)(iii), a do-
15 nation shall be considered to be converted to per-
16 sonal use if any part of the donated amount is
17 used—

18 “(A) to fulfill a commitment, obligation, or
19 expense of a person that would exist irrespec-
20 tive of the responsibilities of the Inaugural
21 Committee; or

22 “(B) to benefit the personal business ven-
23 ture of the President or Vice President of the
24 United States, the Inaugural Committee, or an
25 immediate family member of such individuals.

1 “(3) NO EFFECT ON DISBURSEMENT OF UN-
2 USED FUNDS TO NONPROFIT ORGANIZATIONS.—
3 Nothing in this subsection may be construed to pro-
4 hibit an Inaugural Committee from disbursing un-
5 used funds to an organization which is described in
6 section 501(c)(3) of the Internal Revenue Code of
7 1986 and is exempt from taxation under section
8 501(a) of such Code.

9 “(b) LIMITATION ON DONATIONS.—

10 “(1) IN GENERAL.—It shall be unlawful for an
11 individual to make donations to an Inaugural Com-
12 mittee which, in the aggregate, exceed \$50,000.

13 “(2) INDEXING.—At the beginning of each
14 Presidential election year (beginning with 2028), the
15 amount described in paragraph (1) shall be in-
16 creased by the cumulative percent difference deter-
17 mined in section 315(c)(1)(A) since the previous
18 Presidential election year. If any amount after such
19 increase is not a multiple of \$1,000, such amount
20 shall be rounded to the nearest multiple of \$1,000.

21 “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-
22 BURSEMENTS.—

23 “(1) DONATIONS OVER \$1,000.—

24 “(A) IN GENERAL.—An Inaugural Com-
25 mittee shall file with the Commission a report

disclosing any donation by an individual to the committee in an amount of \$1,000 or more not later than 24 hours after the receipt of such donation.

“(B) CONTENTS OF REPORT.—A report filed under subparagraph (A) shall contain—

“(i) the amount of the donation;

“(ii) the date the donation is received;

and

“(iii) the name and address of the individual making the donation.

“(2) FINAL REPORT.—Not later than the date that is 90 days after the date of the Presidential inaugural ceremony, the Inaugural Committee shall file with the Commission a report containing the following information:

“(A) For each donation of money or anything of value made to the committee in an aggregate amount equal to or greater than \$200—

“(i) the amount of the donation;

“(ii) the date the donation is received;

and

“(iii) the name and address of the individual making the donation.

1 “(B) The total amount of all disburse-
2 ments, and all disbursements in the following
3 categories:

4 “(i) Disbursements made to meet
5 committee operating expenses.

6 “(ii) Repayment of all loans.

7 “(iii) Donation refunds and other off-
8 sets to donations.

9 “(iv) Any other disbursements.

10 “(C) The name and address of each per-
11 son—

12 “(i) to whom a disbursement in an ag-
13 gregate amount or value in excess of \$200
14 is made by the committee to meet a com-
15 mittee operating expense, together with
16 date, amount, and purpose of such oper-
17 ating expense;

18 “(ii) who receives a loan repayment
19 from the committee, together with the date
20 and amount of such loan repayment;

21 “(iii) who receives a donation refund
22 or other offset to donations from the com-
23 mittee, together with the date and amount
24 of such disbursement; and

1 “(iv) to whom any other disbursement
2 in an aggregate amount or value in excess
3 of \$200 is made by the committee, to-
4 gether with the date and amount of such
5 disbursement.

6 “(d) VIOLATION.—A violation of this section may be
7 enforced pursuant to the practice and procedure described
8 under section 309 of the Federal Election Campaign Act
9 of 1971 (52 U.S.C. 30109).

10 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion may be construed to limit the authority of a Federal
12 agency to enforce a Federal law with respect to an Inau-
13 gural Committee.

14 “(f) DEFINITIONS.—For purposes of this section:

15 “(1)(A) The term ‘donation’ includes—

16 “(i) any gift, subscription, loan, advance,
17 or deposit of money or anything of value made
18 by any person to the committee; or

19 “(ii) the payment by any person of com-
20 pensation for the personal services of another
21 person which are rendered to the committee
22 without charge for any purpose.

23 “(B) The term ‘donation’ does not include the
24 value of services provided without compensation by

1 any individual who volunteers on behalf of the com-
 2 mittee.

3 “(2) The term ‘foreign national’ has the mean-
 4 ing given that term by section 319(b).

5 “(3) The term ‘immediate family member’
 6 means a parent, parent-in-law, spouse, adult child,
 7 or sibling.

8 “(4) The term ‘Inaugural Committee’ has the
 9 meaning given that term by section 501 of title 36,
 10 United States Code.”.

11 (b) CONFIRMING AMENDMENT RELATED TO RE-
 12 PORTING REQUIREMENTS.—Section 304 of the Federal
 13 Election Campaign Act (52 U.S.C. 30104) is amended—

14 (1) by striking subsection (h); and

15 (2) by redesignating subsection (i) as subsection
 16 (h).

17 (c) CONFORMING AMENDMENT RELATED TO STATUS
 18 OF COMMITTEE.—Section 510 of title 36, United States
 19 Code, is amended to read as follows:

20 **“§ 510. Disclosure of and prohibition on certain dona-**
 21 **tions**

22 “A committee shall not be considered to be the Inau-
 23 gural Committee for purposes of this chapter unless the
 24 committee agrees to, and meets, the requirements of sec-
 25 tion 325 of the Federal Election Campaign Act of 1971.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to Inaugural Commit-
3 tees established under chapter 5 of title 36, United States
4 Code, for inaugurations held in 2025 and any succeeding
5 year.

6 **Subtitle B—Accountability in**
7 **Access to Classified Information**

8 **SEC. 311. TRANSPARENCY IN ACCESS TO CLASSIFIED IN-**
9 **FORMATION DURING PRESIDENTIAL TRANSI-**
10 **TIONS.**

11 The Presidential Transition Act of 1963 (3 U.S.C.
12 102 note) is amended in section 3(f) by adding at the end
13 the following:

14 “(3) Not later than 10 days after submitting an
15 application for a security clearance for any indi-
16 vidual, and not later than 10 days after any such in-
17 dividual is granted a security clearance (including an
18 interim clearance), each eligible candidate (as that
19 term is described in subsection (h)(4)(A)) or the
20 President-elect (as the case may be) shall submit a
21 report containing the name of such individual to the
22 Committee on Oversight and Reform of the House
23 of Representatives, the Committee on Homeland Se-
24 curity and Governmental Affairs of the Senate, the
25 Permanent Select Committee on Intelligence of the

1 House of Representatives, and the Select Committee
2 on Intelligence of the Senate.”.

3 **SEC. 312. TRANSPARENCY IN FAMILY ACCESS TO CLASSI-**
4 **FIED INFORMATION.**

5 (a) IN GENERAL.—Not later than 10 days after sub-
6 mitting an application for a security clearance for any cov-
7 ered individual, and not later than 10 days after any cov-
8 ered individual is granted a security clearance (including
9 an interim clearance), the President or head of the appli-
10 cable agency shall submit a written notice of such applica-
11 tion or approval (as the case may be) to the Committee
12 on Oversight and Reform of the House of Representatives,
13 the Committee on Homeland Security and Governmental
14 Affairs of the Senate, the Permanent Select Committee
15 on Intelligence of the House of Representatives, and the
16 Select Committee on Intelligence of the Senate.

17 (b) COVERED INDIVIDUAL DEFINED.—In this sec-
18 tion, the term “covered individual” means a spouse, child,
19 or child-in-law (including adult children and children-in-
20 law) of the President.

1 **DIVISION** **B—RESTORING**
2 **CHECKS AND BALANCES, AC-**
3 **COUNTABILITY, AND TRANS-**
4 **PARENCY**
5 **TITLE IV—ENFORCEMENT OF**
6 **CONGRESSIONAL SUBPOENAS**

7 **SEC. 401. SHORT TITLE.**

8 This title may be cited as the “Congressional Sub-
9 poena Compliance and Enforcement Act”.

10 **SEC. 402. FINDINGS.**

11 The Congress finds as follows:

12 (1) As the Supreme Court has repeatedly af-
13 firmed, including in its July 9, 2020 holding in
14 Trump v. Mazars, Congress’s “power of inquiry—
15 with process to enforce it—is an essential and ap-
16 propriate auxiliary to the legislative function”.
17 Congress’s power to obtain information, including
18 through the issuance of subpoenas and the enforce-
19 ment of such subpoenas, is “broad and indispen-
20 sable”.

21 (2) Congress “suffers a concrete and particular-
22 ized injury when denied the opportunity to obtain in-
23 formation necessary” to the exercise of its constitu-
24 tional functions, as the U.S. Court of Appeals for
25 the District of Columbia Circuit correctly recognized

1 in its August 7, 2020 en banc decision in Committee
2 on the Judiciary of the U.S. House of Representa-
3 tives v. McGahn.

4 (3) Accordingly, the Constitution secures to
5 each House of Congress an inherent right to enforce
6 its subpoenas in court. Explicit statutory authoriza-
7 tion is not required to secure such a right of action,
8 and the contrary holding by a divided panel of the
9 U.S. Court of Appeals for the District of Columbia
10 Circuit in McGahn, entered on August 31, 2020,
11 was in error.

12 **SEC. 403. ENFORCEMENT OF CONGRESSIONAL SUBPOENAS.**

13 (a) IN GENERAL.—Chapter 85 of title 28, United
14 States Code, is amended by inserting after section 1365
15 the following:

16 **“§ 1365a. Congressional actions against subpoena re-**
17 **cipients**

18 “(a) CAUSE OF ACTION.—The United States House
19 of Representatives, the United States Senate, or a com-
20 mittee or subcommittee thereof, may bring a civil action
21 against the recipient of a subpoena issued by a congres-
22 sional committee or subcommittee to enforce compliance
23 with the subpoena.

24 “(b) SPECIAL RULES.—In any civil action described
25 in subsection (a), the following rules shall apply:

1 “(1) The action may be filed in a United States
2 district court of competent jurisdiction.

3 “(2) Notwithstanding section 1657(a), it shall
4 be the duty of every court of the United States to
5 expedite to the greatest possible extent the disposi-
6 tion of any such action and appeal. Upon a showing
7 by the plaintiff of undue delay, other irreparable
8 harm, or good cause, a court to which an appeal of
9 the action may be taken shall issue any necessary
10 and appropriate writs and orders to ensure compli-
11 ance with this paragraph.

12 “(3) If a three-judge court is expressly re-
13 quested by the plaintiff in the initial pleading, the
14 action shall be heard by a three-judge court con-
15 vened pursuant to section 2284, and shall be review-
16 able only by appeal directly to the Supreme Court of
17 the United States. Such appeal shall be taken by the
18 filing of a notice of appeal within 10 days, and the
19 filing of a jurisdictional statement within 30 days, of
20 the entry of the final decision.

21 “(4) The initial pleading must be accompanied
22 by certification that the party bringing the action
23 has in good faith conferred or attempted to confer
24 with the recipient of the subpoena to secure compli-
25 ance with the subpoena without court action.

1 “(c) PENALTIES.—

2 “(1) CASES INVOLVING GOVERNMENT AGEN-
3 CIES.—

4 “(A) IN GENERAL.—The court may impose
5 monetary penalties directly against each head of
6 a Government agency and the head of each
7 component thereof held to have knowingly failed
8 to comply with any part of a congressional sub-
9 poena, unless—

10 “(I) the President instructed the offi-
11 cial not to comply; and

12 “(ii) the President, or the head of the
13 agency or component thereof, submits to
14 the court a letter confirming such instruc-
15 tion and the basis for such instruction.

16 “(B) PROHIBITION ON USE OF GOVERN-
17 MENT FUNDS.—No appropriated funds, funds
18 provided from any accounts in the Treasury,
19 funds derived from the collection of fees, or
20 other Government funds shall be used to pay
21 any monetary penalty imposed by the court
22 pursuant to this paragraph.

23 “(2) LEGAL FEES.—In addition to any other
24 penalties or sanctions, the court shall require that
25 any defendant, other than a Government agency,

1 held to have willfully failed to comply with any part
2 of a congressional subpoena, pay a penalty in an
3 amount equal to that party's legal fees, including at-
4 torney's fees, litigation expenses, and other costs. If
5 such defendant is an officer or employee of a Gov-
6 ernment agency, such fees may be paid from funds
7 appropriated to pay the salary of the defendant.

8 “(d) WAIVER.—Any ground for noncompliance as-
9 serted by the recipient of a congressional subpoena shall
10 be deemed to have been waived as to any particular infor-
11 mation withheld from production if the court finds that
12 the recipient failed in a timely manner to comply with the
13 applicable requirements of section 105(b) of the Revised
14 Statutes of the United States with respect to such infor-
15 mation.

16 “(e) RULES OF PROCEDURE.—The Supreme Court
17 and the Judicial Conference of the United States shall
18 prescribe rules of procedure to ensure the expeditious
19 treatment of actions described in subsection (a). Such
20 rules shall be prescribed and submitted to the Congress
21 pursuant to sections 2072, 2073, and 2074. This shall in-
22 clude procedures for expeditiously considering any asser-
23 tion of constitutional or Federal statutory privilege made
24 in connection with testimony by any recipient of a sub-
25 poena from a congressional committee or subcommittee.

1 The Supreme Court shall transmit such rules to Congress
 2 within 6 months after the effective date of this section and
 3 then pursuant to section 2074 thereafter.

4 “(f) DEFINITION.—For purposes of this section, the
 5 term ‘Government agency’ means any office or entity de-
 6 scribed in section 105 and 106 of title 3, an executive de-
 7 partment listed in section 101 of title 5, an independent
 8 establishment, commission, board, bureau, division, or of-
 9 fice in the executive branch, or other agency or instrumen-
 10 tality of the Federal Government, including wholly or part-
 11 ly owned Government corporations.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 for chapter 85 of title 28, United States Code, is amended
 14 by inserting after the item relating to section 1365 the
 15 following:

“1365a. Congressional actions against subpoena recipients.”.

16 **SEC. 404. COMPLIANCE WITH CONGRESSIONAL SUB-**
 17 **POENAS.**

18 (a) IN GENERAL.—Chapter 7 of title II of the Re-
 19 vised Statutes of the United States (2 U.S.C. 191 et seq.)
 20 is amended—

21 (1) by adding at the end the following:

22 **“SEC. 105. RESPONSE TO CONGRESSIONAL SUBPOENAS.**

23 “(a) SUBPOENA BY CONGRESSIONAL COMMITTEE.—
 24 Any recipient of any subpoena from a congressional com-
 25 mittee or subcommittee shall appear and testify, produce,

1 or otherwise disclose information in a manner consistent
2 with the subpoena and this section.

3 “(b) FAILURE TO PRODUCE INFORMATION.—

4 “(1) GROUNDS FOR WITHHOLDING INFORMA-
5 TION.—Unless required by the Constitution or by
6 Federal statute, no claim of privilege or protection
7 from disclosure shall be a ground for withholding in-
8 formation responsive to the subpoena or required by
9 this section.

10 “(2) IDENTIFICATION OF INFORMATION WITH-
11 HELD.—In the case of information that is withheld,
12 in whole or in part, by the subpoena recipient, the
13 subpoena recipient shall, without delay provide a log
14 containing the following:

15 “(A) An express assertion and description
16 of the ground asserted for withholding the in-
17 formation.

18 “(B) The type of information.

19 “(C) The general subject matter.

20 “(D) The date, author, and addressee.

21 “(E) The relationship of the author and
22 addressee to each other.

23 “(F) The custodian of the information.

24 “(G) Any other descriptive information
25 that may be produced or disclosed regarding

1 the information that will enable the congres-
2 sional committee or subcommittee issuing the
3 subpoena to assess the ground asserted for
4 withholding the information.

5 “(c) DEFINITION.—For purposes of this section the
6 term ‘information’ includes any books, papers, documents,
7 data, or other objects requested in a subpoena issued by
8 a congressional committee or subcommittee.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 for chapter 7 of title II of the Revised Statutes of the
11 United States is amended by adding at the end the fol-
12 lowing:

 “105. Response to congressional subpoenas.”.

13 **SEC. 405. RULE OF CONSTRUCTION.**

14 Nothing in this title may be interpreted to limit or
15 constrain Congress’ inherent authority or foreclose any
16 other means for enforcing compliance with congressional
17 subpoenas, nor may anything in this title be interpreted
18 to establish or recognize any ground for noncompliance
19 with a congressional subpoena.

20 **SEC. 406. ENFORCEMENT OF REQUESTS FOR INFORMATION**
21 **FROM CERTAIN COMMITTEES OF CONGRESS.**

22 For purposes of remedying any failure to comply with
23 a request under section 2954 of title 5, United States
24 Code, section 1365a of title 28, United States Code (as
25 added by section 403), and section 105 of the Revised

1 Statutes of the United States (as added by section 404)
2 shall apply to such a request.

3 **TITLE V—REASSERTING CON-**
4 **GRESSIONAL POWER OF THE**
5 **PURSE**

6 **SEC. 500. SHORT TITLE.**

7 This title may be cited as the “Congressional Power
8 of the Purse Act”.

9 **Subtitle A—Strengthening Con-**
10 **gressional Control and Review**
11 **To Prevent Impoundment**

12 **SEC. 501. STRENGTHENING CONGRESSIONAL CONTROL.**

13 (a) IN GENERAL.—The Impoundment Control Act of
14 1974 (2 U.S.C. 681 et seq.) is amended by adding at the
15 end the following:

16 “PRUDENT OBLIGATION OF BUDGET AUTHORITY AND
17 SPECIFIC REQUIREMENTS FOR EXPIRING BUDGET
18 AUTHORITY

19 “SEC. 1018. (a) SPECIAL MESSAGE REQUIRE-
20 MENT.—With respect to budget authority proposed to be
21 rescinded or that is set to be reserved or proposed to be
22 deferred in a special message transmitted under section
23 1012 or 1013, such budget authority—

24 “(1) shall be made available for obligation in
25 sufficient time to be prudently obligated as required
26 under section 1012(b) or 1013; and

1 “(2) may not be deferred or otherwise withheld
2 from obligation during the 90-day period before the
3 expiration of the period of availability of such budget
4 authority, including, if applicable, the 90-day period
5 before the expiration of an initial period of avail-
6 ability for which such budget authority was pro-
7 vided.

8 “(b) ADMINISTRATIVE REQUIREMENT.—With respect
9 to an apportionment of an appropriation (as that term is
10 defined in section 1511 of title 31, United States Code)
11 made pursuant to section 1512 of such title, an appropria-
12 tion shall be apportioned—

13 “(1) to make available all amounts for obliga-
14 tion in sufficient time to be prudently obligated; and

15 “(2) to make available all amounts for obliga-
16 tion, without precondition (including footnotes) that
17 shall be met prior to obligation, not later than 90
18 days before the expiration of the period of avail-
19 ability of such appropriation, including, if applicable,
20 90 days before the expiration of an initial period of
21 availability for which such appropriation was pro-
22 vided.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 of the Congressional Budget and Impoundment Control
25 Act of 1974 set forth in section 1(b) of such Act is amend-

1 ed by adding after the item relating to section 1017 the
 2 following:

“1018. Prudent obligation of budget authority and specific requirements for ex-
 piring budget authority.”.

3 **SEC. 502. STRENGTHENING CONGRESSIONAL REVIEW.**

4 (a) IN GENERAL.—The Impoundment Control Act of
 5 1974 (2 U.S.C. 681 et seq.), as amended by section
 6 501(a), is further amended by adding at the end the fol-
 7 lowing:

8 “REPORTING

9 “SEC. 1019. (a) APPORTIONMENT OF APPROPRIA-
 10 TIONS.—

11 “(1) IN GENERAL.—Not later than 90 days
 12 after the date of enactment of this section, the Of-
 13 fice of Management and Budget shall complete im-
 14 plementation of an automated system to post each
 15 document apportioning an appropriation, pursuant
 16 to section 1513(b) of title 31, United States Code,
 17 including any associated footnotes, in a format that
 18 qualifies each such document as an Open Govern-
 19 ment Data Asset (as defined in section 3502 of title
 20 44, United States Code), not later than 2 business
 21 days after the date of approval of such apporportion-
 22 ment, and shall place on such website each docu-
 23 ment apportioning an appropriation, pursuant to
 24 such section 1513(b), including any associated foot-

1 notes, already approved for the fiscal year, and shall
2 report the date of completion of such requirements
3 to the Committees on the Budget and Appropria-
4 tions of the House of Representatives and Senate.

5 “(2) EXPLANATORY STATEMENT.—Each docu-
6 ment apportioning an appropriation posted on a
7 publicly accessible website under paragraph (1) shall
8 also include a written explanation by the official ap-
9 proving each such apportionment (pursuant to sec-
10 tion 1513(b) of title 31, United States Code) of the
11 rationale for the apportionment schedule and for any
12 footnotes for apportioned amounts.

13 “(3) SPECIAL PROCESS FOR TRANSMITTING
14 CLASSIFIED DOCUMENTATION TO THE CONGRESS.—
15 The Office of Management and Budget or the appli-
16 cable department or agency shall make available
17 classified documentation referenced in any appor-
18 tionment at the request of the chair or ranking
19 member of any appropriate congressional committee
20 or subcommittee.

21 “(4) DEPARTMENT AND AGENCY REPORT.—
22 Each department or agency shall notify the Commit-
23 tees on the Budget and Appropriations of the House
24 of Representatives and the Senate and any other ap-
25 propriate congressional committees if—

1 “(A) an apportionment is not made in the
2 required time period provided in section
3 1513(b) of title 31, United States Code;

4 “(B) an approved apportionment received
5 by the department or agency conditions the
6 availability of an appropriation on further ac-
7 tion; or

8 “(C) an approved apportionment received
9 by the department or agency may hinder the
10 prudent obligation of such appropriation or the
11 execution of a program, project, or activity by
12 such department or agency;

13 and such notification shall contain information iden-
14 tifying the bureau, account name, appropriation
15 name, and Treasury Appropriation Fund Symbol or
16 fund account.

17 “(b) APPROVING OFFICIALS.—

18 “(1) DELEGATION OF AUTHORITY.—Not later
19 than 15 days after the date of enactment of this sec-
20 tion, any delegation of apportionment authority pur-
21 suant to section 1513(b) of title 31, United States
22 Code that is in effect as of such date shall be sub-
23 mitted for publication in the Federal Register. Any
24 delegation of such apportionment authority after the
25 date of enactment of this section shall, on the date

1 of such delegation, be submitted for publication in
2 the Federal Register. The Office of Management
3 and Budget shall publish such delegations in a for-
4 mat that qualifies such publications as an Open
5 Government Data Asset (as defined in section 3502
6 of title 44, United States Code) on a public internet
7 website, which shall be continuously updated with
8 the position of each Federal officer or employee to
9 whom apportionment authority has been delegated.

10 “(2) REPORT TO CONGRESS.—Not later than 5
11 days after any change in the position of the approv-
12 ing official with respect to such delegated apportion-
13 ment authority for any account is made, the Office
14 shall submit a report to the Committees on Appro-
15 priations of the House of Representatives and the
16 Senate, the Committees on the Budget of the House
17 of Representatives and the Senate, and any other
18 appropriate congressional committee explaining why
19 such change was made.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 of the Congressional Budget and Impoundment Control
22 Act of 1974 set forth in section 1(b) of such Act, as
23 amended by section 501(b), is further amended by adding
24 after the item relating to section 1018 the following:

“1019. Reporting.”.

1 **SEC. 503. UPDATED AUTHORITIES FOR AND REPORTING BY**
2 **THE COMPTROLLER GENERAL.**

3 (a) Section 1015 of the Impoundment Control Act
4 of 1974 (2 U.S.C. 686) is amended—

5 (1) in subsection (a), in the matter following
6 paragraph (2), by striking the last sentence; and

7 (2) by adding at the end the following:

8 “(c) REVIEW.—

9 “(1) IN GENERAL.—The Comptroller General
10 shall review compliance with this part and shall sub-
11 mit to the Committees on the Budget, Appropria-
12 tions, and Oversight and Reform of the House of
13 Representatives, the Committees on the Budget, Ap-
14 propriations, and Homeland Security and Govern-
15 mental Affairs of the Senate, and any other appro-
16 priate congressional committee of the House of Rep-
17 resentatives and Senate a report, and any relevant
18 information related to the report, on any noncompli-
19 ance with this part.

20 “(2) INFORMATION, DOCUMENTATION, AND
21 VIEWS.—The President or the head of the relevant
22 department or agency of the United States shall pro-
23 vide information, documentation, and views to the
24 Comptroller General, as is determined by the Comp-
25 troller General to be necessary to determine such
26 compliance, not later than 20 days after the date on

1 which the request from the Comptroller General is
2 received, or if the Comptroller General determines
3 that a shorter or longer period is appropriate based
4 on the specific circumstances, within such shorter or
5 longer period.

6 “(3) ACCESS.—To carry out the responsibilities
7 of this part, the Comptroller General shall also have
8 access to interview the officers, employees, contrac-
9 tors, and other agents and representatives of a de-
10 partment, agency, or office of the United States at
11 any reasonable time as the Comptroller General may
12 request.”.

13 (b) Section 1001 of the Impoundment Control Act
14 of 1974 (2 U.S.C. 681) is amended—

15 (1) in paragraph (3), by striking the “or” at
16 the end of the paragraph;

17 (2) in paragraph (4), by striking the period at
18 the end and inserting a semicolon; and

19 (3) by adding at the end the following:

20 “(5) affecting or limiting in any way the au-
21 thorities provided to the Comptroller General under
22 chapter 7 of title 31, United States Code.”.

1 **SEC. 504. ADVANCE CONGRESSIONAL NOTIFICATION AND**
2 **LITIGATION.**

3 Section 1016 of the Impoundment Control Act of
4 1974 (2 U.S.C. 687) is amended to read as follows:

5 “SUITS BY COMPTROLLER GENERAL

6 “SEC. 1016. If, under this chapter, budget authority
7 is required to be made available for obligation and such
8 budget authority is not made available for obligation or
9 information, documentation, views, or access are required
10 to be produced and such information, documentation,
11 views, or access are not produced, the Comptroller General
12 is expressly empowered, through attorneys of the Comp-
13 troller General’s own selection, to bring a civil action in
14 the United States District Court for the District of Colum-
15 bia to require such budget authority to be made available
16 for obligation or such information, documentation, views,
17 or access to be produced, and such court is expressly em-
18 powered to enter in such civil action, against any depart-
19 ment, agency, officer, or employee of the United States,
20 any decree, judgment, or order which may be necessary
21 or appropriate to make such budget authority available for
22 obligation or compel production of such information, docu-
23 mentation, views, or access. No civil action shall be
24 brought by the Comptroller General to require budget au-
25 thority be made available under this section until the expi-
26 ration of 15 calendar days following the date on which

1 an explanatory statement by the Comptroller General of
 2 the circumstances giving rise to the action contemplated
 3 is filed with the Speaker of the House of Representatives
 4 and the President of the Senate, except that expiration
 5 of such period shall not be required if the Comptroller
 6 General finds (and incorporates the finding in the explana-
 7 tory statement filed) that the delay would be contrary to
 8 the public interest.”.

9 **SEC. 505. PENALTIES FOR FAILURE TO COMPLY WITH THE**
 10 **IMPOUNDMENT CONTROL ACT OF 1974.**

11 (a) IN GENERAL.—The Impoundment Control Act of
 12 1974 (2 U.S.C. 681 et seq.), as amended by section
 13 502(a), is further amended by adding at the end the fol-
 14 lowing:

15 “PENALTIES FOR FAILURE TO COMPLY

16 “SEC. 1020. (a) ADMINISTRATIVE DISCIPLINE.—An
 17 officer or employee of the Executive Branch of the United
 18 States Government violating this part shall be subject to
 19 appropriate administrative discipline including, when cir-
 20 cumstances warrant, suspension from duty without pay or
 21 removal from office.

22 “(b) REPORTING VIOLATIONS.—

23 “(1) IN GENERAL.—In the event of a violation
 24 of section 1001, 1012, 1013, or 1018 of this part,
 25 or in the case that the Comptroller General issues
 26 a legal decision concluding that a department, agen-

1 cy, or office of the United States violated this part,
2 the President or the head of the relevant department
3 or agency as the case may be, shall report imme-
4 diately to Congress all relevant facts and a state-
5 ment of actions taken. A copy of each report shall
6 also be transmitted to the Comptroller General and
7 the relevant inspector general on the same date the
8 report is transmitted to the Congress.

9 “(2) CONTENTS.—Any such report shall include
10 a summary of the facts pertaining to the violation,
11 the title and Treasury Appropriation Fund Symbol
12 of the appropriation or fund account, the amount in-
13 volved for each violation, the date on which the vio-
14 lation occurred, the position of any individuals re-
15 sponsible for the violation, a statement of the admin-
16 istrative discipline imposed and any further action
17 taken with respect to any officer or employee in-
18 volved in the violation, a statement of any additional
19 action taken to prevent recurrence of the same type
20 of violation, and any written response by any officer
21 or employee identified by position as involved in the
22 violation. In the case that the Comptroller General
23 issues a legal decision concluding that a department,
24 agency, or office of the United States violated this
25 part and the relevant department, agency, or office

1 does not agree that a violation has occurred, the re-
 2 port provided to Congress, the Comptroller General,
 3 and relevant inspector general will explain its posi-
 4 tion.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
 6 of the Congressional Budget and Impoundment Control
 7 Act of 1974 set forth in section 1(b) of such Act, as
 8 amended by section 502(b), is further amended by adding
 9 after the item relating to section 1019 the following:

“1020. Penalties for failure to comply.”.

10 **Subtitle B—Strengthening** 11 **Transparency and Reporting**

12 **PART 1—FUNDS MANAGEMENT AND REPORTING** 13 **TO THE CONGRESS**

14 **SEC. 511. EXPIRED BALANCE REPORTING IN THE PRESI-** 15 **DENT’S BUDGET.**

16 Section 1105(a) of title 31, United States Code, is
 17 amended by adding at the end the following:

18 “(40) for the budgets for each of fiscal years
 19 2023 through 2027, a report on—

20 “(A) unobligated expired balances as of the
 21 beginning of the current fiscal year and the be-
 22 ginning of each of the preceding 2 fiscal years
 23 by agency and the applicable Treasury Appro-
 24 priation Fund Symbol or fund account; and

1 “(B) an explanation of unobligated expired
2 balances in any Treasury Appropriation Fund
3 Symbol or fund account that exceed the lesser
4 of 5 percent of total appropriations made avail-
5 able for that account or \$100,000,000.”.

6 **SEC. 512. CANCELLED BALANCE REPORTING IN THE PRESI-**
7 **DENT’S BUDGET.**

8 Section 1105(a) of title 31, United States Code, as
9 amended by section 511, is further amended by adding
10 at the end the following:

11 “(41) for the budgets for each of fiscal years
12 2023 through 2027, a report on—

13 “(A) cancelled balances (pursuant to sec-
14 tion 1552(a)) for the preceding 3 fiscal years by
15 agency and Treasury Appropriation Fund Sym-
16 bol or fund account;

17 “(B) an explanation of cancelled balances
18 in any Treasury Appropriation Fund Symbol or
19 fund account that exceed the lesser of 5 percent
20 of total appropriations made available for that
21 account or \$100,000,000; and

22 “(C) a tabulation, by Treasury Appropria-
23 tion Fund Symbol or fund account and appro-
24 priation, of all balances of appropriations avail-
25 able for an indefinite period in an appropriation

1 account available for an indefinite period that
 2 do not meet the criteria for closure under sec-
 3 tion 1555, but for which either—

4 “(I) the head of the agency concerned
 5 or the President has determined that the
 6 purposes for which the appropriation was
 7 made have been carried out; or

8 “(ii) no disbursement has been made
 9 against the appropriation—

10 “(I) in the prior year and the
 11 preceding fiscal year; or

12 “(II) in the prior year and which
 13 the budget estimates zero disburse-
 14 ments in the current year.”.

15 **SEC. 513. LAPSE IN APPROPRIATIONS—REPORTING IN THE**
 16 **PRESIDENT’S BUDGET.**

17 Section 1105(a) of title 31, United States Code, as
 18 amended by section 512, is further amended by adding
 19 at the end the following:

20 “(42) a report on—

21 “(A) any obligation or expenditure made
 22 by a department or agency affected in whole or
 23 in part by any lapse in appropriations of 5 con-
 24 secutive days or more during the preceding fis-

1 cal year for which amounts were not available;
 2 and

3 “(B) with respect to any such obligation or
 4 expenditure—

5 “(I) the amount so obligated or ex-
 6 pended;

7 “(ii) the account affected;

8 “(iii) an explanation of the
 9 Antideficiency Act exception or other legal
 10 authority that permitted the department or
 11 agency, as the case may be, to incur such
 12 obligation or expenditure; and

13 “(iv) an explanation of any change in
 14 the application of any Antideficiency Act
 15 exception for a program, project, or activ-
 16 ity from any explanations previously re-
 17 ported on pursuant to this paragraph.”.

18 **SEC. 514. TRANSFER AND OTHER REPURPOSING AUTHOR-**
 19 **ITY REPORTING IN THE PRESIDENT’S BUDG-**
 20 **ET.**

21 Section 1105(a) of title 31, United States Code, as
 22 amended by section 513, is further amended by adding
 23 at the end the following:

24 “(43) for the budget for fiscal year 2023, a re-
 25 port on—

1 “(A) any transfer authority or other au-
 2 thority to repurpose appropriations provided in
 3 a law other than an appropriation act; and

4 “(B) with respect to any such authority,
 5 the citation to the statute, the list of depart-
 6 ments or agencies covered, an explanation of
 7 when such authority may be used, and an ex-
 8 planation on any use of such authority in the
 9 preceding 3 fiscal years.”.

10 **SEC. 515. AUTHORIZING CANCELLATIONS IN INDEFINITE**
 11 **ACCOUNTS BY APPROPRIATION.**

12 (a) IN GENERAL.—Subchapter IV of chapter 15 of
 13 title 31, United States Code, is amended by inserting after
 14 section 1555 the following:

15 **“SEC. 1555a. CANCELLATION OF APPROPRIATIONS AVAIL-**
 16 **ABLE FOR INDEFINITE PERIODS WITHIN AN**
 17 **ACCOUNT.**

18 “Any remaining balance (whether obligated or unobli-
 19 gated) from an appropriation available for an indefinite
 20 period in an appropriation account available for an indefi-
 21 nite period that does not meet the requirements for closure
 22 under section 1555 shall be canceled, and thereafter shall
 23 not be available for obligation or expenditure for any pur-
 24 pose, if—

1 “(1) the head of the agency concerned or the
 2 President determines that the purposes for which
 3 the appropriation was made have been carried out;
 4 and

5 “(2) no disbursement has been made against
 6 the appropriation for two consecutive fiscal years.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 for subchapter IV of chapter 15 of title 31, United States
 9 Code, is amended by inserting after the item relating to
 10 section 1555 the following:

 “1555a. Cancellation of appropriations available for indefinite periods within an
 account.”.

11 **SEC. 516. WHITE HOUSE EMPLOYEE INFORMATION.**

12 Not later than 90 days after the date of the enact-
 13 ment of this Act and updated not less frequently than an-
 14 nually thereafter, the Executive Office of the President
 15 shall make available on a publicly available website in an
 16 easily searchable and downloadable format the following
 17 information:

18 (1) The annual salary of each White House em-
 19 ployee, which shall be updated quarterly, and the fol-
 20 lowing:

21 (A) The number of employees who are paid
 22 at a rate of basic pay equal to or greater than
 23 the rate of basic pay then currently paid for
 24 level V of the Executive Schedule of section

1 5316 of title 5 and who are employed in the
2 White House Office, the Executive Residence at
3 the White House, the Office of the Vice Presi-
4 dent, the Domestic Policy Staff, or the Office of
5 Administration, and the aggregate amount paid
6 to such employees.

7 (B) The number of employees employed in
8 such offices who are paid at a rate of basic pay
9 which is equal to or greater than the minimum
10 rate of basic pay then currently paid for GS-
11 16 of the General Schedule of section 5332 of
12 title 5, United States Code, but which is less
13 than the rate then currently paid for level V of
14 the Executive Schedule of section 5316 of such
15 title and the aggregate amount paid to such
16 employees.

17 (C) The number of employees employed in
18 such offices who are paid at a rate of basic pay
19 which is less than the minimum rate then cur-
20 rently paid for GS-16 of the General Schedule
21 of section 5332 of title 5, United States Code,
22 and the aggregate amount paid to such employ-
23 ees.

24 (D) The number of individuals detailed
25 under section 112 of title 3, United States

1 Code, for more than 30 days to each such of-
2 fice, the number of days in excess of 30 each
3 individual was detailed, and the aggregate
4 amount of reimbursement made as provided by
5 the provisions of section 112 of such title.

6 (E) The number of individuals whose serv-
7 ices as experts or consultants are procured
8 under chapter 2 title 3, United States Code, for
9 service in any such office, the total number of
10 days employed, and the aggregate amount paid
11 to procure such services.

12 (2) The most recent financial disclosure state-
13 ment for each White House employee filed pursuant
14 to the Ethics in Government Act of 1978 (5 U.S.C.
15 App.), which shall be updated annually.

16 **SEC. 517. MACHINE-READABLE FORMAT REQUIRED FOR**
17 **AGENCY REPORTS.**

18 Any report required to be submitted to Congress by
19 an executive agency shall be submitted in machine-read-
20 able format, unless each committee of Congress to whom
21 the report is submitted waives the requirement.

1 **PART 2—EMPOWERING CONGRESSIONAL REVIEW**
2 **THROUGH NONPARTISAN CONGRESSIONAL**
3 **AGENCIES AND TRANSPARENCY INITIATIVES**
4 **SEC. 521. REQUIREMENT TO RESPOND TO REQUESTS FOR**
5 **INFORMATION FROM THE COMPTROLLER**
6 **GENERAL FOR BUDGET AND APPROPRIA-**
7 **TIONS LAW DECISIONS.**

8 (a) IN GENERAL.—Subchapter II of chapter 7 of title
9 31, United States Code, is amended by adding at the end
10 the following:

11 **“SEC. 722. REQUIREMENT TO RESPOND TO REQUESTS FOR**
12 **INFORMATION FROM THE COMPTROLLER**
13 **GENERAL FOR BUDGET AND APPROPRIA-**
14 **TIONS LAW DECISIONS.**

15 “(a) If an agency receives a written request for infor-
16 mation, documentation, or views from the Comptroller
17 General relating to a decision or opinion on budget or ap-
18 propriations law, the agency shall provide the requested
19 information, documentation, or views not later than 20
20 days after receiving the written request, unless such writ-
21 ten request specifically provides otherwise.

22 “(b) If an agency fails to provide the requested infor-
23 mation, documentation, or views within the time required
24 by this section—

25 “(1) the Comptroller General shall notify, in
26 writing, the Committee on Oversight and Reform of

1 the House of Representatives, Committee on Home-
2 land Security and Governmental Affairs of the Sen-
3 ate, and any other appropriate congressional com-
4 mittee of such failure; and

5 “(2) the Comptroller General is hereby ex-
6 pressly empowered, through attorneys of the Comp-
7 troller General’s own selection, to bring a civil action
8 in the United States District Court for the District
9 of Columbia to require such information, documenta-
10 tion, or views to be produced, and such court is ex-
11 pressly empowered to enter in such civil action,
12 against any department, agency, officer, or employee
13 of the United States, any decree, judgment, or order
14 which may be necessary or appropriate to require
15 such production.

16 “(c) Nothing in this section shall be construed as af-
17 fecting or otherwise limiting the authorities provided to
18 the Comptroller General in section 716 of this title.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 for subchapter II of chapter 7 of title 31, United States
21 Code, is amended by inserting after the item relating to
22 section 721 the following:

“722. Requirement to respond to requests for information from the Comptroller
General for budget and appropriations law decisions.”.

1 **SEC. 522. REPORTING REQUIREMENTS FOR**
2 **ANTIDEFICIENCY ACT VIOLATIONS.**

3 (a) VIOLATIONS OF SECTION 1341 OR 1342.—Sec-
4 tion 1351 of title 31, United States Code, is amended—

5 (1) by striking “If” and inserting “(a) If”;

6 (2) by inserting “or if the Comptroller General
7 determines that an officer or employee of such entity
8 violated section 1341(a) or 1342,” before “the head
9 of the agency”;

10 (3) by striking “the Comptroller General” and
11 inserting “the Comptroller General and the Attorney
12 General”; and

13 (4) by adding at the end the following:

14 “(b) Any such report shall include a statement of the
15 provision violated, a summary of the facts pertaining to
16 the violation, the title and Treasury Appropriation Fund
17 Symbol of the appropriation or fund account, the amount
18 involved for each violation, the date on which the violation
19 occurred, the position of any officer or employee respon-
20 sible for the violation, a statement of the administrative
21 discipline imposed and any further action taken with re-
22 spect to any officer or employee involved in the violation,
23 a statement of any additional action taken to prevent re-
24 currence of the same type of violation, a statement of any
25 determination that the violation was not knowing and will-
26 ful that has been made by the entity filing the report, and

1 any written response by any officer or employee identified
2 by position as involved in the violation. In the case that
3 the Comptroller General issues a legal decision concluding
4 that section 1341(a) or 1342 was violated and the entity
5 filing the report, does not agree that a violation has oc-
6 curred, the report provided to the President, the Congress,
7 and the Comptroller General will explain its position.”.

8 (b) VIOLATIONS OF SECTION 1517.—Section 1517 of
9 title 31, United States Code, is amended—

10 (1) by inserting “or if the Comptroller General
11 determines that an officer or employee of such entity
12 violated subsection (a),” before “the head of the ex-
13 ecutive agency”;

14 (2) by striking “the Comptroller General” and
15 inserting “the Comptroller General and the Attorney
16 General”; and

17 (3) by adding at the end the following:

18 “(c) Any such report shall include a statement of the
19 provision violated, a summary of the facts pertaining to
20 the violation, the title and Treasury Appropriation Fund
21 Symbol of the appropriation or fund account, the amount
22 involved for each violation, the date on which the violation
23 occurred, the position of any officer or employee respon-
24 sible for the violation, a statement of the administrative
25 discipline imposed and any further action taken with re-

1 spect to any officer or employee involved in the violation,
 2 a statement of any additional action taken to prevent re-
 3 currence of the same type of violation, a statement of any
 4 determination that the violation was not knowing and will-
 5 ful that has been made by the entity filing the report, and
 6 any written response by any officer or employee identified
 7 by position as involved in the violation. In the case that
 8 the Comptroller General issues a legal decision concluding
 9 that subsection (a) was violated and the entity filing the
 10 report does not agree that a violation has occurred, the
 11 report provided to the President, the Congress, and the
 12 Comptroller General will explain its position.”.

13 **SEC. 523. DEPARTMENT OF JUSTICE REPORTING TO CON-**
 14 **GRESS FOR ANTIDEFICIENCY ACT VIOLA-**
 15 **TIONS.**

16 (a) VIOLATIONS OF SECTIONS 1341 OR 1342.—Sec-
 17 tion 1350 of title 31, United States Code, is amended—

18 (1) by striking “An officer” and inserting “(a)
 19 An officer”; and

20 (2) by adding at the end the following:

21 “(b)(1) If a report is made under section 1351 of a
 22 violation of section 1341(a) or 1342, the Attorney General
 23 shall promptly review such report and investigate to the
 24 extent necessary to determine whether there are reason-
 25 able grounds to believe that the responsible officer or em-

1 ployee knowingly and willfully violated such section
2 1341(a) or 1342, as applicable. If the Attorney General
3 determines that there are such reasonable grounds, the
4 Attorney General diligently shall investigate a criminal
5 violation under this section.

6 “(2) The Attorney General shall submit to Congress
7 and the Comptroller General on or before March 31 of
8 each calendar year an annual report detailing separately
9 for each reporting entity—

10 “(A) the number of reports under section 1351
11 transmitted to the President during the preceding
12 calendar year;

13 “(B) the number of reports reviewed in accord-
14 ance with paragraph (1) during the preceding cal-
15 endar year;

16 “(C) without identification of any individual of-
17 ficer or employee, a description of each investigation
18 undertaken in accordance with paragraph (1) during
19 the preceding calendar year and an explanation of
20 the status of any such investigation; and

21 “(D) without identification of any individual of-
22 ficer or employee, an explanation of any update to
23 the status of any review or investigation previously
24 reported pursuant to this subsection.”.

1 (b) VIOLATIONS OF SECTION 1517.—Section 1519 of
2 title 31, United States Code, is amended—

3 (1) by striking “An officer” and inserting “(a)
4 An officer”; and

5 (2) by adding at the end the following:

6 “(b)(1) If a report is made under section 1517(b) of
7 a violation of section 1517(a), the Attorney General shall
8 promptly review such report and investigate to the extent
9 necessary to determine whether there are reasonable
10 grounds to believe that the responsible officer or employee
11 knowingly and willfully violated such section 1517(a). If
12 the Attorney General determines that there are such rea-
13 sonable grounds, the Attorney General diligently shall in-
14 vestigate a criminal violation under this section.

15 “(2) The Attorney General shall submit to Congress
16 and the Comptroller General on or before March 31 of
17 each calendar year an annual report detailing separately
18 for each reporting entity—

19 “(A) the number of reports under section
20 1517(b) transmitted to the President during the pre-
21 ceding calendar year;

22 “(B) the number of reports reviewed in accord-
23 ance with paragraph (1) during the preceding cal-
24 endar year;

1 “(C) without identification of any individual of-
 2 ficer or employee, a description of each investigation
 3 undertaken in accordance with paragraph (1) during
 4 the preceding calendar year and an explanation of
 5 the status of any such investigation; and

6 “(D) without identification of any individual of-
 7 ficer or employee, an explanation of any update to
 8 the status of any review or investigation previously
 9 reported pursuant to this subsection.”.

10 **SEC. 524. PUBLICATION OF BUDGET OR APPROPRIATIONS**

11 **LAW OPINIONS OF THE DEPARTMENT OF JUS-**

12 **TICE OFFICE OF LEGAL COUNSEL.**

13 (a) SCHEDULE OF PUBLICATION FOR FINAL OLC
 14 OPINIONS.—Each final opinion issued by the Office of
 15 Legal Counsel of the Department of Justice (final OLC
 16 opinion) shall be made available on its public website in
 17 a manner that is searchable, sortable, and downloadable
 18 in its entirety as soon as is practicable, but—

19 (1) not later than 30 days after the opinion is
 20 issued or updated if such action takes place on or
 21 after the date of enactment of this Act;

22 (2) not later than 1 year after the date of en-
 23 actment of this Act for an opinion issued on or after
 24 January 20, 1993;

1 (3) not later than 2 years after the date of en-
2 actment of this Act for an opinion issued on or after
3 January 20, 1981, and before or on January 19,
4 1993;

5 (4) not later than 3 years after the date of en-
6 actment of this Act for an opinion issued on or after
7 January 20, 1969, and before or on January 19,
8 1981; and

9 (5) not later than 4 years after the date of en-
10 actment of this Act for all other opinions.

11 (b) EXCEPTIONS AND LIMITATION ON PUBLIC
12 AVAILABILITY OF FINAL OLC OPINIONS.—

13 (1) IN GENERAL.—A final OLC opinion or part
14 thereof may be withheld only to the extent—

15 (A) information contained in the opinion
16 was—

17 (I) specifically authorized to be kept
18 secret, under criteria established by an Ex-
19 ecutive order, in the interest of national
20 defense or foreign policy;

21 (ii) properly classified, including all
22 procedural and marking requirements, pur-
23 suant to such Executive order;

24 (iii) the Attorney General determines
25 that the national defense or foreign policy

1 interests protected outweigh the public's
2 interest in access to the information; and

3 (iv) put through declassification re-
4 view within the past two years;

5 (B) information contained in the opinion
6 relates to the appointment of a specific indi-
7 vidual not confirmed to Federal office;

8 (C) information contained in the opinion is
9 specifically exempted from disclosure by statute
10 (other than sections 552 and 552b of title 5,
11 United States Code), if such statute—

12 (I) requires that the material be with-
13 held in such a manner as to leave no dis-
14 cretion on the issue; or

15 (ii) establishes particular criteria for
16 withholding or refers to particular types of
17 material to be withheld;

18 (D) information in the opinion includes
19 trade secrets and commercial or financial infor-
20 mation obtained from a person and privileged
21 or confidential whose disclosure would likely
22 cause substantial harm to the competitive posi-
23 tion of the person from whom the information
24 was obtained;

1 (E) the President, in his or her sole and
2 nondelegable determination, formally and per-
3 sonally claims in writing that executive privilege
4 prevents the release of the information and dis-
5 closure would cause specific identifiable harm to
6 an interest protected by an exception or the dis-
7 closure is prohibited by law; or

8 (F) information in the opinion includes
9 personnel and medical files and similar files the
10 disclosure of which would constitute a clearly
11 unwarranted invasion of personal privacy.

12 (2) DETERMINATION TO WITHHOLD.—Any de-
13 termination under this subsection to withhold infor-
14 mation contained in a final OLC opinion shall be
15 made by the Attorney General or a designee of the
16 Attorney General. The determination shall be—

17 (A) in writing;

18 (B) made available to the public within the
19 same timeframe as is required of a formal OLC
20 opinion;

21 (C) sufficiently detailed as to inform the
22 public of what kind of information is being
23 withheld and the reason therefore; and

1 (D) effective only for a period of 3 years,
2 subject to review and reissuance, with each
3 reissuance made available to the public.

4 (3) FINAL OPINIONS.—For final OLC opinions
5 for which the text is withheld in full or in substan-
6 tial part, a detailed unclassified summary of the
7 opinion shall be made available to the public, in the
8 same timeframe as required of the final OLC opin-
9 ion, that conveys the essence of the opinion, includ-
10 ing any interpretations of a statute, the Constitu-
11 tion, or other legal authority. A notation shall be in-
12 cluded in any published list of final OLC opinions
13 regarding the extent of the withholdings.

14 (4) NO LIMITATION ON FREEDOM OF INFORMA-
15 TION.—Nothing in this subsection shall be construed
16 as limiting the availability of information under sec-
17 tion 552 of title 5, United States Code or construed
18 as an exemption under paragraph (3) of subsection
19 (b) of such section.

20 (5) NO LIMITATION ON RELIEF.—A decision by
21 the Attorney General to release or withhold informa-
22 tion pursuant to this title shall not preclude any ac-
23 tion or relief conferred by statutory or regulatory re-
24 gime that empowers any person to request or de-
25 mand the release of information.

1 (6) REASONABLY SEGREGABLE PORTIONS OF
2 OPINIONS TO BE PUBLISHED.—Any reasonably seg-
3 regable portion of an opinion shall be provided after
4 withholding of the portions which are exempt under
5 this section. The amount of information withheld,
6 and the exemption under which the withholding is
7 made, shall be indicated on the released portion of
8 the opinion, unless including that indication would
9 harm an interest protected by the exemption in this
10 paragraph under which the withholding is made. If
11 technically feasible, the amount of the information
12 withheld, and the exemption under which the with-
13 holding is made, shall be indicated at the place in
14 the opinion where such withholding is made.

15 (c) METHOD OF PUBLICATION.—The Attorney Gen-
16 eral shall publish each final OLC opinion to the extent
17 the law permits, including by publishing the opinions on
18 a publicly accessible website that—

19 (1) with respect to each opinion—

20 (A) contains an electronic copy of the opin-
21 ion, including any transmittal letter associated
22 with the opinion, in an open format that is plat-
23 form independent and that is available to the
24 public without restrictions;

1 (B) provides the public the ability to re-
2 trieve an opinion, to the extent practicable,
3 through searches based on—

4 (I) the title of the opinion;

5 (ii) the date of publication or revision;

6 or

7 (iii) the full text of the opinion;

8 (C) identifies the time and date when the
9 opinion was required to be published, and when
10 the opinion was transmitted for publication;
11 and

12 (D) provides a permanent means of access-
13 ing the opinion electronically;

14 (2) includes a means for bulk download of all
15 final OLC opinions or a selection of opinions re-
16 trieved using a text-based search;

17 (3) provides free access to the opinions, and
18 does not charge a fee, require registration, or impose
19 any other limitation in exchange for access to the
20 website; and

21 (4) is capable of being upgraded as necessary to
22 carry out the purposes of this section.

23 (d) DEFINITIONS.—In this section:

24 (1) OLC OPINION.—The term “OLC opinion”
25 means views on a matter of legal interpretation com-

1 municated by the Office of Legal Counsel of the De-
2 partment of Justice to any other office or agency, or
3 person in an office or agency, in the Executive
4 Branch, including any office in the Department of
5 Justice, the White House, or the Executive Office of
6 the President, and rendered in accordance with sec-
7 tions 511–513 of title 28, United States Code, and
8 relating to—

9 (A) subtitles II, III, V, or VI of title 31,
10 United States Code;

11 (B) the Balanced Budget and Emergency
12 Deficit Control Act of 1985;

13 (C) the Congressional Budget and Im-
14 poundment Control Act of 1974; or

15 (D) any appropriations Act, continuing
16 resolution, or other provision of law providing
17 or governing appropriations or budget author-
18 ity.

19 (2) FINAL OLC OPINION.—The term “final
20 OLC opinion” means an OLC opinion that—

21 (A) the Attorney General, Assistant Attor-
22 ney General for the Office of Legal Counsel, or
23 a Deputy Assistant Attorney General for the
24 Office of Legal Counsel, has determined is
25 final; or

1 (B) is cited in another Office of Legal
2 Counsel opinion.

3 **SEC. 525. TREATMENT OF REQUESTS FOR INFORMATION**
4 **FROM MEMBERS OF CONGRESS.**

5 Section 552(d) of title 5, United States Code, is
6 amended by inserting “, or any member thereof,” after
7 “Congress”.

8 **Subtitle C—Strengthening Con-**
9 **gressional Role in and Over-**
10 **sight of Emergency Declarations**
11 **and Designations**

12 **SEC. 531. IMPROVING CHECKS AND BALANCES ON THE USE**
13 **OF THE NATIONAL EMERGENCIES ACT.**

14 (a) REQUIREMENTS RELATING TO DECLARATION
15 AND RENEWAL OF NATIONAL EMERGENCIES.—Title II of
16 the National Emergencies Act (50 U.S.C. 1621 et seq.)
17 is amended by striking sections 201 and 202 and inserting
18 the following:

19 **“SEC. 201. DECLARATIONS OF NATIONAL EMERGENCIES.**

20 **“(a) AUTHORITY TO DECLARE NATIONAL EMER-**
21 **GENCIES.—**With respect to Acts of Congress authorizing
22 the exercise, during the period of a national emergency,
23 of any special or extraordinary power, the President is au-
24 thorized to declare such a national emergency by procla-

1 mation. Such proclamation shall immediately be trans-
2 mitted to Congress and published in the Federal Register.

3 “(b) SPECIFICATION OF PROVISIONS OF LAW TO BE
4 EXERCISED AND REPORTING.—No powers or authorities
5 made available by statute for use during the period of a
6 national emergency shall be exercised unless and until the
7 President specifies the provisions of law under which the
8 President proposes that the President or other officers will
9 act in—

10 “(1) a proclamation declaring a national emer-
11 gency under subsection (a); or

12 “(2) one or more Executive orders relating to
13 the emergency published in the Federal Register and
14 transmitted to Congress.

15 “(c) PROHIBITION ON SUBSEQUENT ACTIONS IF
16 EMERGENCIES NOT APPROVED.—

17 “(1) SUBSEQUENT DECLARATIONS.—If a joint
18 resolution of approval is not enacted under section
19 203 with respect to a national emergency before the
20 expiration of the period described in section 202(a),
21 or with respect to a national emergency proposed to
22 be renewed under section 202(b), the President may
23 not, during the remainder of the term of office of
24 that President, declare a subsequent national emer-

1 gency under subsection (a) with respect to substan-
2 tially the same circumstances.

3 “(2) EXERCISE OF AUTHORITIES.—If a joint
4 resolution of approval is not enacted under section
5 203 with respect to a power or authority specified by
6 the President under subsection (b) with respect to a
7 national emergency, the President may not, during
8 the remainder of the term of office of that Presi-
9 dent, exercise that power or authority with respect
10 to that emergency.

11 “(d) EFFECT OF FUTURE LAWS.—No law enacted
12 after the date of the enactment of the Congressional
13 Power of the Purse Act shall supersede this title unless
14 it does so in specific terms, referring to this title, and de-
15 claring that the new law supersedes the provisions of this
16 title.

17 “(e) LIMITATIONS.—

18 “(1) IN GENERAL.—Any emergency powers in-
19 voked by the President pursuant to a national emer-
20 gency declared under this section shall relate to the
21 nature of, and may be used only to address, that
22 emergency.

23 “(2) AUTHORIZATION OR FUNDING WITH-
24 HELD.—No authority available to the President dur-
25 ing a national emergency declared under this section

1 may be used to provide authorization or funding for
2 any program, project, or activity for which Congress,
3 on or after the date of the events giving rise to the
4 emergency declaration, has withheld authorization or
5 funding.

6 **“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-**
7 **GENCIES.**

8 “(a) TEMPORARY EFFECTIVE PERIODS.—

9 “(1) IN GENERAL.—Unless previously termi-
10 nated pursuant to Presidential order or Act of Con-
11 gress, a declaration of a national emergency shall re-
12 main in effect for 20 session days, in the case of the
13 Senate, and 20 legislative days, in the case of the
14 House, from the issuance of the proclamation under
15 section 201(a) (not counting the day on which the
16 proclamation was issued) and shall terminate when
17 that period expires unless there is enacted into law
18 a joint resolution of approval under section 203 with
19 respect to the proclamation.

20 “(2) EXERCISE OF POWERS AND AUTHORI-
21 TIES.—Unless the declaration of national emergency
22 has been terminated pursuant to Presidential order
23 or Act of Congress, any emergency power or author-
24 ity made available under a provision of law specified
25 pursuant to section 201(b) may be exercised pursu-

1 ant to a declaration of a national emergency for 20
2 session days, in the case of the Senate, and 20 legis-
3 lative days, in the case of the House, from the
4 issuance of the proclamation or Executive order (not
5 counting the day on which such proclamation or Ex-
6 ecutive order was issued). That power or authority
7 may not be exercised after that period expires unless
8 there is enacted into law a joint resolution of ap-
9 proval under section 203 approving—

10 “(A) the proclamation of the national
11 emergency or the Executive order; and

12 “(B) the exercise of the power or authority
13 specified by the President in such proclamation
14 or Executive order.

15 “(b) RENEWAL OF NATIONAL EMERGENCIES.—A na-
16 tional emergency declared by the President under section
17 201(a) or previously renewed under this subsection, and
18 not already terminated pursuant to subsection (a) or (c),
19 shall terminate on the date that is one year after the
20 President transmitted to Congress the proclamation de-
21 claring the emergency or the enactment of a previous re-
22 newal pursuant to this subsection, unless—

23 “(1) the President publishes in the Federal
24 Register and transmits to Congress an Executive
25 order renewing the emergency; and

1 “(2) there is enacted into law a joint resolution
 2 of approval renewing the emergency pursuant to sec-
 3 tion 203 before the termination of the emergency or
 4 previous renewal of the emergency.

5 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

6 “(1) IN GENERAL.—Any national emergency
 7 declared by the President under section 201(a) shall
 8 terminate on the earliest of—

9 “(A) the date provided for in subsection
 10 (a);

11 “(B) the date provided for in subsection
 12 (b);

13 “(C) the date specified in an Act of Con-
 14 gress, including a joint resolution of termi-
 15 nation defined in section 203, terminating the
 16 emergency;

17 “(D) the date specified in a proclamation
 18 of the President terminating the emergency; or

19 “(E) the date provided for in section 204.

20 “(2) EFFECT OF TERMINATION.—Effective on
 21 the date of the termination of a national emergency
 22 under paragraph (1)—

23 “(A) any powers or authorities exercised
 24 by reason of the emergency shall cease to be ex-
 25 ercised;

1 “(B) any amounts reprogrammed,
2 repurposed, or transferred under any provision
3 of law with respect to the emergency that re-
4 main unobligated on that date shall be returned
5 and made available for the purpose for which
6 such amounts were appropriated; and

7 “(C) any contracts entered into under any
8 provision of law relating to the emergency shall
9 be terminated.

10 **“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMER-**
11 **GENCIES.**

12 “(a) JOINT RESOLUTION OF APPROVAL AND JOINT
13 RESOLUTIONS OF TERMINATION DEFINED.—In this sec-
14 tion, the term ‘joint resolution of approval or joint resolu-
15 tion of termination’ means a joint resolution that does not
16 have a preamble and that contains only the following pro-
17 visions after its resolving clause:

18 “(1) A provision approving one or more—

19 “(A) proclamations of national emergency
20 made under section 201(a);

21 “(B) Executive orders issued under section
22 201(b)(2); or

23 “(C) Executive orders issued under section
24 202(b).

1 “(2) A provision approving a list of all or a por-
2 tion of the provisions of law specified by the Presi-
3 dent under section 201(b) in the proclamations or
4 Executive orders that are the subject of the joint
5 resolution.

6 “(b) JOINT RESOLUTION OF TERMINATION DE-
7 FINED.—In this section, the term ‘joint resolution of ter-
8 mination’ means a resolution introduced in the House or
9 Senate to terminate—

10 “(1) a national emergency declared under this
11 Act; or

12 “(2) the exercise of any authorities pursuant to
13 that emergency.

14 “(c) PROCEDURES FOR CONSIDERATION OF JOINT
15 RESOLUTIONS OF APPROVAL AND JOINT RESOLUTIONS
16 OF TERMINATION.—

17 “(1) INTRODUCTION.—After the President
18 transmits to Congress a proclamation declaring a
19 national emergency under section 201(a), or an Ex-
20 ecutive order specifying emergency powers or au-
21 thorities under section 201(b)(2) or renewing a na-
22 tional emergency under section 202(b), a joint reso-
23 lution of approval or joint resolution of termination
24 may be introduced in either House of Congress by
25 any member of that House.

1 “(2) CONSIDERATION IN SENATE.—In the Sen-
2 ate, the following shall apply:

3 “(A) COMMITTEE REFERRAL.—A joint res-
4 olution of approval or joint resolution of termi-
5 nation shall be referred to the appropriate com-
6 mittee or committees.

7 “(B) REPORTING AND DISCHARGE.—If the
8 committee to which a joint resolution of ap-
9 proval or joint resolution of termination has
10 been referred has not reported it at the end of
11 10 calendar days after its introduction, that
12 committee shall be discharged from further con-
13 sideration of the resolution and it shall be
14 placed on the calendar.

15 “(C) PROCEEDING TO CONSIDERATION.—
16 Notwithstanding Rule XXII of the Standing
17 Rules of the Senate, when a committee to which
18 a joint resolution of approval or joint resolution
19 of termination is referred has reported the reso-
20 lution, or when that committee is discharged
21 under subparagraph (B) from further consider-
22 ation of the resolution, it is at any time there-
23 after in order to move to proceed to the consid-
24 eration of the joint resolution, and all points of
25 order against the joint resolution (and against

1 the motion to proceed to the consideration of
2 the joint resolution) are waived. The motion to
3 proceed shall be debatable for 4 hours evenly
4 divided between proponents and opponents of
5 the joint resolution of approval or joint resolu-
6 tion of termination. The motion is not subject
7 to amendment, or to a motion to postpone, or
8 to a motion to proceed to the consideration of
9 other business. A motion to reconsider the vote
10 by which the motion is agreed to or disagreed
11 to shall not be in order. If a motion to proceed
12 to the consideration of a joint resolution of ap-
13 proval or joint resolution of termination is
14 agreed to, the joint resolution shall remain the
15 unfinished business of the Senate until disposed
16 of.

17 “(D) FLOOR CONSIDERATION.—There
18 shall be 10 hours of consideration on a joint
19 resolution of approval or joint resolution of ter-
20 mination, to be divided evenly between the pro-
21 ponents and opponents of the joint resolution.
22 Of that 10 hours, there shall be a total of 2
23 hours of debate on any debatable motions in
24 connection with the joint resolution, to be di-

1 vided evenly between the proponents and oppo-
2 nents of the joint resolution.

3 “(E) AMENDMENTS.—No amendments
4 shall be in order with respect to a joint resolu-
5 tion of approval or joint resolution of termi-
6 nation in the Senate.

7 “(F) MOTION TO RECONSIDER VOTE ON
8 PASSAGE.—A motion to reconsider a vote on
9 passage of a joint resolution of approval or joint
10 resolution of termination shall not be in order.

11 “(G) APPEALS.—Points of order and ap-
12 peals from the decision of the Presiding Officer
13 shall be decided without debate.

14 “(3) CONSIDERATION IN HOUSE OF REP-
15 RESENTATIVES.—In the House of Representatives,
16 the following shall apply:

17 “(A) REPORTING AND DISCHARGE.—If any
18 committee to which a joint resolution of ap-
19 proval or joint resolution of termination has
20 been referred has not reported it to the House
21 within seven legislative days after the date of
22 referral such committee shall be discharged
23 from further consideration of the joint resolu-
24 tion.

1 “(B)(I) PROCEEDING TO CONSIDER-
2 ATION.—Beginning on the third legislative day
3 after each committee to which a joint resolution
4 of approval or joint resolution of termination
5 has been referred reports it to the House or has
6 been discharged from further consideration
7 thereof, it shall be in order to move to proceed
8 to consider the joint resolution of approval or
9 joint resolution of termination in the House. All
10 points of order against the motion are waived.
11 Such a motion shall not be in order after the
12 House has disposed of another motion to pro-
13 ceed on the joint resolution of approval or joint
14 resolution of termination. The previous question
15 shall be considered as ordered on the motion to
16 its adoption without intervening motion. The
17 motion shall not be debatable. A motion to re-
18 consider the vote by which the motion is dis-
19 posed of shall not be in order.

20 “(ii) MOTION.—A motion to proceed to the
21 consideration of a joint resolution of approval of
22 an Executive order described in subsection
23 (a)(1) or a list described in subsection (a)(2)
24 shall not be in order prior to the enactment of
25 a joint resolution of approval of the proclama-

tion described in subsection (a)(1) that is the subject of such Executive order or list.

“(C) CONSIDERATION.—The joint resolution of approval or joint resolution of termination shall be considered as read. All points of order against the joint resolution of approval or joint resolution of termination and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution of approval or joint resolution of termination to final passage without intervening motion except two hours of debate equally divided and controlled by the sponsor of the joint resolution of approval or joint resolution of termination (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution of approval or joint resolution of termination shall not be in order.

“(4) COORDINATION WITH ACTION BY OTHER HOUSE.—

“(A) IN GENERAL.—If, before the passage by one House of a joint resolution of approval or joint resolution of termination of that House, that House receives from the other House a joint resolution of approval or joint resolution

1 of termination with regard to the same procla-
2 mation or Executive order, then the following
3 procedures shall apply:

4 “(I) The joint resolution of approval
5 or joint resolution of termination of the
6 other House shall not be referred to a com-
7 mittee.

8 “(ii) With respect to a joint resolution
9 of approval or joint resolution of termi-
10 nation of the House receiving the joint res-
11 olution—

12 “(I) the procedure in that House
13 shall be the same as if no joint resolu-
14 tion of approval or joint resolution of
15 termination had been received from
16 the other House; but

17 “(II) the vote on passage shall be
18 on the joint resolution of approval or
19 joint resolution of termination of the
20 other House.

21 “(iii) Upon the failure of passage of
22 the joint resolution of approval or joint
23 resolution of termination of the other
24 House, the question shall immediately
25 occur on passage of the joint resolution of

1 approval or joint resolution of termination
2 of the receiving House.

3 “(B) TREATMENT OF LEGISLATION OF
4 OTHER HOUSE.—If one House fails to introduce
5 a joint resolution of approval or joint resolution
6 of termination under this section, the joint reso-
7 lution of approval or joint resolution of termi-
8 nation of the other House shall be entitled to
9 expedited floor procedures under this section.

10 “(C) APPLICATION TO REVENUE MEAS-
11 URES.—The provisions of this paragraph shall
12 not apply in the House of Representatives to a
13 joint resolution of approval or joint resolution
14 of termination which is a revenue measure.

15 “(5) TREATMENT OF VETO MESSAGE.—Debate
16 on a veto message in the Senate under this section
17 shall be 1 hour evenly divided between the majority
18 and minority leaders or their designees.

19 “(d) RULE OF CONSTRUCTION.—The enactment of a
20 joint resolution of approval or joint resolution of termi-
21 nation under this section shall not be interpreted to serve
22 as a grant or modification by Congress of statutory au-
23 thority for the emergency powers of the President.

24 “(e) RULES OF THE HOUSE AND SENATE.—This sec-
25 tion is enacted by Congress—

1 “(1) as an exercise of the rulemaking power of
2 the Senate and the House of Representatives, re-
3 spectively, and as such is deemed a part of the rules
4 of each House, respectively, but applicable only with
5 respect to the procedure to be followed in the House
6 in the case of joint resolutions described in this sec-
7 tion, and supersedes other rules only to the extent
8 that it is inconsistent with such other rules; and

9 “(2) with full recognition of the constitutional
10 right of either House to change the rules (so far as
11 relating to the procedure of that House) at any time,
12 in the same manner, and to the same extent as in
13 the case of any other rule of that House.

14 **“SEC. 204. BAR ON PERMANENT EMERGENCIES.**

15 “(a) IN GENERAL.—Any national emergency declared
16 by the President under section 201(a), and not otherwise
17 terminated, shall automatically terminate on the date that
18 is 5 years after the date of its declaration.

19 “(b) EMERGENCIES ALREADY IN EFFECT.—Any na-
20 tional emergency declaration that remains in force as of
21 the date of the enactment of this section and—

22 “(1) has been in effect for 3 years or fewer as
23 of such date, shall automatically terminate on the
24 date that is 5 years after the date of the enactment
25 of this section; or

1 “(2) has been in effect for more than 3 years
2 as of such date, shall automatically terminate on the
3 date that is 2 years after the date of the enactment
4 of this section.

5 “(c) EFFECT OF TERMINATION.—If a national emer-
6 gency declaration terminates pursuant to this section, no
7 emergency may subsequently be declared based on sub-
8 stantially the same circumstances.

9 **“SEC. 205. EXCLUSION OF CERTAIN NATIONAL EMER-**
10 **GENCIES INVOKING INTERNATIONAL EMER-**
11 **GENCY ECONOMIC POWERS ACT.**

12 “(a) IN GENERAL.—In the case of a national emer-
13 gency described in subsection (b), the provisions of the
14 National Emergencies Act, as in effect on the day before
15 the date of the enactment of the Congressional Power of
16 the Purse Act, shall continue to apply on and after such
17 date of enactment.

18 “(b) NATIONAL EMERGENCY DESCRIBED.—

19 “(1) IN GENERAL.—A national emergency de-
20 scribed in this subsection is a national emergency
21 pursuant to which the President proposes to exercise
22 emergency powers or authorities made available
23 under the International Emergency Economic Pow-
24 ers Act (50 U.S.C. 1701 et seq.), supplemented as

1 necessary by a provision of law specified in para-
2 graph (2).

3 “(2) PROVISIONS OF LAW SPECIFIED.—The
4 provisions of law specified in this paragraph are—

5 “(A) the United Nations Participation Act
6 of 1945 (22 U.S.C. 287 et seq.);

7 “(B) section 212(f) of the Immigration
8 and Nationality Act (8 U.S.C. 1182(f)); or

9 “(C) any provision of law that authorizes
10 the implementation, imposition, or enforcement
11 of economic sanctions with respect to a foreign
12 country.

13 “(c) EFFECT OF ADDITIONAL POWERS AND AU-
14 THORITIES.—Subsection (a) shall not apply to a national
15 emergency or the exercise of emergency powers and au-
16 thorities pursuant to the national emergency if, in addition
17 to the exercise of emergency powers and authorities de-
18 scribed in subsection (b), the President proposes to exer-
19 cise, pursuant to the national emergency, any emergency
20 powers and authorities under any other provision of law.”.

21 (b) REPORTING REQUIREMENTS.—Section 401 of the
22 National Emergencies Act (50 U.S.C. 1641) is amended
23 by adding at the end the following:

24 “(d) REPORT ON EMERGENCIES.—The President
25 shall transmit to Congress, with any proclamation declar-

1 ing a national emergency under section 201(a) or any Ex-
2 ecutive order specifying emergency powers or authorities
3 under section 201(b)(2) or renewing a national emergency
4 under section 202(b), a report, in writing, that includes
5 the following:

6 “(1) A description of the circumstances necessi-
7 tating the declaration of a national emergency, the
8 renewal of such an emergency, or the use of a new
9 emergency authority specified in the Executive
10 order, as the case may be.

11 “(2) The estimated duration of the national
12 emergency, or a statement that the duration of the
13 national emergency cannot reasonably be estimated
14 at the time of transmission of the report.

15 “(3) A summary of the actions the President or
16 other officers intend to take, including any re-
17 programming or transfer of funds and any contracts
18 anticipated to be entered into, and the statutory au-
19 thorities the President and such officers expect to
20 rely on in addressing the national emergency.

21 “(4) In the case of a renewal of a national
22 emergency, a summary of the actions the President
23 or other officers have taken in the preceding one-
24 year period, including any reprogramming or trans-
25 fer of funds, to address the emergency.

1 “(e) PROVISION OF INFORMATION TO CONGRESS.—
2 The President shall provide to Congress such other infor-
3 mation as Congress may request in connection with any
4 national emergency in effect under title II.

5 “(f) PERIODIC REPORTS ON STATUS OF EMER-
6 GENCIES.—If the President declares a national emergency
7 under section 201(a), the President shall, not less fre-
8 quently than every 3 months for the duration of the emer-
9 gency, report to Congress on the status of the emergency
10 and the actions the President or other officers have taken
11 and authorities the President and such officers have relied
12 on in addressing the emergency.”.

13 (c) CONFORMING AMENDMENTS.—

14 (1) NATIONAL EMERGENCIES ACT.—Title III of
15 the National Emergencies Act (50 U.S.C. 1631) is
16 repealed.

17 (2) INTERNATIONAL EMERGENCY ECONOMIC
18 POWERS ACT.—Section 207 of the International
19 Emergency Economic Powers Act (50 U.S.C. 1706)
20 is amended by adding at the end the following:

21 “(c) In this section, the term ‘National Emergencies
22 Act’ means the National Emergencies Act, as in effect on
23 the day before the date of the enactment of the Congres-
24 sional Power of the Purse Act.”.

25 (d) EFFECTIVE DATE; APPLICABILITY.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), this section and the amendments made by
3 this section shall take effect upon enactment and
4 apply with respect to national emergencies declared
5 under section 201 of the National Emergencies Act
6 on or after that date.

7 (2) APPLICABILITY TO RENEWALS OF EXISTING
8 EMERGENCIES.—When a national emergency de-
9 clared under section 201 of the National Emer-
10 gencies Act before the date of the enactment of the
11 Congressional Power of the Purse Act would expire
12 or be renewed under section 202(d) of that Act (as
13 in effect on the day before such date of enactment),
14 that national emergency shall be subject to the re-
15 quirements for renewal under section 202(b) of that
16 Act, as amended by subsection (a).

17 **SEC. 532. NATIONAL EMERGENCIES ACT DECLARATION**
18 **SPENDING REPORTING IN THE PRESIDENT’S**
19 **BUDGET.**

20 Section 1105(a) of title 31, United States Code, as
21 amended by section 514, is further amended by adding
22 at the end the following:

23 “(44)(A) a report on the proposed, planned,
24 and actual obligations and expenditures of funds (for
25 the prior fiscal year, the current fiscal year, and the

1 fiscal years for which the budget is submitted) at-
2 tributable to the exercise of powers and authorities
3 made available by statute for each national emer-
4 gency declared by the President, currently active or
5 in effect during the applicable fiscal years.

6 “(B) Obligations and expenditures contained in
7 the report under subparagraph (A) shall be orga-
8 nized by Treasury Appropriation Fund Symbol or
9 fund account and by program, project, and activity,
10 and include—

11 “(I) a description of each such program,
12 project, and activity;

13 “(ii) the authorities under which such
14 funding actions are taken; and

15 “(iii) the purpose and progress of such ob-
16 ligations and expenditures toward addressing
17 the applicable national emergency.

18 “(C) Such report shall include, with respect to
19 any transfer, reprogramming, or repurposing of
20 funds to address the applicable national emer-
21 gency—

22 “(I) the amount of such transfer, re-
23 programming, or repurposing;

24 “(ii) the authority authorizing each such
25 transfer, reprogramming, or repurposing; and

1 “(iii) a description of programs, projects,
2 and activities affected by such transfer, re-
3 programming, or repurposing, including by a
4 reduction in funding.”.

5 **SEC. 533. DISCLOSURE TO CONGRESS OF PRESIDENTIAL**
6 **EMERGENCY ACTION DOCUMENTS.**

7 (a) IN GENERAL.—Not later than 30 days after the
8 conclusion of the process for approval, adoption, or revi-
9 sion of any presidential emergency action document, the
10 President shall submit that document to the appropriate
11 congressional committees.

12 (b) DOCUMENTS IN EXISTENCE BEFORE DATE OF
13 ENACTMENT.—Not later than 15 days after the date of
14 the enactment of this Act, the President shall submit to
15 the appropriate congressional committees all presidential
16 emergency action documents in existence before such date
17 of enactment.

18 (c) DEFINITIONS.—In this section:

19 (1) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees”, with respect to a presidential emergency
22 action document submitted under subsection (a) or
23 (b), means—

24 (A) the Committee on Homeland Security
25 and Governmental Affairs, the Committee on

1 the Judiciary, and the Select Committee on In-
2 telligence of the Senate;

3 (B) the Committee on Oversight and Re-
4 form, the Committee on the Judiciary, and the
5 Permanent Select Committee on Intelligence of
6 the House of Representatives; and

7 (C) any other committee of the Senate or
8 the House of Representatives with jurisdiction
9 over the subject matter addressed in the presi-
10 dential emergency action document.

11 (2) PRESIDENTIAL EMERGENCY ACTION DOCU-
12 MENT.—The term “presidential emergency action
13 document” refers to—

14 (A) each of the approximately 56 docu-
15 ments described as presidential emergency ac-
16 tion documents in the budget justification mate-
17 rials for the Office of Legal Counsel of the De-
18 partment of Justice submitted to Congress in
19 support of the budget of the President for fiscal
20 year 2018; and

21 (B) any other pre-coordinated legal docu-
22 ment in existence before, on, or after the date
23 of the enactment of this Act, that—

24 (I) is designated as a presidential
25 emergency action document; or

1 (ii) is designed to implement a presi-
2 dential decision or transmit a presidential
3 request when an emergency disrupts nor-
4 mal governmental or legislative processes.

5 **SEC. 534. CONGRESSIONAL DESIGNATIONS.**

6 (a) REPEAL OF OVERSEAS CONTINGENCY OPER-
7 ATIONS/GLOBAL WAR ON TERRORISM DESIGNATION.—
8 Section 251(b)(2)(A) of the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A))
10 is amended—

11 (1) in the subparagraph heading, by striking “;
12 OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR
13 ON TERRORISM”; and

14 (2) by striking “that—” and all that follows
15 through the period at the end and inserting the fol-
16 lowing: “that the Congress designates as emergency
17 requirements in statute, the adjustment shall be the
18 total of such appropriations in discretionary ac-
19 counts designated as emergency requirements.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall take effect on the later of October 1,
22 2021 or the date of enactment of this Act.

1 **TITLE VI—SECURITY FROM PO-**
2 **LITICAL INTERFERENCE IN**
3 **JUSTICE**

4 **SEC. 601. SHORT TITLE.**

5 This title may be cited as the “Security from Political
6 Interference in Justice Act of 2020”.

7 **SEC. 602. DEFINITIONS.**

8 In this title:

9 (1) **COMMUNICATIONS LOG.**—The term “com-
10 munications log” means the log required to be main-
11 tained under section 603(a).

12 (2) **COVERED COMMUNICATION.**—

13 (A) **IN GENERAL.**—The term “covered
14 communication” means any communication re-
15 lating to any contemplated or ongoing investiga-
16 tion or litigation conducted by the Department
17 of Justice in any civil or criminal matter (re-
18 gardless of whether a civil action or criminal in-
19 dictment or information has been filed); and

20 (B) **EXCEPTIONS.**—The term does not in-
21 clude a communication that is any of the fol-
22 lowing:

23 (I) A communication that involves
24 contact between the President, the Vice
25 President, the Counsel to the President, or

1 the Principal Deputy Counsel to the Presi-
2 dent, and the Attorney General, the Dep-
3 uty Attorney General, or the Associate At-
4 torney General, except to the extent that
5 the communication concerns a con-
6 templated or ongoing investigation or liti-
7 gation in which a target or subject is one
8 of the following:

9 (I) The President, the Vice Presi-
10 dent, or a member of the immediate
11 family of the President or Vice Presi-
12 dent.

13 (II) Any individual working in
14 the Executive Office of the President
15 who is compensated at a rate of pay
16 at or above level II of the Executive
17 Schedule under section 5313 of title
18 5, United States Code.

19 (III) The current or former chair
20 or treasurer of any national campaign
21 committee that sought the election or
22 seeks the reelection of the President,
23 or any officer of such a committee ex-
24 ercising authority at the national

1 level, during the tenure in office of the
2 President.

3 (ii) A communication that involves
4 contact between an officer or employee of
5 the Department of Justice and an officer
6 or employee of the Executive Office of the
7 President on a particular matter, if any of
8 the President, the Vice President, the
9 Counsel to the President, or the Principal
10 Deputy Counsel to the President, and if
11 any of the Attorney General, the Deputy
12 Attorney General, or the Associate Attor-
13 ney General have designated a subordinate
14 to carry on such contact, and the person so
15 designating monitors all subsequent com-
16 munications and the person designated
17 keeps the designating person informed of
18 each such communication, except to the ex-
19 tent that the communication concerns a
20 contemplated or ongoing investigation or
21 litigation in which a target or subject is
22 one of the following:

23 (I) The President, the Vice Presi-
24 dent, or a member of the immediate

1 family of the President or Vice Presi-
2 dent.

3 (II) Any individual working in
4 the Executive Office of the President
5 who is compensated at a rate of pay
6 at or above level II of the Executive
7 Schedule under section 5313 of title
8 5, United States Code.

9 (III) The current or former chair
10 or treasurer of any national campaign
11 committee that sought the election or
12 seeks the reelection of the President,
13 or any officer of such a committee ex-
14 ercising authority at the national
15 level, during the tenure in office of the
16 President.

17 (iii) A communication that involves
18 contact from or to the Deputy Counsel to
19 the President for National Security Af-
20 fairs, the staff of the National Security
21 Council, and the staff of the Homeland Se-
22 curity Council that relates to a national se-
23 curity matter, except to the extent that the
24 communication concerns a pending adver-

1 sary case in litigation that may have na-
2 tional security implications.

3 (iv) A communication that involves
4 contact between the Office of the Pardon
5 Attorney of the Department of Justice and
6 the Counsel to the President or the Deputy
7 Counsels to the President relating to par-
8 don matters.

9 (v) A communication that relates sole-
10 ly to policy, appointments, legislation, rule-
11 making, budgets, public relations or af-
12 fairs, programmatic matters, intergovern-
13 mental relations, administrative or per-
14 sonnel matters, appellate litigation, or re-
15 quests for legal advice.

16 (3) IMMEDIATE FAMILY.—The term “immediate
17 family of the President or Vice President” means
18 those persons to whom the President or Vice Presi-
19 dent—

20 (A) is related by blood, marriage, or adop-
21 tion; or

22 (B) stands in loco parentis.

23 **SEC. 603. COMMUNICATIONS LOGS.**

24 (a) IN GENERAL.—The Attorney General shall main-
25 tain a log of covered communications.

1 (b) CONTENTS.—A communications log shall include,
2 with respect to a covered communication—

3 (1) the name and title of each officer or em-
4 ployee of the Department of Justice or the Executive
5 Office of the President who participated in the cov-
6 ered communication;

7 (2) the topic of the covered communication; and

8 (3) a statement describing the purpose and ne-
9 cessity of the covered communication.

10 (c) OVERSIGHT.—

11 (1) PERIODIC DISCLOSURE OF LOGS.—Not later
12 than January 30, April 30, July 30, and October 30
13 of each year, the Attorney General shall submit to
14 the Office of the Inspector General of the Depart-
15 ment of Justice a report containing the communica-
16 tions log for the 3-month period preceding that Jan-
17 uary, April, July, or October.

18 (2) NOTICE OF INAPPROPRIATE OR IMPROPER
19 COMMUNICATIONS.—The Office of the Inspector
20 General of the Department of Justice shall—

21 (A) review each communications log re-
22 ceived under paragraph (1)(A); and

23 (B) notify the Committee on the Judiciary
24 of the House of Representatives and the Com-
25 mittee on the Judiciary of the Senate if the In-

1 spectator General determines that a covered com-
 2 munication described in the communications
 3 log—

4 (I) is inappropriate from a law en-
 5 forcement perspective; or

6 (ii) raises concerns about improper
 7 political interference.

8 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
 9 tion may be construed to limit the valid written assertion
 10 by the President of presidential communications privilege
 11 with regard to any material required to be submitted
 12 under this section.

13 **SEC. 604. RULE OF CONSTRUCTION.**

14 Nothing in this title may be construed to affect any
 15 requirement to report pursuant to title I of this Act, or
 16 the amendments made by that title.

17 **TITLE VII—PROTECTING IN-**
 18 **SPECTOR GENERAL INDE-**
 19 **PENDENCE**

20 **Subtitle A—Requiring Cause for**
 21 **Removal**

22 **SEC. 701. SHORT TITLE.**

23 This subtitle may be cited as the “Inspector General
 24 Independence Act”.

1 **SEC. 702. AMENDMENT.**

2 The Inspector General Act of 1978 (5 U.S.C. App.)
3 is amended—

4 (1) in section 3(b)—

5 (A) by striking “An Inspector General”
6 and inserting “(1) An Inspector General”;

7 (B) by inserting after “by the President”
8 the following: “in accordance with paragraph
9 (2)”; and

10 (C) by inserting at the end the following
11 new paragraph:

12 “(2) The President may remove an Inspector General
13 only for any of the following grounds (and the documenta-
14 tion of any such ground shall be included in the commu-
15 nication required pursuant to paragraph (1)):

16 “(A) Documented permanent incapacity.

17 “(B) Documented neglect of duty.

18 “(C) Documented malfeasance.

19 “(D) Documented conviction of a felony or con-
20 duct involving moral turpitude.

21 “(E) Documented knowing violation of a law or
22 regulation.

23 “(F) Documented gross mismanagement.

24 “(G) Documented gross waste of funds.

25 “(H) Documented abuse of authority.

26 “(I) Documented inefficiency.”; and

1 (2) in section 8G(e)(2), by adding at the end
2 the following new sentence: “An Inspector General
3 may be removed only for any of the following
4 grounds (and the documentation of any such ground
5 shall be included in the communication required pur-
6 suant to this paragraph):

7 “(A) Documented permanent incapacity.

8 “(B) Documented neglect of duty.

9 “(C) Documented malfeasance.

10 “(D) Documented conviction of a felony or con-
11 duct involving moral turpitude.

12 “(E) Documented knowing violation of a law or
13 regulation.

14 “(F) Documented gross mismanagement.

15 “(G) Documented gross waste of funds.

16 “(H) Documented abuse of authority.

17 “(I) Documented inefficiency.”.

18 **SEC. 703. REMOVAL OR TRANSFER REQUIREMENTS.**

19 (a) REASONS FOR REMOVAL OR TRANSFER.—Section
20 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.),
21 as amended by section 702, is further amended—

22 (1) in paragraph (1), by striking “reasons” and
23 inserting “substantive rationale, including detailed
24 and case-specific reasons,”; and

1 (2) by inserting at the end the following new
2 paragraph:

3 “(3) If there is an open or completed inquiry
4 into an Inspector General that relates to the removal
5 or transfer of the Inspector General under para-
6 graph (1), the written communication required
7 under that paragraph shall—

8 “(A) identify each entity that is con-
9 ducting, or that conducted, the inquiry; and

10 “(B) in the case of a completed inquiry,
11 contain the findings made during the inquiry.”.

12 (b) REASONS FOR REMOVAL OR TRANSFER FOR DES-
13 IGNATED FEDERAL ENTITIES.—Section 8G(e) of the In-
14 spector General Act of 1978 (5 U.S.C. App.) is amend-
15 ed—

16 (1) in paragraph (2), by striking “reasons” and
17 inserting “substantive rationale, including detailed
18 and case-specific reasons,”; and

19 (2) by inserting at the end the following new
20 paragraph:

21 “(3) If there is an open or completed inquiry
22 into an Inspector General that relates to the removal
23 or transfer of the Inspector General under para-
24 graph (2), the written communication required
25 under that paragraph shall—

1 “(A) identify each entity that is con-
2 ducting, or that conducted, the inquiry; and

3 “(B) in the case of a completed inquiry,
4 contain the findings made during the inquiry.”.

5 **Subtitle B—Inspectors General of**
6 **Intelligence Community**

7 **SEC. 711. INDEPENDENCE OF INSPECTORS GENERAL OF**
8 **THE INTELLIGENCE COMMUNITY.**

9 (a) IN GENERAL.—The National Security Act of
10 1947 (50 U.S.C. 3001 et seq.) is amended by adding at
11 the end the following new title:

12 **“TITLE XII—MATTERS REGARD-**
13 **ING INSPECTORS GENERAL**
14 **OF ELEMENTS OF THE INTEL-**
15 **LIGENCE COMMUNITY**

16 **“Subtitle A—Inspectors General**

17 **“SEC. 1201. INDEPENDENCE OF INSPECTORS GENERAL.**

18 “(a) REMOVAL.—A covered Inspector General may be
19 removed from office only by the head official. The head
20 official may remove a covered Inspector General only for
21 any of the following grounds:

22 “(1) Documented permanent incapacity.

23 “(2) Documented neglect of duty.

24 “(3) Documented malfeasance.

1 “(4) Documented conviction of a felony or con-
2 duct involving moral turpitude.

3 “(5) Documented knowing violation of a law or
4 regulation.

5 “(6) Documented gross mismanagement.

6 “(7) Documented gross waste of funds.

7 “(8) Documented abuse of authority.

8 “(9) Documented Inefficiency.

9 “(b) ADMINISTRATIVE LEAVE.—A covered Inspector
10 General may be placed on administrative leave only by the
11 head official. The head official may place a covered Inspec-
12 tor General on administrative leave only for any of the
13 grounds specified in subsection (a).

14 “(c) NOTIFICATION.—The head official may not re-
15 move a covered Inspector General under subsection (a) or
16 place a covered Inspector General on administrative leave
17 under subsection (b) unless—

18 “(1) the head official transmits in writing to
19 the appropriate congressional committees a notifica-
20 tion of such removal or placement, including an ex-
21 planation of the documented grounds specified in
22 subsection (a) for such removal or placement; and

23 “(2) with respect to the removal of a covered
24 Inspector General, a period of 30 days elapses fol-
25 lowing the date of such transmittal.

1 “(d) REPORT.—Not later than 30 days after the date
2 on which the head official notifies a covered Inspector
3 General of being removed under subsection (a) or placed
4 on administrative leave under subsection (b), the office of
5 that Inspector General shall submit to the appropriate
6 congressional committees a report containing—

7 “(1) a description of the facts and cir-
8 cumstances of any pending complaint, investigation,
9 inspection, audit, or other review or inquiry, includ-
10 ing any information, allegation, or complaint re-
11 ported to the Attorney General in accordance with
12 section 535 of title 28, United States Code, that the
13 Inspector General was working on as of the date of
14 such removal or placement; and

15 “(2) any other significant matter that the office
16 of the Inspector General determines appropriate.

17 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to prohibit a personnel action of
19 a covered Inspector General otherwise authorized by law,
20 other than transfer or removal.

21 “(f) DEFINITIONS.—In this section:

22 “(1) ADMINISTRATIVE LEAVE.—The term ‘ad-
23 ministrative leave’ includes any other type of paid or
24 unpaid non-duty status.

1 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term ‘appropriate congressional com-
3 mittees’ means—

4 “(A) the congressional intelligence commit-
5 tees; and

6 “(B) the Committee on Oversight and Re-
7 form of the House of Representatives and the
8 Committee on Homeland Security and Govern-
9 mental Affairs of the Senate.

10 “(3) HEAD OFFICIAL.—The term ‘head official’
11 means—

12 “(A) with respect to the position of a cov-
13 ered Inspector General that requires appoint-
14 ment by the President, by and with the advice
15 and consent of the Senate, the President; and

16 “(B) with respect to the position of a cov-
17 ered Inspector General that requires appoint-
18 ment by a head of a department or agency of
19 the Federal Government, the head of such de-
20 partment or agency.”.

21 (b) DEFINITION.—Section 3 of such Act (50 U.S.C.
22 3003) is amended by adding at the end the following new
23 paragraph:

24 “(8) The term ‘covered Inspector General’
25 means each of the following:

1 “(A) The Inspector General of the Intel-
2 ligence Community.

3 “(B) The Inspector General of the Central
4 Intelligence Agency.

5 “(C) The Inspector General of the Defense
6 Intelligence Agency.

7 “(D) The Inspector General of the Na-
8 tional Reconnaissance Office.

9 “(E) The Inspector General of the Na-
10 tional Geospatial-Intelligence Agency.

11 “(F) The Inspector General of the Na-
12 tional Security Agency.”.

13 (c) CLERICAL AMENDMENTS.—The table of sections
14 at the beginning of the National Security Act of 1947 is
15 amended by adding after the items relating to title XI the
16 end the following new items:

 “TITLE XII—MATTERS REGARDING INSPECTORS GENERAL OF
 ELEMENTS OF THE INTELLIGENCE COMMUNITY

 “SUBTITLE A—INSPECTORS GENERAL

 “Sec. 1201. Independence of Inspectors General.”.

17 **SEC. 712. AUTHORITY OF INSPECTORS GENERAL OF THE**
18 **INTELLIGENCE COMMUNITY TO DETERMINE**
19 **MATTERS OF URGENT CONCERN.**

20 (a) DETERMINATION.—

21 (1) IN GENERAL.—Title XII of the National Se-
22 curity Act of 1947, as added by section 711, is

1 amended by inserting after section 1201 the fol-
2 lowing new section:

3 **“SEC. 1203. DETERMINATION OF MATTERS OF URGENT**
4 **CONCERN.**

5 “(a) DETERMINATION.—Each covered Inspector
6 General shall have sole authority to determine whether any
7 complaint or information reported to the Inspector Gen-
8 eral is a matter of urgent concern. Such determination is
9 final and conclusive.

10 “(b) FOREIGN INTERFERENCE IN ELECTIONS.—In
11 addition to any other matter which is considered an urgent
12 concern pursuant to section 103H(k)(5)(G), section
13 17(d)(5)(G) of the Central Intelligence Agency Act of
14 1949 (50 U.S.C. 3517(d)(5)(G)), or other applicable pro-
15 vision of law, the term ‘urgent concern’ includes a serious
16 or flagrant problem, abuse, violation of law or Executive
17 order, or deficiency relating to foreign interference in elec-
18 tions in the United States.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of the National Security Act
21 of 1947 is amended by inserting after the item relat-
22 ing to section 1201, as added by section 711, the
23 following new item:

“Sec. 1203. Determination of matters of urgent concern.”.

24 (b) CONFORMING AMENDMENTS.—

1 (1) INTELLIGENCE COMMUNITY.—Section
2 103H(k)(5)(G) of the National Security Act of 1947
3 (50 U.S.C. 3033(k)(5)(G)) is amended by striking
4 “In this paragraph” and inserting “In accordance
5 with section 1203, in this paragraph”.

6 (2) CENTRAL INTELLIGENCE AGENCY.—Section
7 17(d)(5)(G) of the Central Intelligence Agency Act
8 of 1949 (50 U.S.C. 3517(d)(5)(G)) is amended by
9 striking “In this paragraph” and inserting “In ac-
10 cordance with section 1203 of the National Security
11 Act of 1947, in this paragraph”.

12 (c) REPORTS ON UNRESOLVED DIFFERENCES.—
13 Paragraph (3) of section 103H(k) of the National Security
14 Act of 1947 (50 U.S.C. 3033(k)) is amended by adding
15 at the end the following new subparagraph:

16 “(C) With respect to each report submitted pursuant
17 to subparagraph (A)(I), the Inspector General shall in-
18 clude in the report, at a minimum—

19 “(I) a general description of the unresolved dif-
20 ferences, the particular duties or responsibilities of
21 the Inspector General involved, and, if such dif-
22 ferences relate to a complaint or information under
23 paragraph (5), a description of the complaint or in-
24 formation and the entities or individuals identified in
25 the complaint or information; and

1 “(ii) to the extent such differences can be at-
2 tributed not only to the Director but also to any
3 other official, department, agency, or office within
4 the executive branch, or a component thereof, the ti-
5 tles of such official, department, agency, or office.”.

6 (d) CLARIFICATION OF ROLE OF DIRECTOR OF NA-
7 TIONAL INTELLIGENCE.—Section 102A(f)(1) of such Act
8 (50 U.S.C. 3024(f)(1)) is amended—

9 (1) by redesignating subparagraph (B) as sub-
10 paragraph (C); and

11 (2) by inserting after subparagraph (A) the fol-
12 lowing new subparagraph:

13 “(B) The authority of the Director of National
14 Intelligence under subparagraph (A) includes coordi-
15 nating and supervising activities undertaken by ele-
16 ments of the intelligence community for the purpose
17 of protecting the United States from any foreign in-
18 terference in elections in the United States.”.

19 **SEC. 713. CONFORMING AMENDMENTS AND COORDINATION**
20 **WITH OTHER PROVISIONS OF LAW.**

21 (a) INTELLIGENCE COMMUNITY.—Paragraph (4) of
22 section 103H(c) of the National Security Act of 1947 (50
23 U.S.C. 3033(c)) is amended to read as follows:

24 “(4) The provisions of title XII shall apply to the In-
25 specter General with respect to the removal of the Inspec-

1 tor General and any other matter relating to the Inspector
 2 General as specifically provided for in such title.”.

3 (b) CENTRAL INTELLIGENCE AGENCY.—Paragraph
 4 (6) of section 17(b) of the Central Intelligence Agency Act
 5 of 1949 (50 U.S.C. 3517(b)) is amended to read as fol-
 6 lows:

7 “(6) The provisions of title XII of the National Secu-
 8 rity Act of 1947 shall apply to the Inspector General with
 9 respect to the removal of the Inspector General and any
 10 other matter relating to the Inspector General as specifi-
 11 cally provided for in such title.”.

12 (c) OTHER ELEMENTS.—

13 (1) IN GENERAL.—Title XII of the National Se-
 14 curity Act of 1947, as added by section 711, is fur-
 15 ther amended by inserting after section 1203, as
 16 added by section 712(a), the following new section:

17 **“SEC. 1205. COORDINATION WITH OTHER PROVISIONS OF**
 18 **LAW.**

19 “No provision of law that is inconsistent with any
 20 provision of this title shall be considered to supersede, re-
 21 peal, or otherwise modify a provision of this title unless
 22 such other provision of law specifically cites a provision
 23 of this title in order to supersede, repeal, or otherwise
 24 modify that provision of this title.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of the National Security Act
 3 of 1947 is amended by inserting after the item relat-
 4 ing to section 1203, as added by section 713, the
 5 following new item:

“Sec. 1205. Coordination with other provisions of law.”.

6 **Subtitle C—Congressional**
 7 **Notification**

8 **SEC. 721. SHORT TITLE.**

9 This subtitle may be cited as the “Inspector General
 10 Protection Act”.

11 **SEC. 722. CHANGE IN STATUS OF INSPECTOR GENERAL OF-**
 12 **FICES.**

13 (a) CHANGE IN STATUS OF INSPECTOR GENERAL OF
 14 OFFICE.—Paragraph (1) of section 3(b) of the Inspector
 15 General Act of 1978 (5 U.S.C. App.) is amended—

16 (1) by inserting “, is placed on paid or unpaid
 17 non-duty status,” after “is removed from office”;

18 (2) by inserting “, change in status,” after
 19 “any such removal”; and

20 (3) by inserting “, change in status,” after “be-
 21 fore the removal”.

22 (b) CHANGE IN STATUS OF INSPECTOR GENERAL OF
 23 DESIGNATED FEDERAL ENTITY.—Section 8G(e)(2) of the
 24 Inspector General Act of 1978 (5 U.S.C. App.) is amend-
 25 ed—

1 (1) by inserting “, is placed on paid or unpaid
2 non-duty status,” after “office”;

3 (2) by inserting “, change in status,” after
4 “any such removal”; and

5 (3) by inserting “, change in status,” after “be-
6 fore the removal”.

7 (c) EXCEPTION TO REQUIREMENT TO SUBMIT COM-
8 MUNICATION RELATING TO CERTAIN CHANGES IN STA-
9 TUS.—

10 (1) COMMUNICATION RELATING TO CHANGE IN
11 STATUS OF INSPECTOR GENERAL OF OFFICE.—Sec-
12 tion 3(b) of the Inspector General Act of 1978 (5
13 U.S.C. App.), as amended by section 702(1), is fur-
14 ther amended—

15 (A) in paragraph (1), by striking “If” and
16 inserting “Except as provided in paragraph (4),
17 if”; and

18 (B) by adding at the end the following:

19 “(4) If an Inspector General is placed on paid
20 or unpaid non-duty status, the President may sub-
21 mit the communication described in paragraph (1)
22 to Congress later than 30 days before the Inspector
23 General is placed on paid or unpaid non-duty status,
24 but in any case not later than the date on which the
25 placement takes effect, if—

1 “(A) the President determines that a delay
2 in placing the Inspector General on paid or un-
3 paid non-duty status would—

4 “(I) pose a threat to the Inspector
5 General or others;

6 “(ii) result in the destruction of evi-
7 dence relevant to an investigation; or

8 “(iii) result in loss of or damage to
9 Government property;

10 “(B) in the communication, the President
11 includes—

12 “(I) a specification of which clause
13 the President relied on to make the deter-
14 mination under subparagraph (A);

15 “(ii) the substantive rationale, includ-
16 ing detailed and case-specific reasons, for
17 such determination;

18 “(iii) if the President relied on an in-
19 quiry to make such determination, an iden-
20 tification of each entity that is conducting,
21 or that conducted, such inquiry; and

22 “(iv) if an inquiry described in clause
23 (iii) is completed, the findings of that in-
24 quiry.

1 “(5) The President may not place an Inspector
2 General on paid or unpaid non-duty status during
3 the 30-day period preceding the date on which the
4 Inspector General is removed or transferred under
5 paragraph (1) unless the President—

6 “(A) determines that not placing the In-
7 specter General on paid or unpaid non-duty sta-
8 tus would—

9 “(I) pose a threat to the Inspector
10 General or others;

11 “(ii) result in the destruction of evi-
12 dence relevant to an investigation; or

13 “(iii) result in loss of or damage to
14 Government property; and

15 “(B) on or before the date on which the
16 placement takes effect, submits to the Com-
17 mittee in the House of Representatives and the
18 Committee in the Senate that has jurisdiction
19 over the Inspector General involved, the Com-
20 mittee on Oversight and Reform of the House
21 of Representatives, and the Committee on
22 Homeland Security and Governmental Affairs
23 of the Senate, a written communication that
24 contains the following information—

1 “(I) a specification of which clause
 2 under subparagraph (A) the President re-
 3 lied on to make the determination under
 4 such subparagraph;

5 “(ii) the substantive rationale, includ-
 6 ing detailed and case-specific reasons, for
 7 such determination;

8 “(iii) if the President relied on an in-
 9 quiry to make such determination, an iden-
 10 tification of each entity that is conducting,
 11 or that conducted, such inquiry; and

12 “(iv) if an inquiry described in clause
 13 (iii) is completed, the findings of that in-
 14 quiry.”.

15 (2) COMMUNICATION RELATING TO CHANGE IN
 16 STATUS OF INSPECTOR GENERAL OF DESIGNATED
 17 FEDERAL ENTITY.—Section 8G(e) of the Inspector
 18 General Act Inspector General Act of 1978 (5
 19 U.S.C. App.), as amended by section 702(2), is fur-
 20 ther amended—

21 (A) in paragraph (2), by striking “If” and
 22 inserting “Except as provided in paragraph (4),
 23 if”; and

24 (B) by adding at the end the following:

1 “(4) If an Inspector General is placed on paid
2 or unpaid non-duty status, the head of a designated
3 Federal entity may submit the communication de-
4 scribed in paragraph (2) to Congress later than 30
5 days before the Inspector General is placed on paid
6 or unpaid non-duty status, but in any case not later
7 than the date on which the placement takes effect,
8 if—

9 “(A) the head determines that a delay in
10 placing the Inspector General on paid or unpaid
11 non-duty status would—

12 “(I) pose a threat to the Inspector
13 General or others;

14 “(ii) result in the destruction of evi-
15 dence relevant to an investigation; or

16 “(iii) result in loss of or damage to
17 Government property;

18 “(B) in the communication, the head in-
19 cludes—

20 “(I) a specification of which clause
21 under subparagraph (A) the head relied on
22 to make the determination under such sub-
23 paragraph;

1 “(ii) the substantive rationale, includ-
2 ing detailed and case-specific reasons, for
3 such determination;

4 “(iii) if the head relied on an inquiry
5 to make such determination, an identifica-
6 tion of each entity that is conducting, or
7 that conducted, such inquiry; and

8 “(iv) if an inquiry described in clause
9 (iii) is completed, the findings of that in-
10 quiry.

11 “(5) The head may not place an Inspector Gen-
12 eral on paid or unpaid non-duty status during the
13 30-day period preceding the date on which the In-
14 spector General is removed or transferred under
15 paragraph (2) unless the head—

16 “(A) determines that not placing the In-
17 spector General on paid or unpaid non-duty sta-
18 tus would—

19 “(I) pose a threat to the Inspector
20 General or others;

21 “(ii) result in the destruction of evi-
22 dence relevant to an investigation; or

23 “(iii) result in loss of or damage to
24 Government property; and

1 “(B) on or before the date on which the
2 placement takes effect, submits to the Com-
3 mittee in the House of Representatives and the
4 Committee in the Senate that has jurisdiction
5 over the Inspector General involved, the Com-
6 mittee on Oversight and Reform of the House
7 of Representatives, and the Committee on
8 Homeland Security and Governmental Affairs
9 of the Senate, a written communication that
10 contains the following information—

11 “(I) a specification of which clause
12 under subparagraph (A) the head relied on
13 to make the determination under such sub-
14 paragraph;

15 “(ii) the substantive rationale, includ-
16 ing detailed and case-specific reasons, for
17 such determination;

18 “(iii) if the head relied on an inquiry
19 to make such determination, an identifica-
20 tion of each entity that is conducting, or
21 that conducted, such inquiry; and

22 “(iv) if an inquiry described in clause
23 (iii) is completed, the findings of that in-
24 quiry.”.

1 (d) APPLICATION.—The amendments made by this
2 section shall apply with respect to removals, transfers, and
3 changes of status occurring on or after the date that is
4 30 days after the date of the enactment of this Act.

5 **SEC. 723. PRESIDENTIAL EXPLANATION OF FAILURE TO**
6 **NOMINATE AN INSPECTOR GENERAL.**

7 (a) IN GENERAL.—Subchapter III of chapter 33 of
8 title 5, United States Code, is amended by inserting after
9 section 3349d the following new section:

10 **“§ 3349e. Presidential explanation of failure to nomi-**
11 **nate an Inspector General**

12 “If the President fails to make a formal nomination
13 for a vacant Inspector General position that requires a for-
14 mal nomination by the President to be filled within the
15 period beginning on the date on which the vacancy oc-
16 curred and ending on the day that is 210 days after that
17 date, the President shall communicate, within 30 days
18 after the end of such period, to Congress in writing—

19 “(1) the reasons why the President has not yet
20 made a formal nomination; and

21 “(2) a target date for making a formal nomina-
22 tion.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 for chapter 33 of title 5, United States Code, is amended

1 by inserting after the item relating to 3349d the following
 2 new item:

“3349e. Presidential explanation of failure to nominate an Inspector General.”.

3 (c) EFFECTIVE DATE.—The amendment made by
 4 subsection (a) shall take effect on the date of the enact-
 5 ment of this Act and shall apply to any vacancy first oc-
 6 ccurring on or after that date.

7 **Subtitle D—Inspector General for**
 8 **the Office of Management and**
 9 **Budget**

10 **SEC. 731. INSPECTOR GENERAL FOR THE OFFICE OF MAN-**
 11 **AGEMENT AND BUDGET.**

12 (a) ESTABLISHMENT OF OFFICE.—Section 12 of the
 13 Inspector General Act of 1978 (5 U.S.C. App.) is amend-
 14 ed—

15 (1) in paragraph, (1) by inserting “the Director
 16 of the Office of Management and Budget,” after
 17 “means”; and

18 (2) in paragraph (2), by inserting “the Office
 19 of Management and Budget,” after “means”.

20 (b) SPECIAL PROVISIONS CONCERNING THE INSPEC-
 21 TOR GENERAL OF THE OFFICE OF MANAGEMENT AND
 22 BUDGET.—The Inspector General Act of 1978 (5 U.S.C.
 23 App.) is amended by adding after section 8N the following
 24 new section:

1 **“SEC. 80. SPECIAL PROVISIONS CONCERNING THE INSPEC-**
 2 **TOR GENERAL OF THE OFFICE OF MANAGE-**
 3 **MENT AND BUDGET.**

4 “The Inspector General of the Office of Management
 5 and Budget shall only have jurisdiction over those matters
 6 that have been specifically assigned to the Office under
 7 law.”.

8 (c) APPOINTMENT.—Not later than 120 days after
 9 the date of the enactment of this Act, the President shall
 10 appoint an individual to serve as the Inspector General
 11 of the Office of Management and Budget in accordance
 12 with section 3(a) of the Inspector General Act of 1978
 13 (5 U.S.C. App.).

14 **TITLE VIII—PROTECTING**
 15 **WHISTLEBLOWERS**
 16 **Subtitle A—Whistleblower**
 17 **Protection Improvement**

18 **SEC. 801. SHORT TITLE.**

19 This title may be cited as the “Whistleblower Protec-
 20 tion Improvement Act of 2021”.

21 **SEC. 802. ADDITIONAL WHISTLEBLOWER PROTECTIONS.**

22 (a) INVESTIGATIONS AS PERSONNEL ACTIONS.—

23 (1) IN GENERAL.—Section 2302(a)(2)(A) of
 24 title 5, United States Code, is amended—

25 (A) in clause (xi), by striking “and” at the
 26 end;

1 (B) by redesignating clause (xii) as clause
2 (xiii); and

3 (C) by inserting after the clause (xi) the
4 following:

5 “(xii) for purposes of subsection (b)(8)—

6 “(I) the commencement, expansion, or
7 extension of an investigation, but not in-
8 cluding any investigation that is ministerial
9 or nondiscretionary (including a ministerial
10 or nondiscretionary investigation described
11 in section 1213) or any investigation that
12 is conducted by an Inspector General of an
13 entity of the Government of an employee
14 not employed by the office of that Inspec-
15 tor General; and

16 “(II) a referral to an Inspector Gen-
17 eral of an entity of the Government, except
18 for a referral that is ministerial or nondis-
19 cretionary; and”.

20 (2) APPLICATION.—The amendment made by
21 paragraph (1) shall apply to any investigation
22 opened, or referral made, as described under clause
23 (xii) of section 2302(a)(2)(A) of title 5, United
24 States Code, as added by such paragraph, on or
25 after the date of enactment of this Act.

1 (b) RIGHT TO PETITION CONGRESS.—

2 (1) IN GENERAL.—Section 2302(b)(9) of title
3 5, United States Code, is amended—

4 (A) in subparagraph (C), by striking “or”
5 at the end;

6 (B) in subparagraph (D), by adding “or”
7 after the semicolon at the end; and

8 (C) by adding at the end the following:

9 “(E) the exercise of any right protected
10 under section 7211;”.

11 (2) APPLICATION.—The amendment made by
12 paragraph (1) shall apply to the exercise of any
13 right described in section 2302(b)(9)(E) of title 5,
14 United States Code, as added by paragraph (1), oc-
15 ccurring on or after the date of enactment of this
16 Act.

17 (c) PROHIBITION ON DISCLOSURE OF WHISTLE-
18 BLOWER IDENTITY.—

19 (1) IN GENERAL.—Section 2302 of title 5,
20 United States Code, is amended by adding at the
21 end the following:

22 “(g)(1) No employee of an agency may willfully com-
23 municate or transmit to any individual who is not an offi-
24 cer or employee of the Government the identity of, or per-
25 sonally identifiable information about, any other employee

1 because that other employee has made, or is suspected to
2 have made, a disclosure protected by subsection (b)(8),
3 unless—

4 “(A) the other employee provides express writ-
5 ten consent prior to the communication or trans-
6 mission of their identity or personally identifiable in-
7 formation;

8 “(B) the communication or transmission is
9 made in accordance with the provisions of section
10 552a;

11 “(C) the communication or transmission is
12 made to a lawyer for the sole purpose of providing
13 legal advice to an employee accused of whistleblower
14 retaliation; or

15 “(D) the communication or transmission is re-
16 quired or permitted by any other provision of law.

17 “(2) In this subsection, the term ‘officer or employee
18 of the Government’ means—

19 “(A) the President;

20 “(B) a Member of Congress;

21 “(C) a member of the uniformed services;

22 “(D) an employee as that term is defined in
23 section 2105, including an employee of the United
24 States Postal Service, the Postal Regulatory Com-
25 mission, or the Department of Veterans Affairs (in-

1 cluding any employee appointed pursuant to chapter
2 73 or 74 of title 38); and

3 “(E) any other officer or employee in any
4 branch of the Government of the United States.”.

5 (2) APPLICATION.—The amendment made by
6 paragraph (1) shall apply to any transmission or
7 communication described in subsection (g) of section
8 2302 of title 5, United States Code, as added by
9 paragraph (1), made on or after the date of enact-
10 ment of this Act.

11 (d) RIGHT TO PETITION CONGRESS.—

12 (1) IN GENERAL.—Section 7211 of title 5,
13 United States Code, is amended to read as follows:

14 **“§ 7211. Employees’ right to petition or furnish infor-**
15 **mation or respond to Congress**

16 “(a) IN GENERAL.—Each officer or employee of the
17 Federal Government, individually or collectively, has a
18 right to—

19 “(1) petition Congress or a Member of Con-
20 gress;

21 “(2) furnish information, documents, or testi-
22 mony to either House of Congress, any Member of
23 Congress, or any committee or subcommittee of the
24 Congress; or

1 “(3) respond to any request for information,
2 documents, or testimony from either House of Con-
3 gress or any Committee or subcommittee of Con-
4 gress.

5 “(b) PROHIBITED ACTIONS.—No officer or employee
6 of the Federal Government may interfere with or deny the
7 right set forth in subsection (a), including by—

8 “(1) prohibiting or preventing, or attempting or
9 threatening to prohibit or prevent, any other officer
10 or employee of the Federal Government from engag-
11 ing in activity protected in subsection (a); or

12 “(2) removing, suspending from duty without
13 pay, demoting, reducing in rank, seniority, status,
14 pay, or performance or efficiency rating, denying
15 promotion to, relocating, reassigning, transferring,
16 disciplining, or discriminating in regard to any em-
17 ployment right, entitlement, or benefit, or any term
18 or condition of employment of, any other officer or
19 employee of the Federal Government or attempting
20 or threatening to commit any of the foregoing ac-
21 tions protected in subsection (a).

22 “(c) APPLICATION.—This section shall not be con-
23 strued to authorize disclosure of any information that is—

24 “(1) specifically prohibited from disclosure by
25 any other provision of Federal law; or

1 “(2) specifically required by Executive order to
2 be kept secret in the interest of national defense or
3 the conduct of foreign affairs, unless disclosure is
4 otherwise authorized by law.

5 “(d) DEFINITION OF OFFICER OR EMPLOYEE OF
6 THE FEDERAL GOVERNMENT.—For purposes of this sec-
7 tion, the term ‘officer or employee of the Federal Govern-
8 ment’ includes—

9 “(1) the President;

10 “(2) a Member of Congress;

11 “(3) a member of the uniformed services;

12 “(4) an employee (as that term is defined in
13 section 2105);

14 “(5) an employee of the United States Postal
15 Service or the Postal Regulatory Commission; and

16 “(6) an employee appointed under chapter 73
17 or 74 of title 38.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions for subchapter II of chapter 72 of title 5,
20 United States Code, is amended by striking the item
21 related to section 7211 and inserting the following:

“7211. Employees’ right to petition or furnish information or respond to Con-
gress.”.

1 **SEC. 803. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**
2 **TIONS.**

3 (a) DISCLOSURES RELATING TO OFFICERS OR EM-
4 PLOYEES OF AN OFFICE OF INSPECTOR GENERAL.—Sec-
5 tion 1213(c) of title 5, United States Code, is amended
6 by adding at the end the following:

7 “(3) If the information transmitted under this sub-
8 section disclosed a violation of law, rule, or regulation, or
9 gross waste, gross mismanagement, abuse of authority, or
10 a substantial and specific danger to public health or safe-
11 ty, by any officer or employee of an Office of Inspector
12 General, the Special Counsel may refer the matter to the
13 Council of the Inspectors General on Integrity and Effi-
14 ciency, which shall comply with the standards and proce-
15 dures applicable to investigations and reports under sub-
16 section (c).”.

17 (b) RETALIATORY REFERRALS TO INSPECTORS GEN-
18 ERAL.—Section 1214(d) of title 5, United States Code,
19 is amended by adding at the end the following:

20 “(3) In any case in which the Special Counsel deter-
21 mines that a referral to an Inspector General of an entity
22 of the Federal Government was in retaliation for a disclo-
23 sure or protected activity described in section 2302(b)(8)
24 or in retaliation for exercising a right described in section
25 2302(b)(9)(A)(I), the Special Counsel shall transmit that
26 finding in writing to the Inspector General within seven

1 days of making the finding. The Inspector General shall
 2 consider that finding and make a determination on wheth-
 3 er to initiate an investigation or continue an investigation
 4 based on the referral that the Special Counsel found to
 5 be retaliatory.”.

6 (c) ENSURING TIMELY RELIEF.—

7 (1) INDIVIDUAL RIGHT OF ACTION.—Section
 8 1221 of title 5, United States Code, is amended by
 9 striking “section 2302(b)(8) or section
 10 2302(b)(9)(A)(I), (B), (C), or (D),” each place it
 11 appears and inserting “section 2302(b)(8), section
 12 2302(b)(9)(A)(I), (B), (C), (D), or (E), section
 13 2302(b)(13), or section 2302(g),”.

14 (2) STAYS.—Section 1221(c)(2) of title 5,
 15 United States Code, is amended to read as follows:
 16 “(2) Any stay requested under paragraph (1) shall
 17 be granted within 10 calendar days (excluding Saturdays,
 18 Sundays, and legal holidays) after the date the request
 19 is made, if the Board determines—

20 “(A) that there is a substantial likelihood that
 21 protected activity was a contributing factor to the
 22 personnel action involved; or

23 “(B) the Board otherwise determines that such
 24 a stay would be appropriate.”.

1 (3) APPEAL OF STAY.—Section 1221(c) of title
 2 5, United States Code, is amended by adding at the
 3 end the following:

4 “(4) If any stay requested under paragraph (1)
 5 is denied, the employee, former employee, or appli-
 6 cant may, within 7 days after receiving notice of the
 7 denial, file an appeal for expedited review by the
 8 Board. The agency shall have 7 days thereafter to
 9 respond. The Board shall provide a decision not
 10 later than 21 days after receiving the appeal. During
 11 the period of appeal, both parties may supplement
 12 the record with information unavailable to them at
 13 the time the stay was first requested.”.

14 (4) ACCESS TO DISTRICT COURT; JURY
 15 TRIALS.—

16 (A) IN GENERAL.—Section 1221(I) of title
 17 5, United States Code, is amended—

18 (I) by striking “(I) Subsections” and
 19 inserting “(I)(1) Subsections”; and

20 (ii) by adding at the end the fol-
 21 lowing:

22 “(2)(A) If, in the case of an employee, former em-
 23 ployee, or applicant for employment who seeks corrective
 24 action from the Merit Systems Protection Board based on
 25 an alleged prohibited personnel practice described in sec-

1 tion 2302(b)(8), section 2302(b)(9)(A)(I), (B), (C), (D),
2 or (E), section 2302(b)(13), or section 2302(g), no final
3 order or decision is issued by the Board within 180 days
4 after the date on which a request for such corrective action
5 has been duly submitted to the Board, such employee,
6 former employee, or applicant may, after providing written
7 notice to the Special Counsel and the Board and only with-
8 in 20 days after providing such notice, bring an action
9 for review de novo before the appropriate United States
10 district court, and such action shall, at the request of ei-
11 ther party to such action, be tried before a jury. Upon
12 filing of an action with the appropriate United States dis-
13 trict court, any proceedings before the Board shall cease
14 and the employee, former employee, or applicant for em-
15 ployment waives any right to refile with the Board.

16 “(B) If the Board certifies (in writing) to the parties
17 of a case that the complexity of such case requires a longer
18 period of review, subparagraph (A) shall be applied by
19 substituting ‘240 days’ for ‘180 days’.

20 “(C) In any such action brought before a United
21 States district court under subparagraph (A), the court—

22 “(I) shall apply the standards set forth in sub-
23 section (e); and

1 “(ii) may award any relief which the court con-
2 siders appropriate, including any relief described in
3 subsection (g).”.

4 (B) APPLICATION.—

5 (I) The amendments made by sub-
6 paragraph (A) shall apply to any corrective
7 action duly submitted to the Merit Systems
8 Protection Board, during the five-year pe-
9 riod preceding the date of enactment of
10 this Act, by an employee, former employee,
11 or applicant for employment based on an
12 alleged prohibited personnel practice de-
13 scribed in section 2302(b)(8),
14 2302(b)(9)(A)(I), (B), (C), or (D), or
15 2302(b)(13) of title 5, United States Code,
16 with respect to which no final order or de-
17 cision has been issued by the Board.

18 (ii) In the case of an individual de-
19 scribed in clause (I) whose duly submitted
20 claim to the Board was made not later
21 than 180 days before the date of enact-
22 ment of this Act, such individual may only
23 bring an action before a United States dis-
24 trict court as described in section
25 1221(I)(2) of title 5, United States Code,

1 (as added by subparagraph (A) if that in-
2 dividual—

3 (I) provides written notice to the
4 Office of Special Counsel and the
5 Merit Systems Protection Board not
6 later than 90 days after the date of
7 enactment of this Act; and

8 (II) brings such action not later
9 than 20 days after providing such no-
10 tice.

11 (d) RECIPIENTS OF WHISTLEBLOWER DISCLO-
12 SURES.—Section 2302(b)(8)(B) of title 5, United States
13 Code, is amended by striking “or to the Inspector General
14 of an agency or another employee designated by the head
15 of the agency to receive such disclosures” and inserting
16 “the Inspector General of an agency, a supervisor in the
17 employee’s direct chain of command up to and including
18 the head of the employing agency, or to an employee des-
19 ignated by any of the aforementioned individuals for the
20 purpose of receiving such disclosures”.

21 (e) ATTORNEY FEES.—

22 (1) IN GENERAL.—Section 7703(a) of title 5,
23 United States Code, is amended by adding at the
24 end the following:

1 “(3) If an employee, former employee, or appli-
2 cant for employment is the prevailing party under a
3 proceeding brought under this section, the employee,
4 former employee, or applicant for employment shall
5 be entitled to attorney fees for all representation
6 carried out pursuant to this section. In such an ac-
7 tion for attorney fees, the agency responsible for
8 taking the personnel action shall be the respondent
9 and shall be responsible for paying the fees.”.

10 (2) APPLICATION.—In addition to any pro-
11 ceeding brought by an employee, former employee,
12 or applicant for employment on or after the date of
13 enactment of this Act to a Federal court under sec-
14 tion 7703 of title 5, United States Code, the amend-
15 ment made by paragraph (1) shall apply to any pro-
16 ceeding brought by an employee, former employee,
17 or applicant for employment under such section be-
18 fore the date of enactment of this Act with respect
19 to which the applicable Federal court has not issued
20 a final decision.

21 (f) EXTENDING WHISTLEBLOWER PROTECTION ACT
22 TO CERTAIN EMPLOYEES.—

23 (1) IN GENERAL.—Section 2302(a)(2)(A) of
24 title 5, United States Code, is amended in the mat-
25 ter following clause (xiii)—

(A) by inserting “subsection (b)(9)(A)(I), (B), (C), (D), or (E), subsection (b)(13), or subsection (g),” after “subsection (b)(8),”; and

(B) by inserting after “title 31” the following: “, a fellow or intern at an agency, a commissioned officer or applicant for employment in the Public Health Service, an officer or applicant for employment in the commissioned officer corps of the National Oceanic and Atmospheric Administration, and a noncareer appointee in the Senior Executive Service”.

(2) CONFORMING AMENDMENTS.—Section 261 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071) is amended—

(A) in subsection (a)—

(i) by striking paragraph (8); and

(ii) by redesignating paragraphs (9) through (26) as paragraphs (8) through (25), respectively; and

(B) in subsection (b), by striking the second sentence.

(3) APPLICATION.—

(A) IN GENERAL.—With respect to an officer or applicant for employment in the commis-

1 sioned officer corps of the National Oceanic and
2 Atmospheric Administration, the amendments
3 made by paragraphs (1) and (2) shall apply to
4 any personnel action taken against such officer
5 or applicant on or after the date of enactment
6 of the National Oceanic and Atmospheric Ad-
7 ministration Commissioned Officer Corps
8 Amendments Act of 2020 (Public Law 116–
9 259) for making any disclosure protected under
10 section 2302(8) of title 5, United States Code.

11 (B) EXCEPTION.—Subparagraph (A) shall
12 not apply to any personnel action with respect
13 to which a complaint has been filed pursuant to
14 section 1034 of title 10, United States Code,
15 and a final decision has been rendered regard-
16 ing such complaint.

17 (g) RELIEF.—

18 (1) IN GENERAL.—Section 7701(b)(2)(A) of
19 title 5, United States Code, is amended by striking
20 “upon the making of the decision” and inserting
21 “upon making of the decision, necessary to make the
22 employee whole as if there had been no prohibited
23 personnel practice, including training, seniority and
24 promotions consistent with the employee’s prior
25 record”.

1 (2) APPLICATION.—In addition to any appeal
2 made on or after the date of enactment of this Act
3 to the Merit Systems Protection Board under section
4 7701 of title 5, United States Code, the amendment
5 made by paragraph (1) shall apply to any appeal
6 made under such section before the date of enact-
7 ment of this Act with respect to which the Board
8 has not issued a final decision.

9 **SEC. 804. CLASSIFYING CERTAIN FURLOUGHS AS ADVERSE**
10 **PERSONNEL ACTIONS.**

11 (a) IN GENERAL.—Section 7512 of title 5, United
12 States Code, is amended—

13 (1) in paragraph (4), by striking “and” at the
14 end; and

15 (2) by striking paragraph (5) and inserting the
16 following:

17 “(5) a furlough of more than 14 days but less
18 than 30 days; and

19 “(6) a furlough of 13 days or less that is not
20 due to a lapse in appropriations;”.

21 (b) APPLICATION.—The amendment made by sub-
22 section (a) shall apply to any furlough covered by such
23 section 7512(5) or (6) (as amended by such subsection)
24 occurring on or after the date of enactment of this Act.

1 **SEC. 805. CODIFICATION OF PROTECTIONS FOR DISCLO-**
2 **SURES OF CENSORSHIP RELATED TO RE-**
3 **SEARCH, ANALYSIS, OR TECHNICAL INFOR-**
4 **MATION.**

5 (a) IN GENERAL.—Section 2302 of title 5, United
6 States Code, as amended by section 802(c)(1), is further
7 amended by adding at the end the following:

8 “(h)(1) In this subsection—

9 “(A) the term ‘applicant’ means an applicant
10 for a covered position;

11 “(B) the term ‘censorship related to research,
12 analysis, or technical information’ means any effort
13 to distort, misrepresent, or suppress research, anal-
14 ysis, or technical information; and

15 “(C) the term ‘employee’ means an employee in
16 a covered position in an agency.

17 “(2)(A) Any disclosure of information by an employee
18 or applicant for employment that the employee or appli-
19 cant reasonably believes is evidence of censorship related
20 to research, analysis, or technical information—

21 “(I) shall come within the protections of sub-
22 section (b)(8)(A) if—

23 “(I) the employee or applicant reasonably
24 believes that the censorship related to research,
25 analysis, or technical information is or will
26 cause—

1 “(aa) any violation of law, rule, or
2 regulation; or

3 “(bb) gross mismanagement, a gross
4 waste of funds, an abuse of authority, or
5 a substantial and specific danger to public
6 health or safety; and

7 “(II) such disclosure is not specifically pro-
8 hibited by law or such information is not spe-
9 cifically required by Executive order to be kept
10 classified in the interest of national defense or
11 the conduct of foreign affairs; and

12 “(ii) shall come within the protections of sub-
13 section (b)(8)(B) if—

14 “(I) the employee or applicant reasonably
15 believes that the censorship related to research,
16 analysis, or technical information is or will
17 cause—

18 “(aa) any violation of law, rule, or
19 regulation; or

20 “(bb) gross mismanagement, a gross
21 waste of funds, an abuse of authority, or
22 a substantial and specific danger to public
23 health or safety; and

24 “(II) the disclosure is made to the Special
25 Counsel, or to the Inspector General of an

1 agency or another person designated by the
2 head of the agency to receive such disclosures,
3 consistent with the protection of sources and
4 methods.

5 “(3) A disclosure shall not be excluded from para-
6 graph (2) for any reason described under subsection (f)(1)
7 or (2).

8 “(4) Nothing in this subsection shall be construed to
9 imply any limitation on the protections of employees and
10 applicants afforded by any other provision of law, includ-
11 ing protections with respect to any disclosure of informa-
12 tion believed to be evidence of censorship related to re-
13 search, analysis, or technical information.”.

14 (b) REPEAL.—

15 (1) IN GENERAL.—Section 110 of the Whistle-
16 blower Protection Enhancement Act of 2012 (Public
17 Law 112–199) is hereby repealed.

18 (2) RULE OF CONSTRUCTION.—Nothing in this
19 section shall be construed to limit or otherwise affect
20 any action under such section 110 commenced be-
21 fore the date of enactment of this Act or any protec-
22 tions afforded by such section with respect to such
23 action.

1 **SEC. 806. TITLE 5 TECHNICAL AND CONFORMING AMEND-**
2 **MENTS.**

3 Title 5, United States Code, is amended—

4 (1) in section 1212(h), by striking “or (9)”
5 each place it appears and inserting “, (b)(9),
6 (b)(13), or (g)”;

7 (2) in section 1214—

8 (A) in subsections (a) and (b), by striking
9 “section 2302(b)(8) or section
10 2302(b)(9)(A)(I), (B), (C), or (D)” each place
11 it appears and inserting “section 2302(b)(8),
12 section 2302(b)(9)(A)(I), (B), (C), (D), or (E),
13 section 2302(b)(13), or section 2302(g)”;

14 (B) in subsection (I), by striking “section
15 2302(b)(8) or subparagraph (A)(I), (B), (C), or
16 (D) of section 2302(b)(9)” and inserting “sec-
17 tion 2302(b)(8), subparagraph (A)(I), (B), (C),
18 (D), or (E) of section 2302(b)(9), section
19 2302(b)(13), or section 2302(g)”;

20 (3) in section 1215(a)(3)(B), by striking “sec-
21 tion 2302(b)(8), or 2302(b)(9)(A)(I), (B), (C), or
22 (D)” each place it appears and inserting “section
23 2302(b)(8), section 2302(b)(9)(A)(I), (B), (C), (D),
24 or (E), section 2302(b)(13), or section 2302(g)”;

25 (4) in section 2302—

26 (A) in subsection (a)—

1 (I) in paragraph (1), by inserting “or
2 (g)” after “subsection (b)”; and

3 (ii) in paragraph (2)(C)(I), by striking
4 “subsection (b)(8) or section
5 2302(b)(9)(A)(I), (B), (C), or (D)” and in-
6 serting “section 2302(b)(8), section
7 2302(b)(9)(A)(I), (B), (C), (D), or (E),
8 section 2302(b)(13), or section 2302(g)”;
9 and

10 (B) in subsection (c)(1)(B), by striking
11 “paragraph (8) or subparagraph (A)(I), (B),
12 (C), or (D) of paragraph (9) of subsection (b)”
13 and inserting “paragraph (8), subparagraph
14 (A)(I), (B), (C), or (D) of paragraph (9), or
15 paragraph (13) of subsection (b) or subsection
16 (g)”;

17 (5) in section 7515(a)(2), by striking “para-
18 graph (8), (9), or (14) of section 2302(b)” and in-
19 serting “paragraph (8), (9), (13), or (14) of section
20 2302(b) or section 2302(g)”;

21 (6) in section 7701(c)(2)(B), by inserting “or
22 section 2302(g)” after “section 2302(b)”; and

23 (7) in section 7703(b)(1)(B), by striking “sec-
24 tion 2302(b)(8), or 2302(b)(9)(A)(I), (B), (C), or
25 (D)” and inserting “section 2302(b)(8), section

1 2302(b)(9)(A)(I), (B), (C), (D), or (E), section
 2 2302(b)(13), or section 2302(g)”.

3 **Subtitle B—Whistleblowers of the**
 4 **Intelligence Community**

5 **SEC. 811. LIMITATION ON SHARING OF INTELLIGENCE**
 6 **COMMUNITY WHISTLEBLOWER COMPLAINTS**
 7 **WITH PERSONS NAMED IN SUCH COM-**
 8 **PLAINTS.**

9 (a) IN GENERAL.—Title XII of the National Security
 10 Act of 1947, as added by section 711, is further amended
 11 by inserting after section 1205, as added by section
 12 713(c), the following new subtitle:

13 **“Subtitle B—Protections for**
 14 **Whistleblowers**

15 **“SEC. 1223. LIMITATION ON SHARING OF INTELLIGENCE**
 16 **COMMUNITY WHISTLEBLOWER COMPLAINTS**
 17 **WITH PERSONS NAMED IN SUCH COM-**
 18 **PLAINTS.**

19 “(a) IN GENERAL.—It shall be unlawful for any em-
 20 ployee or officer of the Federal Government to knowingly
 21 and willfully share any whistleblower disclosure informa-
 22 tion with any individual named as a subject of the whistle-
 23 blower disclosure and alleged in the disclosure to have en-
 24 gaged in misconduct, unless—

1 “(1) the whistleblower consented, in writing, to
2 such sharing before the sharing occurs;

3 “(2) a covered Inspector General to whom such
4 disclosure is made—

5 “(A) determines that such sharing is nec-
6 essary to advance an investigation, audit, in-
7 spection, review, or evaluation by the Inspector
8 General; and

9 “(B) notifies the whistleblower of such
10 sharing before the sharing occurs; or

11 “(3) an attorney for the Government—

12 “(A) determines that such sharing is nec-
13 essary to advance an investigation by the attor-
14 ney; and

15 “(B) notifies the whistleblower of such
16 sharing before the sharing occurs.

17 “(b) WHISTLEBLOWER DISCLOSURE INFORMATION
18 DEFINED.—In this section, the term ‘whistleblower dislo-
19 sure information’ means, with respect to a whistleblower
20 disclosure—

21 “(1) the disclosure;

22 “(2) confirmation of the fact of the existence of
23 the disclosure; or

24 “(3) the identity, or other identifying informa-
25 tion, of the whistleblower who made the disclosure.”.

1 (b) TECHNICAL AND CLERICAL AMENDMENTS.—

2 (1) TRANSFER.—The National Security Act of
3 1947 (50 U.S.C. 3001 et seq.) is amended as fol-
4 lows:

5 (A) Section 1104 is—

6 (I) transferred to title XII of such
7 Act, as added by section 711;

8 (ii) inserted before section 1223 of
9 such Act, as added by this section; and

10 (iii) redesignated as section 1221.

11 (B) Section 1106 is—

12 (I) amended by striking “section
13 1104” each place it appears and inserting
14 “section 1221”;

15 (ii) transferred to title XII of such
16 Act, as added by section 711;

17 (iii) inserted after section 1223 of
18 such Act, as added by this section; and

19 (iv) redesignated as section 1225.

20 (2) CLERICAL AMENDMENTS.—The table of sec-
21 tions at the beginning of the National Security Act
22 of 1947 is amended—

23 (A) by striking the items relating to sec-
24 tion 1104 and section 1106; and

1 (B) by inserting after the item relating to
2 section 1205 the following new items:

“SUBTITLE B—PROTECTIONS FOR WHISTLEBLOWERS

“Sec. 1221. Prohibited personnel practices in the intelligence community.

“Sec. 1223. Limitation on sharing of intelligence community whistleblower complaints with persons named in such complaints.

“Sec. 1225. Inspector General external review panel.”.

3 (c) DEFINITIONS.—Section 3 of such Act (50 U.S.C.
4 3003), as amended by section 711, is further amended by
5 adding at the end the following new paragraphs:

6 “(9) The term ‘whistleblower’ means a person
7 who makes a whistleblower disclosure.

8 “(10) The term ‘whistleblower disclosure’
9 means a disclosure that is protected under section
10 1221 of this Act or section 3001(j)(1) of the Intel-
11 ligence Reform and Terrorism Prevention Act of
12 2004 (50 U.S.C. 3341(j)).”.

13 (d) CONFORMING AMENDMENT.—Section 5331 of the
14 Damon Paul Nelson and Matthew Young Pollard Intel-
15 ligence Authorization Act for Fiscal Years 2018, 2019,
16 and 2020 (division E of Public Law 116–92; 50 U.S.C.
17 3033 note) is amended by striking “section 1104 of the
18 National Security Act of 1947 (50 U.S.C. 3234)” and in-
19 serting “section 1221 of the National Security Act of
20 1947”.

1 **SEC. 812. DISCLOSURES TO CONGRESS.**

2 (a) IN GENERAL.—Title XII of the National Security
3 Act of 1947, as added by section 711, is further amended
4 by inserting after section 1225, as designated by section
5 811(b), the following new section:

6 **“SEC. 1227. PROCEDURES REGARDING DISCLOSURES TO**
7 **CONGRESS.**

8 “(a) GUIDANCE.—

9 “(1) OBLIGATION TO PROVIDE SECURITY DI-
10 RECTION UPON REQUEST.—Upon the request of a
11 whistleblower, the head of the relevant element of
12 the intelligence community, acting through the cov-
13 ered Inspector General for that element, shall fur-
14 nish on a confidential basis to the whistleblower in-
15 formation regarding how the whistleblower may di-
16 rectly contact the congressional intelligence commit-
17 tees, in accordance with appropriate security prac-
18 tices, regarding a complaint or information of the
19 whistleblower pursuant to section 103H(k)(5)(D) or
20 other appropriate provision of law.

21 “(2) NONDISCLOSURE.—Unless a whistleblower
22 who makes a request under paragraph (1) provides
23 prior consent, a covered Inspector General may not
24 disclose to the head of the relevant element of the
25 intelligence community—

26 “(A) the identity of the whistleblower; or

1 “(B) the element at which such whistle-
2 blower is employed, detailed, or assigned as a
3 contractor employee.

4 “(b) OVERSIGHT OF OBLIGATION.—If a covered In-
5 spectator General determines that the head of an element
6 of the intelligence community denied a request by a whis-
7 tleblower under subsection (a), directed the whistleblower
8 not to contact the congressional intelligence committees,
9 or unreasonably delayed in providing information under
10 such subsection, the covered Inspector General shall notify
11 the congressional intelligence committees of such denial,
12 direction, or unreasonable delay.

13 “(c) PERMANENT SECURITY OFFICER.—The head of
14 each element of the intelligence community may designate
15 a permanent security officer in the element to provide to
16 whistleblowers the information under subsection (a).”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of the National Security Act of 1947 is
19 amended by inserting after the item relating to section
20 1225, as added by section 811(b), the following new item:

“Sec. 1227. Procedures regarding disclosures to Congress.”.

21 (c) CONFORMING AMENDMENT.—Section
22 103H(k)(5)(D)(I) of the National Security Act of 1947
23 (50 U.S.C. 3033(k)(5)(D)(I)) is amended by adding at the
24 end the following: “The employee may request information

1 pursuant to section 1227 with respect to contacting such
2 committees.”.

3 **SEC. 813. PROHIBITION AGAINST DISCLOSURE OF WHIS-**
4 **TLEBLOWER IDENTITY AS REPRISAL**
5 **AGAINST WHISTLEBLOWER DISCLOSURE BY**
6 **EMPLOYEES AND CONTRACTORS IN INTEL-**
7 **LIGENCE COMMUNITY.**

8 (a) IN GENERAL.—Paragraph (3) of subsection (a)
9 of section 1221 of the National Security Act of 1947, as
10 designated by section 811(b)(1)(A), is amended—

11 (1) in subparagraph (I), by striking “; or” and
12 inserting a semicolon;

13 (2) by redesignating subparagraph (J) as sub-
14 paragraph (K); and

15 (3) by inserting after subparagraph (I) the fol-
16 lowing:

17 “(J) a knowing and willful disclosure re-
18 vealing the identity or other personally identifi-
19 able information of such employee or such con-
20 tractor employee without the express written
21 consent of such employee or such contractor
22 employee or if the Inspector General determines
23 such disclosure is necessary for the exclusive
24 purpose of investigating a complaint or infor-
25 mation received under section 8H of the Inspec-

1 tor General Act of 1978 (5 U.S.C. App. 8H);
2 or”.

3 (b) APPLICABILITY TO DETAILEES.—Such subsection
4 is amended by adding at the end the following:

5 “(5) EMPLOYEE.—The term ‘employee’, with
6 respect to an agency or a covered intelligence com-
7 munity element, includes an individual who has been
8 detailed to such agency or covered intelligence com-
9 munity element.”.

10 (c) PRIVATE RIGHT OF ACTION FOR UNLAWFUL DIS-
11 CLOSURE OF WHISTLEBLOWER IDENTITY.—Subsection
12 (d) of such section is amended to read as follows:

13 “(d) ENFORCEMENT.—

14 “(1) IN GENERAL.—Except as otherwise pro-
15 vided in this subsection, the President shall provide
16 for the enforcement of this section.

17 “(2) PRIVATE RIGHT OF ACTION FOR UNLAW-
18 FUL, WILLFUL DISCLOSURE OF WHISTLEBLOWER
19 IDENTITY.—In a case in which an employee of an
20 agency, or other employee or officer of the Federal
21 Government, takes a personnel action described in
22 subsection (a)(3)(J) against an employee of a cov-
23 ered intelligence community element as a reprisal in
24 violation of subsection (b) or in a case in which a
25 contractor employee takes a personnel action de-

1 scribed in such subsection against another con-
 2 tractor employee as a reprisal in violation of sub-
 3 section (c), the employee or contractor employee
 4 against whom the personnel action was taken may
 5 bring a private action for all appropriate remedies,
 6 including injunctive relief and compensatory and pu-
 7 nitive damages, against the employee or contractor
 8 employee who took the personnel action, in a Fed-
 9 eral district court of competent jurisdiction within
 10 180 days of when the employee or contractor em-
 11 ployee first learned of or should have learned of the
 12 violation.”.

13 **TITLE IX—ACCOUNTABILITY** 14 **FOR ACTING OFFICIALS**

15 **SEC. 901. SHORT TITLE.**

16 This title may be cited as the “Accountability for Act-
 17 ing Officials Act”.

18 **SEC. 902. CLARIFICATION OF FEDERAL VACANCIES RE-** 19 **FORM ACT OF 1998.**

20 (a) **ELIGIBILITY REQUIREMENTS.**—Section 3345 of
 21 title 5, United States Code, is amended as follows:

22 (1) In subsection (a)—

23 (A) in paragraph (1), by adding at the end
 24 before the semi-colon the following: “, but, and
 25 except as provided in subsection (e), only if the

1 individual serving in the position of first assist-
2 ant has occupied such position for a period of
3 at least 30 days during the 365-day period pre-
4 ceding the date of the death, resignation, or be-
5 ginning of inability to serve”; and

6 (B) by striking subparagraph (A) of para-
7 graph (3) and inserting the following:

8 “(A) the officer or employee served in a
9 position in such agency for a period of at least
10 1 year preceding the date of death, resignation,
11 or beginning of inability to serve of the applica-
12 ble officer; and”.

13 (2) By adding at the end the following:

14 “(d) For purposes of this section, a position shall be
15 considered to be the first assistant to the office with re-
16 spect to which a vacancy occurs only if such position has
17 been designated, at least 30 days before the date of the
18 vacancy, by law, rule, or regulation as the first assistant
19 position. The previous sentence shall begin to apply on the
20 date that is 180 days after the date of enactment of the
21 Accountability for Acting Officials Act.

22 “(e) The 30-day service requirement in subsection
23 (a)(1) shall not apply to any individual who is a first as-
24 sistant if—

1 “(1)(A) the office of such first assistant is an
2 office for which appointment is required to be made
3 by the President, by and with the advice and consent
4 of the Senate; and

5 “(B) the Senate has approved the appointment
6 of such individual to such office; or

7 “(2) the individual began serving in the position
8 of first assistant during the 180-day period begin-
9 ning on a transitional inauguration day (as that
10 term is defined in section 3349a(a)).”.

11 (b) QUALIFICATIONS.—Section 3345(b) of title 5,
12 United States Code, is amended by adding at the end the
13 following:

14 “(3) Any individual directed to perform the functions
15 and duties of the vacant office temporarily in an acting
16 capacity under subsection (a)(2) or (f) shall possess the
17 qualifications (if any) set forth in law, rule, or regulation
18 that are otherwise applicable to an individual appointed
19 by the President, by and with the advice and consent of
20 the Senate, to occupy such office.”.

21 (c) APPLICATION TO INDIVIDUALS REMOVED FROM
22 OFFICE.—Paragraph (2) of section 3345(c) of title 5,
23 United States Code, is amended by inserting after “the
24 expiration of a term of office” the following: “or removal
25 (voluntarily or involuntarily) from office”.

1 (d) VACANCY OF INSPECTOR GENERAL POSITIONS.—

2 (1) IN GENERAL.—Section 3345 of title 5,
3 United States Code, as amended by subsection
4 (a)(2), is further amended by adding at the end the
5 following:

6 “(f)(1) Notwithstanding subsection (a), if an Inspec-
7 tor General position that requires appointment by the
8 President by and with the advice and consent of the Sen-
9 ate to be filled is vacant, the first assistant of such posi-
10 tion shall perform the functions and duties of the Inspec-
11 tor General temporarily in an acting capacity subject to
12 the time limitations of section 3346.

13 “(2) Notwithstanding subsection (a), if for purposes
14 of carrying out paragraph (1) of this subsection, by reason
15 of absence, disability, or vacancy, the first assistant to the
16 position of Inspector General is not available to perform
17 the functions and duties of the Inspector General, an act-
18 ing Inspector General shall be appointed by the President
19 from among individuals serving in an office of any Inspec-
20 tor General, provided that—

21 “(A) during the 365-day period preceding the
22 date of death, resignation, or beginning of inability
23 to serve of the applicable Inspector General, the in-
24 dividual served in a position in an office of any In-
25 spector General for not less than 90 days; and

1 “(B) the rate of pay for the position of such in-
2 dividual is equal to or greater than the minimum
3 rate of pay payable for a position at GS-15 of the
4 General Schedule.”.

5 (2) APPLICATION.—The amendment made by
6 paragraph (1) shall apply to any vacancy first occur-
7 ring with respect to an Inspector General position on
8 or after the date of enactment of this Act.

9 (e) TESTIMONY OF ACTING OFFICIALS BEFORE CON-
10 GRESS.—Section 3345 of title 5, United States Code, as
11 amended by subsection (d)(1), is further amended by add-
12 ing at the end the following:

13 “(g)(1) Any individual serving as an acting officer
14 due to a vacancy to which this section applies, or any indi-
15 vidual who has served in such capacity and continues to
16 perform the same or similar duties beyond the time limits
17 described in section 3346, shall appear, at least once dur-
18 ing any 60-day period that the individual is so serving,
19 before the appropriate committees of jurisdiction of the
20 House of Representatives and the Senate.

21 “(2) Paragraph (1) may be waived upon mutual
22 agreement of the chairs and ranking members of such
23 committees.”.

24 (f) TIME LIMITATION FOR PRINCIPAL OFFICES.—
25 Section 3346 of title 5, United States Code, is amended—

1 (1) in subsection (a), by inserting “or as pro-
2 vided in subsection (d)” after “sickness”; and

3 (2) by adding at the end the following:

4 “(d) With respect to the vacancy of the position of
5 head of any agency listed in subsection (b) of section 901
6 of title 31, or any other position that is within the Presi-
7 dent’s cabinet and to which this section applies, sub-
8 sections (a) through (c) of this section and sections
9 3348(c), 3349(b), and 3349a(b) shall be applied by sub-
10 stituting ‘120’ for ‘210’ in each instance.”.

11 (g) EXCLUSIVITY.—Section 3347 of title 5, United
12 States Code, is amended—

13 (1) by redesignating subsection (b) as sub-
14 section (c); and

15 (2) by inserting after subsection (a) the fol-
16 lowing:

17 “(b) Notwithstanding subsection (a), any statutory
18 provision covered under paragraph (1) of such subsection
19 that contains a non-discretionary order or directive to des-
20 ignate an officer or employee to perform the functions and
21 duties of a specified office temporarily in an acting capac-
22 ity shall be the exclusive means for temporarily author-
23 izing an acting official to perform the functions and duties
24 of such office.”.

25 (h) REPORTING OF VACANCIES.—

1 (1) IN GENERAL.—Section 3349 of title 5,
2 United States Code, is amended—

3 (A) in subsection (a)—

4 (I) by striking “immediately upon” in
5 each instance and inserting “not later than
6 7 days after”;

7 (ii) in paragraph (3), by striking
8 “and” at the end;

9 (iii) in paragraph (4), by striking the
10 period at the end and inserting “; and”;
11 and

12 (iv) by adding at the end the fol-
13 lowing:

14 “(5) notification of the end of the term of serv-
15 ice of any person serving in an acting capacity and
16 the name of any subsequent person serving in an
17 acting capacity and the date the service of such sub-
18 sequent person began not later than 7 days after
19 such date.”; and

20 (B) in subsection (b), by striking “imme-
21 diately” and inserting “not later than 14 days
22 after the date of such determination”.

23 (2) TECHNICAL CORRECTIONS.—Paragraphs
24 (1) and (2) of subsection (b) of such section 3349
25 of such title are amended to read as follows:

1 “(1) the Committee on Homeland Security and
2 Governmental Affairs of the Senate;

3 “(2) the Committee on Oversight and Reform
4 of the House of Representatives;”.

5 (I) VACANCIES DURING PRESIDENTIAL INAUGURAL
6 TRANSITIONS.—Subsection (b) of section 3349a of title 5,
7 United States Code, is amended to read as follows:

8 “(b) Notwithstanding section 3346 (except as pro-
9 vided in paragraph (2) of this subsection) or 3348(c), with
10 respect to any vacancy that exists on a transitional inau-
11 guration day, or that arises during the 60-day period be-
12 ginning on such day, the person serving as an acting offi-
13 cer as described under section 3345 may serve in the of-
14 fice—

15 “(1) for no longer than 300 days beginning on
16 such day; or

17 “(2) subject to subsection 3346(b), once a first
18 or second nomination for the office is submitted to
19 the Senate, from the date of such nomination for the
20 period that the nomination is pending in the Sen-
21 ate.”.

1 **TITLE X—STRENGTHENING**
 2 **HATCH ACT ENFORCEMENT**
 3 **AND PENALTIES**

4 **Subtitle A—Strengthening Hatch**
 5 **Act Enforcement and Penalties**

6 **SEC. 1001. SHORT TITLE.**

7 This title may be cited as the “Hatch Act Account-
 8 ability Act”.

9 **SEC. 1002. STRENGTHENING HATCH ACT ENFORCEMENT**
 10 **AND PENALTIES AGAINST POLITICAL AP-**
 11 **POINTEES.**

12 (a) INVESTIGATIONS BY OFFICE OF SPECIAL COUN-
 13 SEL.—Section 1216 of title 5, United States Code, as
 14 amended by section 307, is amended—

15 (1) in subsection (c), by striking “(1),”; and

16 (2) by adding at the end the following:

17 “(e)(1) In addition to the authority otherwise pro-
 18 vided in this chapter, the Special Counsel—

19 “(A) shall conduct an investigation with respect
 20 to any allegation concerning political activity prohib-
 21 ited under subchapter III of chapter 73 (relating to
 22 political activities by Federal employees); and

23 “(B) may, regardless of whether the Special
 24 Counsel has received an allegation, conduct any in-
 25 vestigation as the Special Counsel considers nec-

1 essary concerning political activity prohibited under
2 such subchapter.

3 “(2) With respect to any investigation under para-
4 graph (1) of this subsection, the Special Counsel may seek
5 corrective action under section 1214 and disciplinary ac-
6 tion under section 1215 in the same way as if a prohibited
7 personnel practice were involved.

8 “(f)(1) Notwithstanding subsection (b) of section
9 1215, consistent with paragraph (3) of this subsection, if
10 after an investigation under subsection (d)(1) the Special
11 Counsel determines that a political appointee has violated
12 section 7323 or 7324, the Special Counsel may present
13 a complaint to the Merit Systems Protection Board under
14 the process provided in section 1215, against such political
15 appointee.

16 “(2) Notwithstanding section 7326, a final order of
17 the Board on a complaint of a violation of section 7323
18 or 7324 by a political appointee may impose an assess-
19 ment of a civil penalty not to exceed \$50,000.

20 “(3) The Special Counsel may not present a com-
21 plaint under paragraph (1) of this subsection—

22 “(A) unless no disciplinary action or civil pen-
23 alty has been taken or assessed, respectively, against
24 the political appointee pursuant to section 7326; and

1 “(B) until on or after the date that is 90 days
2 after the date that the complaint regarding the polit-
3 ical appointee was presented to the President under
4 section 1215(b), notwithstanding whether the Presi-
5 dent submits a written statement pursuant to para-
6 graph (4) of this subsection.

7 “(4)(A) Not later than 90 days after receiving from
8 the Special Counsel a complaint recommending discipli-
9 nary action under section 1215(b) with respect to a polit-
10 ical appointee for a violation of section 7323 or 7324, the
11 President shall provide a written statement to the Special
12 Counsel on whether the President imposed the rec-
13 ommended disciplinary action, imposed another form of
14 disciplinary action and the nature of that disciplinary ac-
15 tion, or took no disciplinary action against the political
16 appointee.

17 “(B) Not later than 14 days after receiving a written
18 statement under subparagraph (A) of this paragraph—

19 “(I) the Special Counsel shall submit the writ-
20 ten statement to the Committee on Oversight and
21 Reform of the House of Representatives and the
22 Committee on Homeland Security and Governmental
23 Affairs of the Senate; and

24 “(ii) publish the written statement on the public
25 website of the Office of Special Counsel.

1 “(5) Not later than 14 days after the date that the
2 Special Counsel determines a political appointee has vio-
3 lated section 7323 or 7324, the Special Counsel shall—

4 “(A) submit a report on the investigation into
5 such political appointee, and any communications
6 sent from the Special Counsel to the President rec-
7 ommending discipline of such political appointee, to
8 the Committee on Oversight and Reform of the
9 House of Representatives and the Committee on
10 Homeland Security and Governmental Affairs of the
11 Senate; and

12 “(B) publish the report and such communica-
13 tions on the public website of the Office of Special
14 Counsel.

15 “(6) In this subsection, the term ‘political appointee’
16 means any individual, other than the President and the
17 Vice-President, employed or holding office—

18 “(A) in the Executive Office of the President,
19 the Office of the Vice President, and any other office
20 of the White House, but not including any career
21 employee; or

22 “(B) in a confidential, policy-making, policy-de-
23 termining, or policy-advocating position appointed by
24 the President, by and with the advice and consent

1 of the Senate (other than an individual in the For-
2 eign Service of the United States).”.

3 (b) CLARIFICATION ON APPLICATION OF HATCH ACT
4 TO EOP AND OVP EMPLOYEES.—Section 7322(1)(A) of
5 title 5, United States Code, is amended by inserting after
6 “Executive agency” the following: “, including the Execu-
7 tive Office of the President, the Office of the Vice Presi-
8 dent, and any other office of the White House,”.

9 (c) CRIMINAL PENALTY.—

10 (1) IN GENERAL.—Subchapter III of chapter
11 73 of title 5, United States Code, is amended by
12 adding after section 7326 the following:

13 **“§ 7328. Criminal penalty for Hatch Act violations**

14 “(a) IN GENERAL.—Any person who knowingly vio-
15 lates section 7323 or 7324 shall be fined \$50,000 (not-
16 withstanding section 3571(e) of title 18), or imprisoned
17 for not more than 1 year, or both. Notwithstanding section
18 3571(e) of title 18, for each violation after the first, the
19 fine applicable under this section shall be double the
20 amount of the fine assessed for the previous violation.

21 “(b) ATTORNEY FEES.—A court may assess against
22 the United States reasonable attorney fees and other liti-
23 gation costs reasonably incurred in any case under this
24 section in which an employee has established, by a prepon-
25 derance of the evidence, that a superior ordered or other-

1 wise coerced the employee into taking any act that re-
 2 sulted in a violation of such section 7323 or 7324.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
 4 tions of such subchapter is amended by inserting
 5 after the item relating to section 7326 the following:

“7328. Criminal penalty for Hatch Act violations.”.

6 (3) TRAINING.—After an individual’s first viola-
 7 tion of section 7323 or 7324 of title 5, United
 8 States Code, such individual shall be provided train-
 9 ing by the employing agency on how to avoid subse-
 10 quent violations of either such section.

11 **SEC. 1003. INCLUDING EXECUTIVE OFFICE OF THE PRESI-**
 12 **DENT UNDER LIMITATION ON NEPOTISM IN**
 13 **THE CIVIL SERVICE.**

14 Section 3110(a)(1)(A) of title 5, United States Code,
 15 is amended by inserting “, including the Executive Office
 16 of the President” after “Executive agency”.

17 **SEC. 1004. DISCLOSURE OF HATCH ACT INVESTIGATIONS**
 18 **FOR CERTAIN POLITICAL EMPLOYEES.**

19 Section 1216 of title 5, United States Code, is
 20 amended by adding at the end the following:

21 “(d)(1) With respect to any investigation of an alle-
 22 gation of prohibited activity under subsection (a)(1)
 23 against a political employee, not later than 14 days after
 24 the Special Counsel makes a final determination under

1 such investigation with respect to whether a violation oc-
2 curred, the Special Counsel shall—

3 “(A) publish, on the Office of Special Counsel’s
4 website, such determination and a report on that de-
5 termination; and

6 “(B) submit such report to the Committee on
7 Oversight and Reform of the House of Representa-
8 tives and the Committee on Homeland Security and
9 Governmental Affairs of the Senate.

10 “(2) In this subsection, the term ‘political employee’
11 means any individual occupying any of the following posi-
12 tions in the executive branch of Government (including an
13 individual carrying out the duties of a position described
14 in paragraph (1) in an acting capacity):

15 “(A) Any position required to be filled by an
16 appointment by the President by and with the advice
17 and consent of the Senate.

18 “(B) Any position in the executive branch of
19 the Government of a confidential or policy-deter-
20 mining character under schedule C of subpart C of
21 part 213 of title 5, Code of Federal Regulations.

22 “(C) Any position in or under the Executive Of-
23 fice of the President.

24 “(D) Any position in or under the Office of the
25 Vice President.

1 “(E) Any position in the Senior Executive Serv-
2 ice that is not a career appointee, a limited term ap-
3 pointee, or a limited emergency appointee (as those
4 terms are defined in section 3132(a)).”.

5 **SEC. 1005. CLARIFICATION ON CANDIDATES VISITING FED-**
6 **ERAL PROPERTY.**

7 (a) IN GENERAL.—Section 7323 of title 5, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(d) Nothing in this section or section 7324 shall be
11 construed to prohibit an employee from allowing a Mem-
12 ber of Congress or any other elected official from visiting
13 Federal facilities for an official purpose, including receiv-
14 ing briefings, tours, or other official information.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
16 Such section 7323 is further amended—

17 (1) in subsection (a)(1), by striking “his” and
18 inserting “the employee’s”; and

19 (2) in subsection (c)—

20 (A) by striking “he” and inserting “the
21 employee”; and

22 (B) by striking “his” and inserting “the
23 employee’s”.

1 **SEC. 1006. APPLYING HATCH ACT TO PRESIDENT AND VICE**
 2 **PRESIDENT WHILE ON FEDERAL PROPERTY.**

3 (a) IN GENERAL.—Subchapter III of chapter 73 of
 4 title 5, United States Code, as amended by section
 5 1002(c), is further amended by redesignating section 7326
 6 as section 7327 and by inserting after section 7325 the
 7 following:

8 **“§ 7326. Limitations on political activity of president**
 9 **and vice president while on White House**
 10 **grounds**

11 “Notwithstanding section 7322(1), the prohibitions
 12 on political activity under section 7323(a) and section
 13 7324 shall apply to the President and Vice President while
 14 the President and Vice President are on or in any part
 15 of the White House and White House grounds that is reg-
 16 ularly used in the discharge of official duties.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
 18 of such subchapter, as amended by section 1002(c), is
 19 further amended by striking the item relating to section
 20 7326 and inserting the following:

“7326. Limitations on political activity of President and Vice President while
 on Federal property
 “7327. Penalties”.

21 **SEC. 1007. GRANTING THE OFFICE OF SPECIAL COUNSEL**
 22 **RULEMAKING AUTHORITY.**

23 Notwithstanding any other law, rule, or regulation,
 24 the Office of Special Counsel shall have exclusive authority

1 to promulgate regulations with respect to authority grant-
2 ed to the Office under the Hatch Act.

3 **SEC. 1008. GREATER ACCOUNTABILITY FOR POLITICAL AP-**
4 **POINTEES.**

5 Section 1204(c) of title 5, United States Code, is
6 amended by adding at the end the following: “Notwith-
7 standing the previous sentences, in the case of contumacy
8 or failure by an individual to obey a subpoena issued under
9 subsection (b)(2)(A) or section 1214(b) with respect to an
10 investigation into any violation of section 7323 or 7324,
11 the Board may issue an order requiring that individual
12 to appear at any designated place to testify or to produce
13 documentary or other evidence.”.

14 **SEC. 1009. INVESTIGATING FORMER POLITICAL EMPLOY-**
15 **EES.**

16 Notwithstanding any other provision of law, the Of-
17 fice of Special Counsel may continue an investigation of
18 a violation of section 7323 or 7324 of title 5, United
19 States Code, of an individual who is a former employee
20 but only if such investigation commenced while the indi-
21 vidual was an employee. In this section, the term “em-
22 ployee” has the meaning given that term in section
23 7322(1) of such title.

1 **SEC. 1010. GAO REVIEW OF REIMBURSABLE POLITICAL**
2 **EVENTS.**

3 Not later than 60 days after the date of enactment
4 of this Act, the Comptroller General shall submit to Con-
5 gress a report on reimbursable political events held at the
6 White House or on the White House grounds during the
7 period beginning on January 1, 1997, and ending on the
8 date of enactment of this Act. Such report shall include
9 the following:

10 (1) Whether, during such period, the require-
11 ments in annual appropriations Acts with respect to
12 reimbursable political events have been followed, in-
13 cluding the requirements under the heading “Execu-
14 tive Residence At the White House—Reimbursable
15 Expenses” in division D of Public Law 116–6.

16 (2) An assessment of what constitutes a polit-
17 ical event during such period.

18 (3) Whether an event that was not classified as
19 a political event during such period should have been
20 classified as such an event.

21 (4) A review of any payment made by a political
22 entity under the terms of such requirements.

23 (5) Recommendations for Congress on—

24 (A) a definition for the term “political
25 event”; and

1 (B) how to assess whether administrations
2 are following such requirements and how to
3 hold administrations accountable if such re-
4 quirements are not followed.

5 **Subtitle B—Strengthening Ethics**
6 **Enforcement and Penalties for**
7 **Federal Executive Employees**

8 **SEC. 1011. ETHICS PLEDGE.**

9 Every appointee in every executive agency appointed
10 on or after January 20, 2021, shall sign, and upon signing
11 shall be contractually committed to, the following pledge
12 upon becoming an appointee:

13 “I recognize that this pledge is part of a broader eth-
14 ics in government plan designed to restore and maintain
15 public trust in government, and I commit myself to con-
16 duct consistent with that plan. I commit to decision-mak-
17 ing on the merits and exclusively in the public interest,
18 without regard to private gain or personal benefit. I com-
19 mit to conduct that upholds the independence of law en-
20 forcement and precludes improper interference with inves-
21 tigative or prosecutorial decisions of the Department of
22 Justice. I commit to ethical choices of post-Government
23 employment that do not raise the appearance that I have
24 used my Government service for private gain, including

1 by using confidential information acquired and relation-
2 ships established for the benefit of future clients.

3 “Accordingly, as a condition, and in consideration, of
4 my employment in the United States Government in a po-
5 sition invested with the public trust, I commit myself to
6 the following obligations, which I understand are binding
7 on me and are enforceable under law:

8 “(1) Lobbyist Gift Ban.—I will not accept gifts
9 from registered lobbyists or lobbying organizations
10 for the duration of my service as an appointee.

11 “(2) Revolving Door Ban; All Appointees En-
12 tering Government.—I will not for a period of 2
13 years from the date of my appointment participate
14 in any particular matter involving specific parties
15 that is directly and substantially related to my
16 former employer or former clients, including regula-
17 tions and contracts.

18 “(3) Revolving Door Ban; Lobbyists and Reg-
19 istered Agents Entering Government.—If I was reg-
20 istered under the Lobbying Disclosure Act, 2 U.S.C.
21 1601 et seq., or the Foreign Agents Registration Act
22 (FARA), 22 U.S.C. 611 et seq., within the 2 years
23 before the date of my appointment, in addition to
24 abiding by the limitations of paragraph 2, I will not

1 for a period of 2 years after the date of my appoint-
2 ment:

3 “(A) participate in any particular matter
4 on which I lobbied, or engaged in registrable ac-
5 tivity under FARA, within the 2 years before
6 the date of my appointment;

7 “(B) participate in the specific issue area
8 in which that particular matter falls; or

9 “(C) seek or accept employment with any
10 executive agency with respect to which I lob-
11 bied, or engaged in registrable activity under
12 FARA, within the 2 years before the date of my
13 appointment.

14 “(4) Revolving Door Ban; Appointees Leaving
15 Government.—If, upon my departure from the Gov-
16 ernment, I am covered by the post-employment re-
17 strictions on communicating with employees of my
18 former executive agency set forth in section 207(c)
19 of title 18, United States Code, and its imple-
20 menting regulations, I agree that I will abide by
21 those restrictions for a period of 2 years following
22 the end of my appointment. I will abide by these
23 same restrictions with respect to communicating
24 with the senior White House staff.

1 “(5) Revolving Door Ban; Senior and Very Sen-
2 ior Appointees Leaving Government.— If, upon my
3 departure from the Government, I am covered by the
4 post-employment restrictions set forth in sections
5 207(c) or 207(d) of title 18, United States Code,
6 and those sections’ implementing regulations, I
7 agree that, in addition, for a period of 1 year fol-
8 lowing the end of my appointment, I will not materi-
9 ally assist others in making communications or ap-
10 pearances that I am prohibited from undertaking
11 myself by—

12 “(A) holding myself out as being available
13 to engage in lobbying activities in support of
14 any such communications or appearances; or

15 “(B) engaging in any such lobbying activi-
16 ties.

17 “(6) Revolving Door Ban; Appointees Leaving
18 Government to Lobby.—In addition to abiding by
19 the limitations of paragraph 4, I also agree, upon
20 leaving Government service, not to lobby any covered
21 executive branch official or non-career Senior Execu-
22 tive Service appointee, or engage in any activity on
23 behalf of any foreign government or foreign political
24 party which, were it undertaken on January 20,
25 2021, would require that I register under FARA, for

1 the remainder of the Administration or 2 years fol-
2 lowing the end of my appointment, whichever is
3 later.

4 “(7) Golden Parachute Ban.—I have not ac-
5 cepted and will not accept, including after entering
6 Government, any salary or other cash payment from
7 my former employer the eligibility for and payment
8 of which is limited to individuals accepting a position
9 in the United States Government. I also have not ac-
10 cepted and will not accept any non-cash benefit from
11 my former employer that is provided in lieu of such
12 a prohibited cash payment.

13 “(8) Employment Qualification Commitment.—
14 I agree that any hiring or other employment deci-
15 sions I make will be based on the candidate’s quali-
16 fications, competence, and experience.

17 “(9) Assent to Enforcement.—I acknowledge
18 that title XVI of the Protecting Our Democracy Act,
19 which I have read before signing this document, de-
20 fines certain of the terms applicable to the foregoing
21 obligations and sets forth the methods for enforcing
22 them. I expressly accept the provisions of that title
23 as a part of this agreement and as binding on me.
24 I understand that the terms of this pledge are in ad-
25 dition to any statutory or other legal restrictions ap-

1 plicable to me by virtue of Federal Government serv-
2 ice.”.

3 **SEC. 1012. DEFINITIONS.**

4 For purposes of this title and the pledge set forth
5 in section 1101 of this title:

6 (1) “Executive agency” shall include each “ex-
7 ecutive agency” as defined by section 105 of title 5,
8 United States Code, and shall include the Executive
9 Office of the President; provided, however, that “ex-
10 ecutive agency” shall include the United States
11 Postal Service and Postal Regulatory Commission,
12 but shall exclude the Government Accountability Of-
13 fice.

14 (2) “Appointee” shall include every full-time,
15 non-career Presidential or Vice-Presidential ap-
16 pointee, non-career appointee in the Senior Execu-
17 tive Service (or other SES-type system), and ap-
18 pointee to a position that has been excepted from
19 the competitive service by reason of being of a con-
20 fidential or policymaking character (Schedule C and
21 other positions excepted under comparable criteria)
22 in an executive agency. It does not include any per-
23 son appointed as a member of the Senior Foreign
24 Service or solely as a uniformed service commis-
25 sioned officer.

1 (3) “Gift”—

2 (A) shall have the definition set forth in
3 section 2635.203(b) of title 5, Code of Federal
4 Regulations;

5 (B) shall include gifts that are solicited or
6 accepted indirectly, as defined in section
7 2635.203(f) of title 5, Code of Federal Regula-
8 tions; and

9 (C) shall exclude those items excluded by
10 sections 2635.204(b), (c), (e)(1) and (3), and
11 (j) through (l) of title 5, Code of Federal Regu-
12 lations.

13 (4) “Covered executive branch official” and
14 “lobbyist” shall have the definitions set forth in sec-
15 tion 1602 of title 2, United States Code.

16 (5) “Registered lobbyist or lobbying organiza-
17 tion” shall mean a lobbyist or an organization filing
18 a registration pursuant to section 1603(a) of title 2,
19 United States Code, and in the case of an organiza-
20 tion filing such a registration, “registered lobbyist”
21 shall include each of the lobbyists identified therein.

22 (6) “Lobby” and “lobbied” shall mean to act or
23 have acted as a registered lobbyist.

1 (7) “Lobbying activities” shall have the defini-
2 tion set forth in section 1602 of title 2, United
3 States Code.

4 (8) “Materially assist” means to provide sub-
5 stantive assistance but does not include providing
6 background or general education on a matter of law
7 or policy based upon an individual’s subject matter
8 expertise, nor any conduct or assistance permitted
9 under section 207(j) of title 18, United States Code.

10 (9) “Particular matter” shall have the same
11 meaning as set forth in section 207 of title 18,
12 United States Code, and section 2635.402(b)(3) of
13 title 5, Code of Federal Regulations.

14 (10) “Particular matter involving specific par-
15 ties” shall have the same meaning as set forth in
16 section 2641.201(h) of title 5, Code of Federal Reg-
17 ulations, except that it shall also include any meet-
18 ing or other communication relating to the perform-
19 ance of one’s official duties with a former employer
20 or former client, unless the communication applies
21 to a particular matter of general applicability and
22 participation in the meeting or other event is open
23 to all interested parties.

24 (11) “Former employer” is any person for
25 whom the appointee has within the 2 years prior to

1 the date of his or her appointment served as an em-
2 ployee, officer, director, trustee, or general partner,
3 except that “former employer” does not include any
4 executive agency or other entity of the Federal Gov-
5 ernment, State or local government, the District of
6 Columbia, Native American tribe, any United States
7 territory or possession, or any international organi-
8 zation in which the United States is a member state.

9 (12) “Former client” is any person for whom
10 the appointee served personally as agent, attorney,
11 or consultant within the 2 years prior to the date of
12 his or her appointment, but excluding instances
13 where the service provided was limited to speeches or
14 similar appearances. It does not include clients of
15 the appointee’s former employer to whom the ap-
16 pointee did not personally provide services.

17 (13) “Directly and substantially related to my
18 former employer or former clients” shall mean mat-
19 ters in which the appointee’s former employer or a
20 former client is a party or represents a party.

21 (14) “Participate” means to participate person-
22 ally and substantially.

23 (15) “Government official” means any employee
24 of the executive branch.

1 (16) “Administration” means all terms of office
2 of the incumbent President serving at the time of
3 the appointment of an appointee covered by this
4 title.

5 (17) “Pledge” means the ethics pledge set forth
6 in section 1011 of this title.

7 (18) “Senior White House staff” means any
8 person appointed by the President to a position
9 under sections 105(a)(2)(A) or (B) of title 3, United
10 States Code, or by the Vice President to a position
11 under sections 106(a)(1)(A) or (B) of title 3.

12 (19) All references to provisions of law and reg-
13 ulations shall refer to such provisions as are in effect
14 on January 20, 2021.

15 **SEC. 1013. WAIVER.**

16 (a) The Director of the Office of Management and
17 Budget (OMB), in consultation with the Counsel to the
18 President, may grant to any current or former appointee
19 a written waiver of any restrictions contained in the pledge
20 signed by such appointee if, and to the extent that, the
21 Director of OMB certifies in writing—

22 (1) that the literal application of the restriction
23 is inconsistent with the purposes of the restriction;
24 or

1 (2) that it is in the public interest to grant the
2 waiver. Any such written waiver should reflect the
3 basis for the waiver and, in the case of a waiver of
4 the restrictions set forth in paragraphs (3)(B) and
5 (C) of the pledge, a discussion of the findings with
6 respect to the factors set forth in subsection (b) of
7 this section.

8 (b) A waiver shall take effect when the certification
9 is signed by the Director of OMB and shall be made public
10 within 10 days thereafter.

11 (c) The public interest shall include, but not be lim-
12 ited to, exigent circumstances relating to national security,
13 the economy, public health, or the environment. In deter-
14 mining whether it is in the public interest to grant a waiv-
15 er of the restrictions contained in paragraphs (3)(B) and
16 (C) of the pledge, the responsible official may consider the
17 following factors—

18 (1) the government’s need for the individual’s
19 services, including the existence of special cir-
20 cumstances related to national security, the econ-
21 omy, public health, or the environment;

22 (2) the uniqueness of the individual’s qualifica-
23 tions to meet the government’s needs;

24 (3) the scope and nature of the individual’s
25 prior lobbying activities, including whether such ac-

1 tivities were de minimis or rendered on behalf of a
2 nonprofit organization; and

3 (4) the extent to which the purposes of the re-
4 striction may be satisfied through other limitations
5 on the individual's services, such as those required
6 by paragraph (3)(A) of the pledge.

7 **SEC. 1014. ADMINISTRATION.**

8 (a) The head of every executive agency shall, in con-
9 sultation with the Director of the Office of Government
10 Ethics, establish such rules or procedures (conforming as
11 nearly as practicable to the agency's general ethics rules
12 and procedures, including those relating to designated
13 agency ethics officers) as are necessary or appropriate to
14 ensure—

15 (1) that every appointee in the agency signs the
16 pledge upon assuming the appointed office or other-
17 wise becoming an appointee;

18 (2) that compliance with paragraph (3) of the
19 pledge is addressed in a written ethics agreement
20 with each appointee to whom it applies, which agree-
21 ment shall also be approved by the Counsel to the
22 President prior to the appointee commencing work;

23 (3) that spousal employment issues and other
24 conflicts not expressly addressed by the pledge are
25 addressed in ethics agreements with appointees or,

1 where no such agreements are required, through eth-
2 ics counseling; and

3 (4) that the agency generally complies with this
4 title.

5 (b) With respect to the Executive Office of the Presi-
6 dent, the duties set forth in subsection (a) shall be the
7 responsibility of the Counsel to the President.

8 (c) The Director of the Office of Government Ethics
9 shall—

10 (1) ensure that the pledge and a copy of this
11 title are made available for use by agencies in ful-
12 filling their duties under subsection (a);

13 (2) in consultation with the Attorney General or
14 the Counsel to the President, when appropriate, as-
15 sist designated agency ethics officers in providing
16 advice to current or former appointees regarding the
17 application of the pledge; and

18 (3) in consultation with the Attorney General
19 and the Counsel to the President, adopt such rules
20 or procedures as are necessary or appropriate—

21 (A) to carry out the foregoing responsibil-
22 ities;

23 (B) to authorize limited exceptions to the
24 lobbyist gift ban for circumstances that do not
25 implicate the purposes of the ban;

1 (C) to make clear that no person shall
2 have violated the lobbyist gift ban if the person
3 properly disposes of a gift as provided by sec-
4 tion 2635.206 of title 5, Code of Federal Regu-
5 lations;

6 (D) to ensure that existing rules and pro-
7 cedures for Government employees engaged in
8 negotiations for future employment with private
9 businesses that are affected by the employees'
10 official actions do not affect the integrity of the
11 Government's programs and operations; and

12 (E) to ensure, in consultation with the Di-
13 rector of the Office of Personnel Management,
14 that the requirement set forth in paragraph (6)
15 of the pledge is honored by every employee of
16 the executive branch;

17 (4) in consultation with the Director of OMB,
18 report to the President on whether full compliance
19 is being achieved with existing laws and regulations
20 governing executive branch procurement lobbying
21 disclosure. This report shall include recommenda-
22 tions on steps the executive branch can take to ex-
23 pand, to the fullest extent practicable, disclosure of
24 both executive branch procurement lobbying and of
25 lobbying for Presidential pardons. These rec-

1 ommendations shall include both immediate actions
2 the executive branch can take and, if necessary, rec-
3 ommendations for legislation; and

4 (5) provide an annual public report on the ad-
5 ministration of the pledge and this title.

6 (d) The Director of the Office of Government Ethics
7 shall, in consultation with the Attorney General, the Coun-
8 sel to the President, and the Director of the Office of Per-
9 sonnel Management, report to the President on steps the
10 executive branch can take to expand to the fullest extent
11 practicable the revolving door ban set forth in paragraph
12 (5) of the pledge to all executive branch employees who
13 are involved in the procurement process such that they
14 may not for 2 years after leaving Government service
15 lobby any Government official regarding a Government
16 contract that was under their official responsibility in the
17 last 2 years of their Government service. This report shall
18 include both immediate actions the executive branch can
19 take and, if necessary, recommendations for legislation.

20 (e) All pledges signed by appointees, and all waiver
21 certifications with respect thereto, shall be filed with the
22 head of the appointee's agency for permanent retention
23 in the appointee's official personnel folder or equivalent
24 folder.

1 **SEC. 1015. ENFORCEMENT.**

2 (a) The contractual, fiduciary, and ethical commit-
3 ments in the pledge provided for herein are solely enforce-
4 able by the United States pursuant to this section by any
5 legally available means, including debarment proceedings
6 within any affected executive agency or judicial civil pro-
7 ceedings for declaratory, injunctive, or monetary relief.

8 (b) Any former appointee who is determined, after
9 notice and hearing, by the duly designated authority with-
10 in any agency, to have violated his or her pledge may be
11 barred from lobbying any officer or employee of that agen-
12 cy for up to 5 years in addition to the time period covered
13 by the pledge. The head of every executive agency shall,
14 in consultation with the Director of the Office of Govern-
15 ment Ethics, establish procedures to implement this sub-
16 section, which procedures shall include (but not be limited
17 to) providing for fact-finding and investigation of possible
18 violations of this title and for referrals to the Attorney
19 General for consideration pursuant to subsection (c) of
20 this section.

21 (c) The Attorney General is authorized—

22 (1) upon receiving information regarding the
23 possible breach of any commitment in a signed
24 pledge, to request any appropriate Federal investiga-
25 tive authority to conduct such investigations as may
26 be appropriate; and

1 (2) upon determining that there is a reasonable
2 basis to believe that a breach of a commitment has
3 occurred or will occur or continue, if not enjoined,
4 to commence a civil action against the former em-
5 ployee in any United States District Court with ju-
6 risdiction to consider the matter.

7 (d) In any such civil action, the Attorney General is
8 authorized to request any and all relief authorized by law,
9 including but not limited to:

10 (1) such temporary restraining orders and pre-
11 liminary and permanent injunctions as may be ap-
12 propriate to restrain future, recurring, or continuing
13 conduct by the former employee in breach of the
14 commitments in the pledge he or she signed; and

15 (2) establishment of a constructive trust for the
16 benefit of the United States, requiring an accounting
17 and payment to the United States Treasury of all
18 money and other things of value received by, or pay-
19 able to, the former employee arising out of any
20 breach or attempted breach of the pledge signed by
21 the former employee.

22 **SEC. 1016. GENERAL PROVISIONS.**

23 (a) If any provision of this title or the application
24 of such provision is held to be invalid, the remainder of

1 this title and other dissimilar applications of such provi-
2 sion shall not be affected.

3 (b) Nothing in this title shall be construed to impair
4 or otherwise affect—

5 (1) the authority granted by law to an executive
6 department or agency, or the head thereof; or

7 (2) the functions of the Director of the Office
8 of Management and Budget relating to budgetary,
9 administrative, or legislative proposals.

10 (c) This title shall be implemented consistent with ap-
11 plicable law and subject to the availability of appropria-
12 tions.

13 (d) This title is not intended to, and does not, create
14 any right or benefit, substantive or procedural, enforceable
15 at law or in equity by any party against the United States,
16 its departments, agencies, or entities, its officers, employ-
17 ees, or agents, or any other person.

18 **TITLE XI—PROMOTING EFFI-**
19 **CIENT PRESIDENTIAL TRAN-**
20 **SITIONS**

21 **SEC. 1101. SHORT TITLE.**

22 This title may be cited as the “Efficient Transition
23 Act of 2021”.

1 **SEC. 1102. ASCERTAINMENT OF SUCCESSFUL CANDIDATES**
2 **IN GENERAL ELECTIONS FOR PURPOSES OF**
3 **PRESIDENTIAL TRANSITION.**

4 (a) IN GENERAL.—Section 3(c) of the Presidential
5 Transition Act of 1963 (3 U.S.C. 102 note) is amended—

6 (1) by striking “The terms” and inserting “(1)
7 The terms”; and

8 (2) by adding at the end the following:

9 “(2) The Administrator shall make the ascertainment
10 under paragraph (1) as soon as practicable after the gen-
11 eral elections.

12 “(3) If the Administrator does not make such ascer-
13 tainment within 5 days after such elections, each eligible
14 candidate for President and Vice President shall be treat-
15 ed as if they are the apparent successful candidate for pur-
16 poses of this Act until the Administrator makes the ascer-
17 tainment or until the House of Representatives and the
18 Senate certify the results of the elections, whichever occurs
19 first.”.

20 (b) REGULATIONS.—Not later than 270 days after
21 the date of enactment of this Act, the Administrator of
22 General Services shall promulgate regulations that estab-
23 lish standards and procedures to be followed by the Ad-
24 ministrator in making any future determination regarding
25 ascertainment under section 3(c) of the Presidential Tran-
26 sition Act of 1963, as amended by subsection (a).

1 **TITLE XII—PRESIDENTIAL AND**
2 **VICE PRESIDENTIAL TAX**
3 **TRANSPARENCY**

4 **SEC. 1201. PRESIDENTIAL AND VICE PRESIDENTIAL TAX**
5 **TRANSPARENCY.**

6 (a) DEFINITIONS.—In this section—

7 (1) The term “covered candidate” means a can-
8 didate of a major party in a general election for the
9 office of President or Vice President.

10 (2) The term “major party” has the meaning
11 given the term in section 9002 of the Internal Rev-
12 enue Code of 1986.

13 (3) The term “income tax return” means, with
14 respect to an individual, any return (as such term is
15 defined in section 6103(b)(1) of the Internal Rev-
16 enue Code of 1986, except that such term shall not
17 include declarations of estimated tax) of—

18 (A) such individual, other than information
19 returns issued to persons other than such indi-
20 vidual; or

21 (B) of any corporation, partnership, or
22 trust in which such individual holds, directly or
23 indirectly, a significant interest as the sole or
24 principal owner or the sole or principal bene-
25 ficial owner (as such terms are defined in regu-

1 lations prescribed by the Secretary of the
2 Treasury or his delegate).

3 (4) The term “Secretary” means the Secretary
4 of the Treasury or the delegate of the Secretary.

5 (b) DISCLOSURE.—

6 (1) IN GENERAL.—

7 (A) CANDIDATES FOR PRESIDENT AND
8 VICE PRESIDENT.—Not later than the date that
9 is 15 days after the date on which an individual
10 becomes a covered candidate, the individual
11 shall submit to the Federal Election Commis-
12 sion a copy of the individual’s income tax re-
13 turns for the 10 most recent taxable years for
14 which a return has been filed with the Internal
15 Revenue Service.

16 (B) PRESIDENT AND VICE PRESIDENT.—
17 With respect to an individual who is the Presi-
18 dent or Vice President, not later than the due
19 date for the return of tax for each taxable year,
20 such individual shall submit to the Federal
21 Election Commission a copy of the individual’s
22 income tax returns for the taxable year and for
23 the 9 preceding taxable years.

24 (C) TRANSITION RULE FOR SITTING PRESI-
25 DENTS AND VICE PRESIDENTS.—Not later than

1 the date that is 30 days after the date of enact-
2 ment of this section, an individual who is the
3 President or Vice President on such date of en-
4 actment shall submit to the Federal Election
5 Commission a copy of the income tax returns
6 for the 10 most recent taxable years for which
7 a return has been filed with the Internal Rev-
8 enue Service.

9 (2) FAILURE TO DISCLOSE.—If any require-
10 ment under paragraph (1) to submit an income tax
11 return is not met, the chairman of the Federal Elec-
12 tion Commission shall submit to the Secretary a
13 written request that the Secretary provide the Fed-
14 eral Election Commission with the income tax re-
15 turn.

16 (3) PUBLICLY AVAILABLE.—The chairman of
17 the Federal Election Commission shall make publicly
18 available each income tax return submitted under
19 paragraph (1) in the same manner as a return pro-
20 vided under section 6103(l)(23) of the Internal Rev-
21 enue Code of 1986 (as added by this section).

22 (4) TREATMENT AS A REPORT FILED UNDER
23 THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.—
24 Section 304(a)(11) of the Federal Election Cam-

1 paign Act of 1971 (52 U.S.C. 30104(a)(11)) is
2 amended by adding at the end the following:

3 “(E) An income tax return filed under the Protecting
4 Our Democracy Act of 2021 shall be filed in electronic
5 form accessible by computers and shall be treated as a
6 report filed under and required by this Act for purposes
7 of subparagraphs (B) and (C), except that if it would re-
8 quire considerable, extensive, and significant time for the
9 Commission to make redactions to such a return, as re-
10 quired under section 1201(b)(3) of the Protecting Our De-
11 mocracy Act of 2021 or subparagraph (B)(ii) of section
12 6103(l)(23) of the Internal Revenue Code of 1986, the
13 Commission may make the return available for public in-
14 spection more than 48 hours after receipt by the Commis-
15 sion, but in no event later than 30 days after receipt by
16 the Commission.”.

17 (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND
18 VICE PRESIDENTS AND CERTAIN CANDIDATES FOR
19 PRESIDENT AND VICE PRESIDENT.—

20 (1) IN GENERAL.—Section 6103(l) of the Inter-
21 nal Revenue Code of 1986 is amended by adding at
22 the end the following new paragraph:

23 “(23) DISCLOSURE OF RETURN INFORMATION
24 OF PRESIDENTS AND VICE PRESIDENTS AND CER-

1 TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-
2 DENT.—

3 “(A) IN GENERAL.—Upon written request
4 by the chairman of the Federal Election Com-
5 mission under section 1201(b)(2) of the Pro-
6 tecting Our Democracy Act, not later than the
7 date that is 15 days after the date of such re-
8 quest, the Secretary shall provide copies of any
9 return which is so requested to officers and em-
10 ployees of the Federal Election Commission
11 whose official duties include disclosure or redac-
12 tion of such return under this paragraph.

13 “(B) DISCLOSURE TO THE PUBLIC.—

14 “(I) IN GENERAL.—The chairman of
15 the Federal Election Commission shall
16 make publicly available any return which is
17 provided under subparagraph (A).

18 “(ii) REDACTION OF CERTAIN INFOR-
19 MATION.—Before making publicly available
20 under clause (I) any return, the chairman
21 of the Federal Election Commission shall
22 redact such information as the Federal
23 Election Commission and the Secretary
24 jointly determine is necessary for pro-

1 tecting against identity theft, such as so-
2 cial security numbers.”.

3 (2) CONFORMING AMENDMENTS.—Section
4 6103(p)(4) of such Code is amended—

5 (A) in the matter preceding subparagraph
6 (A) by striking “or (22)” and inserting “(22),
7 or (23)”; and

8 (B) in subparagraph (F)(ii) by striking “or
9 (22)” and inserting “(22), or (23)”.

10 (3) EFFECTIVE DATE.—The amendments made
11 by this subsection shall apply to disclosures made on
12 or after the date of enactment of this Act.

13 **DIVISION C—MISCELLANEOUS**
14 **TITLE XIII—REPORTING FOR-**
15 **EIGN INTERFERENCE IN**
16 **ELECTIONS**

17 **SEC. 1301. FEDERAL CAMPAIGN REPORTING OF FOREIGN**
18 **CONTACTS.**

19 (a) INITIAL NOTICE.—

20 (1) IN GENERAL.—Section 304 of the Federal
21 Election Campaign Act of 1971 (52 U.S.C. 30104)
22 is amended by adding at the end the following new
23 subsection:

24 “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-
25 TACTS.—

1 “(1) COMMITTEE OBLIGATION TO NOTIFY.—

2 Not later than 1 week after a reportable foreign con-
3 tact, each political committee shall notify the Fed-
4 eral Bureau of Investigation and the Commission of
5 the reportable foreign contact and provide a sum-
6 mary of the circumstances with respect to such re-
7 portable foreign contact. The Federal Bureau of In-
8 vestigation, not later than 1 week after receiving a
9 notification from a political committee under this
10 paragraph, shall submit to the political committee,
11 the Permanent Select Committee on Intelligence of
12 the House of Representatives, and the Select Com-
13 mittee on Intelligence of the Senate written or elec-
14 tronic confirmation of receipt of the notification.

15 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—

16 Not later than 3 days after a reportable foreign con-
17 tact—

18 “(A) each candidate and each immediate
19 family member of a candidate shall notify the
20 treasurer or other designated official of the
21 principal campaign committee of such candidate
22 of the reportable foreign contact and provide a
23 summary of the circumstances with respect to
24 such reportable foreign contact; and

1 “(B) each official, employee, or agent of a
2 political committee shall notify the treasurer or
3 other designated official of the committee of the
4 reportable foreign contact and provide a sum-
5 mary of the circumstances with respect to such
6 reportable foreign contact.

7 “(3) REPORTABLE FOREIGN CONTACT.—In this
8 subsection:

9 “(A) IN GENERAL.—The term ‘reportable
10 foreign contact’ means any direct or indirect
11 contact or communication that—

12 “(I) is between—

13 “(I) a candidate, an immediate
14 family member of the candidate, a po-
15 litical committee, or any official, em-
16 ployee, or agent of such committee;
17 and

18 “(II) an individual that the per-
19 son described in subclause (I) knows,
20 has reason to know, or reasonably be-
21 lieves is a covered foreign national;
22 and

23 “(ii) the person described in clause
24 (I)(I) knows, has reason to know, or rea-
25 sonably believes involves—

1 “(I) an offer or other proposal
2 for a contribution, donation, expendi-
3 ture, disbursement, or solicitation de-
4 scribed in section 319; or

5 “(II) coordination or collabora-
6 tion with, an offer or provision of in-
7 formation or services to or from, or
8 persistent and repeated contact with,
9 a covered foreign national in connec-
10 tion with an election.

11 “(B) EXCEPTIONS.—

12 “(I) CONTACTS IN OFFICIAL CAPACITY
13 AS ELECTED OFFICIAL.—The term ‘report-
14 able foreign contact’ shall not include any
15 contact or communication with a covered
16 foreign national by an elected official or an
17 employee of an elected official solely in an
18 official capacity as such an official or em-
19 ployee.

20 “(ii) CONTACTS FOR PURPOSES OF
21 ENABLING OBSERVATION OF ELECTIONS
22 BY INTERNATIONAL OBSERVERS.—The
23 term ‘reportable foreign contact’ shall not
24 include any contact or communication with
25 a covered foreign national by any person

1 which is made for purposes of enabling the
2 observation of elections in the United
3 States by a foreign national or the obser-
4 vation of elections outside of the United
5 States by a candidate, political committee,
6 or any official, employee, or agent of such
7 committee.

8 “(iii) EXCEPTIONS NOT APPLICABLE
9 IF CONTACTS OR COMMUNICATIONS IN-
10 VOLVE PROHIBITED DISBURSEMENTS.—A
11 contact or communication by an elected of-
12 ficial or an employee of an elected official
13 shall not be considered to be made solely
14 in an official capacity for purposes of
15 clause (I), and a contact or communication
16 shall not be considered to be made for pur-
17 poses of enabling the observation of elec-
18 tions for purposes of clause (ii), if the con-
19 tact or communication involves a contribu-
20 tion, donation, expenditure, disbursement,
21 or solicitation described in section 319.

22 “(C) COVERED FOREIGN NATIONAL DE-
23 FINED.—

1 “(I) IN GENERAL.—In this paragraph,
2 the term ‘covered foreign national’
3 means—

4 “(I) a foreign principal (as de-
5 fined in section 1(b) of the Foreign
6 Agents Registration Act of 1938 (22
7 U.S.C. 611(b)) that is a government
8 of a foreign country or a foreign polit-
9 ical party;

10 “(II) any person who acts as an
11 agent, representative, employee, or
12 servant, or any person who acts in
13 any other capacity at the order, re-
14 quest, or under the direction or con-
15 trol, of a foreign principal described in
16 subclause (I) or of a person any of
17 whose activities are directly or indi-
18 rectly supervised, directed, controlled,
19 financed, or subsidized in whole or in
20 major part by a foreign principal de-
21 scribed in subclause (I); or

22 “(III) any person included in the
23 list of specially designated nationals
24 and blocked persons maintained by
25 the Office of Foreign Assets Control

1 of the Department of the Treasury
2 pursuant to authorities relating to the
3 imposition of sanctions relating to the
4 conduct of a foreign principal de-
5 scribed in subclause (I).

6 “(ii) CLARIFICATION REGARDING AP-
7 PPLICATION TO CITIZENS OF THE UNITED
8 STATES.—In the case of a citizen of the
9 United States, subclause (II) of clause (I)
10 applies only to the extent that the person
11 involved acts within the scope of that per-
12 son’s status as the agent of a foreign prin-
13 cipal described in subclause (I) of clause
14 (I).

15 “(4) IMMEDIATE FAMILY MEMBER.—In this
16 subsection, the term ‘immediate family member’
17 means, with respect to a candidate, a parent, parent-
18 in-law, spouse, adult child, or sibling.”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1) shall apply with respect to report-
21 able foreign contacts which occur on or after the
22 date of the enactment of this Act.

23 (b) INFORMATION INCLUDED ON REPORT.—

24 (1) IN GENERAL.—Section 304(b) of such Act
25 (52 U.S.C. 30104(b)) is amended—

1 (A) by striking “and” at the end of para-
2 graph (7);

3 (B) by striking the period at the end of
4 paragraph (8) and inserting “; and”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(9) for any reportable foreign contact (as de-
8 fined in subsection (j)(3))—

9 “(A) the date, time, and location of the
10 contact;

11 “(B) the date and time of when a des-
12 ignated official of the committee was notified of
13 the contact;

14 “(C) the identity of individuals involved;
15 and

16 “(D) a description of the contact, including
17 the nature of any contribution, donation, ex-
18 penditure, disbursement, or solicitation involved
19 and the nature of any activity described in sub-
20 section (j)(3)(A)(ii)(II) involved.”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by paragraph (1) shall apply with respect to reports
23 filed on or after the expiration of the 60-day period
24 which begins on the date of the enactment of this
25 Act.

1 **SEC. 1302. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**
2 **PORTING COMPLIANCE SYSTEM.**

3 (a) IN GENERAL.—Section 302 of the Federal Elec-
4 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
5 by adding at the end the following new subsection:

6 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE
7 POLICY.—

8 “(1) REPORTING.—Each political committee
9 shall establish a policy that requires all officials, em-
10 ployees, and agents of such committee to notify the
11 treasurer or other appropriate designated official of
12 the committee of any reportable foreign contact (as
13 defined in section 304(j)) not later than 3 days after
14 such contact was made.

15 “(2) RETENTION AND PRESERVATION OF
16 RECORDS.—Each political committee shall establish
17 a policy that provides for the retention and preserva-
18 tion of records and information related to reportable
19 foreign contacts (as so defined) for a period of not
20 less than 3 years.

21 “(3) CERTIFICATION.—

22 “(A) IN GENERAL.—Upon filing its state-
23 ment of organization under section 303(a), and
24 with each report filed under section 304(a), the
25 treasurer of each political committee (other

1 than an authorized committee) shall certify
2 that—

3 “(I) the committee has in place poli-
4 cies that meet the requirements of para-
5 graphs (1) and (2);

6 “(ii) the committee has designated an
7 official to monitor compliance with such
8 policies; and

9 “(iii) not later than 1 week after the
10 beginning of any formal or informal affili-
11 ation with the committee, all officials, em-
12 ployees, and agents of such committee
13 will—

14 “(I) receive notice of such poli-
15 cies;

16 “(II) be informed of the prohibi-
17 tions under section 319; and

18 “(III) sign a certification affirm-
19 ing their understanding of such poli-
20 cies and prohibitions.

21 “(B) AUTHORIZED COMMITTEES.—With
22 respect to an authorized committee, the can-
23 didate shall make the certification required
24 under subparagraph (A).”.

25 (b) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendment made by
2 subsection (a) shall apply with respect to political
3 committees which file a statement of organization
4 under section 303(a) of the Federal Election Cam-
5 paign Act of 1971 (52 U.S.C. 30103(a)) on or after
6 the date of the enactment of this Act.

7 (2) TRANSITION RULE FOR EXISTING COMMIT-
8 TEES.—Not later than 30 days after the date of the
9 enactment of this Act, each political committee
10 under the Federal Election Campaign Act of 1971
11 shall file a certification with the Federal Election
12 Commission that the committee is in compliance
13 with the requirements of section 302(j) of such Act
14 (as added by subsection (a)).

15 **SEC. 1303. CRIMINAL PENALTIES.**

16 Section 309(d)(1) of the Federal Election Campaign
17 Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-
18 ing at the end the following new subparagraphs:

19 “(E) Any person who knowingly and willfully com-
20 mits a violation of subsection (j) or (b)(9) of section 304
21 or section 302(j) shall be fined not more than \$500,000,
22 imprisoned not more than 5 years, or both.

23 “(F) Any person who knowingly and willfully conceals
24 or destroys any materials relating to a reportable foreign
25 contact (as defined in section 304(j)) shall be fined not

1 more than \$1,000,000, imprisoned not more than 5 years,
2 or both.”.

3 **SEC. 1304. REPORT TO CONGRESSIONAL INTELLIGENCE**
4 **COMMITTEES.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, and annually thereafter,
7 the Director of the Federal Bureau of Investigation shall
8 submit to the congressional intelligence committees a re-
9 port relating to notifications received by the Federal Bu-
10 reau of Investigation under section 304(j)(1) of the Fed-
11 eral Election Campaign Act of 1971 (as added by section
12 1301(a) of this Act).

13 (b) ELEMENTS.—Each report under subsection (a)
14 shall include, at a minimum, the following with respect
15 to notifications described in subsection (a):

16 (1) The number of such notifications received
17 from political committees during the year covered by
18 the report.

19 (2) A description of protocols and procedures
20 developed by the Federal Bureau of Investigation re-
21 lating to receipt and maintenance of records relating
22 to such notifications.

23 (3) With respect to such notifications received
24 during the year covered by the report, a description

1 of any subsequent actions taken by the Director re-
2 sulting from the receipt of such notifications.

3 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
4 DEFINED.—In this section, the term “congressional intel-
5 ligence committees” has the meaning given that term in
6 section 3 of the National Security Act of 1947 (50 U.S.C.
7 3003).

8 **SEC. 1305. RULE OF CONSTRUCTION.**

9 Nothing in this title or the amendments made by this
10 title shall be construed—

11 (1) to impede legitimate journalistic activities;

12 or

13 (2) to impose any additional limitation on the
14 right to express political views or to participate in
15 public discourse of any individual who—

16 (A) resides in the United States;

17 (B) is not a citizen of the United States or
18 a national of the United States, as defined in
19 section 101(a)(22) of the Immigration and Na-
20 tionality Act (8 U.S.C. 1101(a)(22)); and

21 (C) is not lawfully admitted for permanent
22 residence, as defined by section 101(a)(20) of
23 the Immigration and Nationality Act (8 U.S.C.
24 1101(a)(20)).

1 **TITLE XIV—ELIMINATING FOR-**
2 **EIGN INTERFERENCE IN**
3 **ELECTIONS**

4 **SEC. 1401. CLARIFICATION OF APPLICATION OF FOREIGN**
5 **MONEY BAN.**

6 (a) CLARIFICATION OF TREATMENT OF PROVISION
7 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
8 TION OF A THING OF VALUE.—Section 319 of the Federal
9 Election Campaign Act of 1971 (52 U.S.C. 30121) is
10 amended by adding at the end the following new sub-
11 section:

12 “(c) CLARIFICATION OF TREATMENT OF PROVISION
13 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
14 TION OF A THING OF VALUE.—For purposes of this sec-
15 tion, a ‘contribution or donation of money or other thing
16 of value’ includes the provision of opposition research,
17 polling, or other non-public information relating to a can-
18 didate for election for a Federal, State, or local office for
19 the purpose of influencing the election, regardless of
20 whether such research, polling, or information has mone-
21 tary value, except that nothing in this subsection shall be
22 construed to treat the mere provision of an opinion about
23 a candidate as a thing of value for purposes of this sec-
24 tion.”.

1 (b) CLARIFICATION OF APPLICATION OF FOREIGN
2 MONEY BAN TO ALL CONTRIBUTIONS AND DONATIONS
3 OF THINGS OF VALUE AND TO ALL SOLICITATIONS OF
4 CONTRIBUTIONS AND DONATIONS OF THINGS OF
5 VALUE.—Section 319(a) of such Act (52 U.S.C.
6 30121(a)) is amended—

7 (1) in paragraph (1)(A), by striking “promise
8 to make a contribution or donation” and inserting
9 “promise to make such a contribution or donation”;
10 (2) in paragraph (1)(B), by striking “donation”
11 and inserting “donation of money or other thing of
12 value, or to make an express or implied promise to
13 make such a contribution or donation,”; and

14 (3) by amending paragraph (2) to read as fol-
15 lows:

16 “(2) a person to solicit, accept, or receive (di-
17 rectly or indirectly) a contribution or donation de-
18 scribed in subparagraph (A) or (B) of paragraph
19 (1), or to solicit, accept, or receive (directly or indi-
20 rectly) an express or implied promise to make such
21 a contribution or donation, from a foreign na-
22 tional.”.

23 (c) ENHANCED PENALTY FOR CERTAIN VIOLA-
24 TIONS.—

1 (1) IN GENERAL.—Section 309(d)(1) of such
2 Act (52 U.S.C. 30109(d)(1)), as amended by section
3 1303, is further amended by adding at the end the
4 following new subparagraph:

5 “(G)(I) Any person who knowingly and willfully com-
6 mits a violation of section 319 which involves a foreign
7 national which is a government of a foreign country or
8 a foreign political party, or which involves a thing of value
9 consisting of the provision of opposition research, polling,
10 or other non-public information relating to a candidate for
11 election for a Federal, State, or local office for the purpose
12 of influencing the election, shall be fined under title 18,
13 United States Code, or imprisoned for not more than 5
14 years, or both.

15 “(ii) In clause (I), each of the terms ‘government of
16 a foreign country’ and ‘foreign political party’ has the
17 meaning given such term in section 1 of the Foreign
18 Agents Registration Act of 1938, as Amended (22 U.S.C.
19 611).”.

20 (2) EFFECTIVE DATE.—The amendment made
21 by paragraph (1) shall apply with respect to viola-
22 tions committed on or after the date of the enact-
23 ment of this Act.

1 **SEC. 1402. REQUIRING ACKNOWLEDGMENT OF FOREIGN**
2 **MONEY BAN BY POLITICAL COMMITTEES.**

3 (a) PROVISION OF INFORMATION BY FEDERAL ELEC-
4 TION COMMISSION.—Section 303 of the Federal Election
5 Campaign Act of 1971 (52 U.S.C. 30103) is amended by
6 adding at the end the following new subsection:

7 “(e) ACKNOWLEDGMENT OF FOREIGN MONEY
8 BAN.—

9 “(1) NOTIFICATION BY COMMISSION.—Not later
10 than 30 days after a political committee files its
11 statement of organization under subsection (a), and
12 biennially thereafter until the committee terminates,
13 the Commission shall provide the committee with a
14 written explanation of section 319.

15 “(2) ACKNOWLEDGMENT BY COMMITTEE.—

16 “(A) IN GENERAL.—Not later than 30
17 days after receiving the written explanation of
18 section 319 under paragraph (1), the committee
19 shall transmit to the Commission a signed cer-
20 tification that the committee has received such
21 written explanation and has provided a copy of
22 the explanation to all members, employees, con-
23 tractors, and volunteers of the committee.

24 “(B) PERSON RESPONSIBLE FOR SIGNA-
25 TURE.—The certification required under sub-
26 paragraph (A) shall be signed—

1 “(I) in the case of an authorized com-
2 mittee of a candidate, by the candidate; or

3 “(ii) in the case of any other political
4 committee, by the treasurer of the com-
5 mittee.”.

6 (b) EFFECTIVE DATE; TRANSITION FOR EXISTING
7 COMMITTEES.—

8 (1) IN GENERAL.—The amendment made by
9 subsection (a) shall apply with respect to political
10 committees which file statements of organization
11 under section 303 of the Federal Election Campaign
12 Act of 1971 (52 U.S.C. 30103) on or after the date
13 of the enactment of this Act.

14 (2) TRANSITION FOR EXISTING COMMITTEES.—

15 (A) NOTIFICATION BY FEDERAL ELECTION
16 COMMISSION.—Not later than 90 days after the
17 date of the enactment of this Act, the Federal
18 Election Commission shall provide each political
19 committee under such Act with the written ex-
20 planation of section 319 of such Act, as re-
21 quired under section 303(e)(1) of such Act (as
22 added by subsection (a)).

23 (B) ACKNOWLEDGMENT BY COMMITTEE.—

24 Not later than 30 days after receiving the writ-
25 ten explanation under subparagraph (A), each

1 political committee under such Act shall trans-
2 mit to the Federal Election Commission the
3 signed certification, as required under section
4 303(e)(2) of such Act (as added by subsection
5 (a)).

6 **SEC. 1403. PROHIBITION ON CONTRIBUTIONS AND DONA-**
7 **TIONS BY FOREIGN NATIONALS IN CONNEC-**
8 **TIONS WITH BALLOT INITIATIVES AND**
9 **REFERENDA.**

10 (a) IN GENERAL.—Section 319(a)(1)(A) of the Fed-
11 eral Election Campaign Act of 1971 (52 U.S.C.
12 30121(a)(1)(A)) is amended by striking “State, or local
13 election” and inserting the following: “State, or local elec-
14 tion, including a State or local ballot initiative or ref-
15 erendum”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 this section shall apply with respect to elections held in
18 2022 or any succeeding year.

1 **TITLE XV—PROHIBITING CAM-**
2 **PAIGNS FROM PAYING**
3 **SPOUSE OF CANDIDATE**

4 **SEC. 1501. PROHIBITING USE OF CAMPAIGN FUNDS TO**
5 **COMPENSATE SPOUSES OF CANDIDATES; DIS-**
6 **CLOSURE OF PAYMENTS MADE TO SPOUSES**
7 **AND FAMILY MEMBERS.**

8 (a) PROHIBITION; DISCLOSURE.—Section 313 of the
9 Federal Election Campaign Act of 1971 (52 U.S.C.
10 30114) is amended by adding at the end the following new
11 subsection:

12 “(d) PROHIBITING COMPENSATION OF SPOUSES;
13 DISCLOSURE OF PAYMENTS TO SPOUSES AND FAMILY
14 MEMBERS.—

15 “(1) PROHIBITING COMPENSATION OF
16 SPOUSES.—Notwithstanding any other provision of
17 this Act, no authorized committee of a candidate or
18 any other political committee established, main-
19 tained, or controlled by a candidate or an individual
20 holding Federal office (other than a political com-
21 mittee of a political party) shall directly or indirectly
22 compensate the spouse of the candidate or individual
23 (as the case may be) for services provided to or on
24 behalf of the committee.

1 “(2) DISCLOSURE OF PAYMENTS TO SPOUSES
2 AND IMMEDIATE FAMILY MEMBERS.—In addition to
3 any other information included in a report submitted
4 under section 304 by a committee described in para-
5 graph (1), the committee shall include in the report
6 a separate statement of any payments, including di-
7 rect or indirect compensation, made to the spouse or
8 any immediate family member of the candidate or
9 individual involved during the period covered by the
10 report.

11 “(3) IMMEDIATE FAMILY MEMBER DEFINED.—
12 In this subsection, the term ‘immediate family mem-
13 ber’ means the son, daughter, son-in-law, daughter-
14 in-law, mother, father, brother, sister, brother-in-
15 law, sister-in-law, or grandchild of the candidate or
16 individual involved.”.

17 (b) CONFORMING AMENDMENT.—Section 313(a)(1)
18 of such Act (52 U.S.C. 30114(a)(1)) is amended by strik-
19 ing “for otherwise” and inserting “subject to subsection
20 (d), for otherwise”.

21 **SEC. 1502. IMPOSITION OF PENALTY AGAINST CANDIDATE**
22 **OR OFFICEHOLDER.**

23 (a) IN GENERAL.—Section 309 of the Federal Elec-
24 tion Campaign Act of 1971 (52 U.S.C. 30109) is amended
25 by adding at the end the following new subsection:

1 “(e) In the case of a violation of section 313(d) com-
 2 mitted by a committee described in such section, if the
 3 candidate or individual involved knew of the violation, any
 4 penalty imposed under this section shall be imposed on
 5 the candidate or individual and not on the committee.”.

6 (b) PROHIBITING REIMBURSEMENT BY COM-
 7 MITTEE.—Section 313(d) of such Act (52 U.S.C.
 8 30114(d)), as added by section 1501(a), is amended—

9 (1) by redesignating paragraph (3) as para-
 10 graph (4); and

11 (2) by inserting after paragraph (2) the fol-
 12 lowing new paragraph:

13 “(3) PROHIBITING REIMBURSEMENT BY COM-
 14 MITTEE OF PENALTY PAID BY CANDIDATE FOR VIO-
 15 LATIONS.—A committee described in paragraph (1)
 16 may not make any payment to reimburse the can-
 17 didate or individual involved for any penalty imposed
 18 for a violation of this subsection which is required
 19 to be paid by the candidate or individual under sec-
 20 tion 309(e).”.

21 **SEC. 1503. EFFECTIVE DATE.**

22 The amendments made by this title shall apply with
 23 respect to compensation and payments made on or after
 24 the date of enactment of this Act.

1 **TITLE XVI—PROTECTING ELEC-**
2 **TION OFFICIALS FROM DIS-**
3 **CLOSURE OF PERSONALLY**
4 **IDENTIFIABLE INFORMATION**

5 **SEC. 1601. SHORT TITLE.**

6 This title may be cited as the “Election Officials Pro-
7 tection Act”.

8 **SEC. 1602. REQUIRING STATES TO MAINTAIN LIST OF ELEC-**
9 **TION OFFICIALS PROTECTED FROM DISCLO-**
10 **SURE OF PERSONALLY IDENTIFIABLE INFOR-**
11 **MATION.**

12 (a) REQUIREMENT.—Title III of the Help America
13 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended
14 by inserting after section 303 the following new section:

15 **“SEC. 303A. MAINTENANCE OF LIST OF ELECTION OFFI-**
16 **CIALS PROTECTED FROM DISCLOSURE OF**
17 **PERSONALLY IDENTIFIABLE INFORMATION.**

18 “(a) IN GENERAL.—The office of the chief State elec-
19 tion official of a State shall establish a program under
20 which the office shall maintain a list of election officials
21 whose personally identifiable information is protected from
22 disclosure and kept confidential under the Election Offi-
23 cials Protection Act.

24 “(b) ELIGIBILITY FOR PARTICIPATION IN PRO-
25 GRAM.—

1 “(1) CONTENTS OF APPLICATION.—An election
2 official is eligible to be a program participant in the
3 program established under this section if the official
4 submits to the office of the chief State election offi-
5 cial an application, at such time and in such form
6 as the official may require, which contains the fol-
7 lowing information and assurances:

8 “(A) Documentation showing that the ap-
9 plicant is to commence service as an election of-
10 ficial in the State or is currently serving as an
11 election official in the State.

12 “(B) A sworn statement that the applicant
13 fears for his or her safety or the safety of his
14 or her family, or the safety of the minor or in-
15 capacitated person on whose behalf the applica-
16 tion is made, due to his or her service as an
17 election official.

18 “(C) Any police, court, or other govern-
19 ment agency records or files that show any
20 complaints of alleged threats or acts of violence
21 against the applicant.

22 “(D) The signature of the applicant and of
23 any individual or representative of any office
24 designated in writing who assisted in the prepa-

1 ration of the application, and the date on which
2 the applicant signed the application.

3 “(E) Such other information and assur-
4 ances as the chief State election official may re-
5 quire.

6 “(2) PERIOD OF PARTICIPATION.—Upon filing
7 a properly completed application under this sub-
8 section, the chief State election official shall certify
9 the applicant as a program participant for a period
10 of 4 years following the date of filing, unless the ap-
11 plicant’s participation in the program is terminated
12 before that date as provided under subsection (d).

13 “(c) ADDITIONAL NOTICE TO PROGRAM PARTICI-
14 PANTS.—The office of the chief State election official shall
15 provide each program participant a notice in clear and
16 conspicuous font that contains all of the following infor-
17 mation:

18 “(1) The program participant may create a rev-
19 ocable living trust and place his or her real property
20 into the trust to protect his or her residential street
21 address from disclosure in real property trans-
22 actions.

23 “(2) The program participant may obtain a
24 change of his or her legal name to protect his or her
25 anonymity.

1 “(3) A list of contact information for entities
2 that the program participant may contact to receive
3 information on, or receive legal services for, the cre-
4 ation of a trust to hold real property or obtaining a
5 name change, including county bar associations,
6 legal aid societies, State and local agencies, or other
7 nonprofit organizations that may be able to assist
8 program participants.

9 “(d) TERMINATION OF PARTICIPATION.—

10 “(1) GROUNDS FOR TERMINATION.—The chief
11 State election official may terminate a program par-
12 ticipant’s participation in the program for any of the
13 following reasons:

14 “(A) The program participant submits to
15 the chief State election official written notifica-
16 tion of withdrawal, in which case the participa-
17 tion shall be terminated on the date of receipt
18 of the notification.

19 “(B) The program participant’s certifi-
20 cation term has expired and the participant did
21 not complete an application for renewal of the
22 certification.

23 “(C) The chief State election official deter-
24 mines that false information was used in the
25 application process to qualify as a program par-

1 ticipant or that participation in the program is
2 being used as a subterfuge to avoid detection of
3 illegal or criminal activity or apprehension by
4 law enforcement.

5 “(D) The program participant fails to dis-
6 close a change in the participant’s status as an
7 election official.

8 “(2) APPEAL.—Except in the case of a termi-
9 nation on the grounds described in subparagraph
10 (A) of paragraph (1), the chief State election official
11 shall send written notification of the intended termi-
12 nation to the program participant. The program
13 participant shall have 30 business days in which to
14 appeal the termination under procedures developed
15 by the chief State election official.

16 “(3) NOTIFICATION OF LOCAL OFFICES.—The
17 chief State election official shall notify in writing the
18 appropriate local election officials, county clerks, and
19 local recording offices of the program participant’s
20 termination of participation in the program. Upon
21 receipt of this termination notification, such offi-
22 cials, clerks, and offices—

23 “(A) shall transmit to the chief State elec-
24 tion official all appropriate administrative

1 records pertaining to the program participant;
2 and

3 “(B) shall no longer be responsible for
4 maintaining the confidentiality of the program
5 participant’s record.

6 “(4) TREATMENT OF RECORDS.—

7 “(A) CONFIDENTIALITY.—Upon termi-
8 nation of a program participant’s certification,
9 the chief State election official shall retain
10 records as follows:

11 “(I) Except as provided in subpara-
12 graph (B), any records or documents per-
13 taining to a program participant shall be
14 held confidential.

15 “(ii) All records or documents per-
16 taining to a program participant shall be
17 retained for a period of three years after
18 termination of certification and then de-
19 stroyed without further notice.

20 “(B) EXCEPTION FOR TERMINATION
21 BASED ON FALSE INFORMATION OR SUBTER-
22 FUGE.—In the case of a termination on the
23 grounds described in subparagraph (C) of para-
24 graph (1), the chief State election official may

1 disclose information contained in the partici-
2 pant's application.

3 “(e) DEFINITIONS.—

4 “(1) ELECTION OFFICIAL.—In this section, an
5 ‘election official’ with respect to a State is any indi-
6 vidual, including a volunteer, who is authorized by
7 the State to carry out duties relating to the adminis-
8 tration of elections for Federal office held in the
9 State.

10 “(2) MEMBER OF THE IMMEDIATE FAMILY.—In
11 this section, the term ‘member of the immediate
12 family’ means, with respect to an individual, a
13 spouse, domestic partner, child, stepchild, parent, or
14 any blood relative of an individual who lives in the
15 same residence as the individual.

16 “(3) PERSONALLY IDENTIFIABLE INFORMA-
17 TION.—The term ‘personally identifiable informa-
18 tion’ means, with respect to any individual—

19 “(A) a home address, including a primary
20 residence or vacation home address;

21 “(B) a home, personal mobile, or direct
22 telephone line to a private office or residence;

23 “(C) a personal email address;

1 “(D) a social security number, driver’s li-
2 cense number, or voter registration information
3 that includes a home address;

4 “(E) a bank account or credit or debit
5 card information;

6 “(F) property tax records or any property
7 ownership records, including a secondary resi-
8 dence and any investment property at which the
9 individual resides for part of a year;

10 “(G) birth and marriage records;

11 “(H) vehicle registration information;

12 “(I) the identification of children of the in-
13 dividual under the age of 18;

14 “(J) the date of birth;

15 “(K) directions to a home of the individual
16 or a member of the immediate family of the in-
17 dividual;

18 “(L) a photograph of any vehicle including
19 the license plate or of a home including an ad-
20 dress of the individual or member of the imme-
21 diate family of the individual;

22 “(M) the name and location of a school or
23 day care facility attended by a child of the indi-
24 vidual or by a child of a member of the imme-
25 diate family of the individual; or

1 “(N) the name and location of an employer
2 of the individual or a member of the immediate
3 family of the individual.”.

4 (b) CONFORMING AMENDMENT RELATING TO EN-
5 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
6 is amended by striking “and 303” and inserting “303, and
7 303A”.

8 (c) CLERICAL AMENDMENT.—The table of contents
9 of such Act is amended by inserting after the item relating
10 to section 303 the following:

“Sec. 303A. Maintenance of list of election officials protected from disclosure
of personally identifiable information.”.

11 (d) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect September 1, 2022.

13 **SEC. 1603. PROHIBITING PERSONS FROM MAKING INFOR-**
14 **MATION ON PROGRAM PARTICIPANTS AVAIL-**
15 **ABLE.**

16 (a) REQUIREMENTS FOR PERSONS RECEIVING RE-
17 QUESTS FROM PROGRAM PARTICIPANTS.—If any person,
18 including a business or association and a local government
19 or other public entity, receives a written request from an
20 individual who is a program participant under the pro-
21 gram established by a State under section 303A of the
22 Help America Vote Act of 2002 (hereafter referred to as
23 a “program participant”) or the agent of a program par-

1 participant to not disclose the participant's personally identi-
2 fiable information—

3 (1) such person may not knowingly post or pub-
4 licly display the participant's personally identifiable
5 information on the Internet, including on any
6 website or subsidiary website controlled by such per-
7 son;

8 (2) such person may not knowingly transfer for
9 consideration the participant's personally identifiable
10 information to any other person, including a busi-
11 ness or association, through any medium;

12 (3) if the participant or the agent of the partici-
13 pant includes information in the written request to
14 indicate that the disclosure of the participant's per-
15 sonally identifiable information would cause or
16 threaten to cause imminent great bodily harm to the
17 participant or a member of the immediate family of
18 the participant, such person may not knowingly
19 transfer without consideration the participant's per-
20 sonally identifiable information to any other person,
21 including a business or association, through any me-
22 dium; and

23 (4) if, prior to receiving the request, such per-
24 son publicly displayed the participant's personally
25 identifiable information on the Internet on any

1 website or subsidiary website controlled by such per-
2 son, such person shall remove the information from
3 such websites not later than 72 hours after receiving
4 the request.

5 (b) ENFORCEMENT.—

6 (1) ACTION FOR INJUNCTIVE OR DECLARATORY
7 RELIEF.—A program participant who is aggrieved
8 by a violation of subsection (a) or subsection (b)
9 may bring an action seeking injunctive or declara-
10 tory relief in any court of competent jurisdiction. If
11 the court grants injunctive or declaratory relief, the
12 person responsible for the violation shall be required
13 to pay the participant's costs and reasonable attor-
14 ney's fees.

15 (2) ACTION FOR DAMAGES.—

16 (A) IN GENERAL.—A program participant
17 who is aggrieved by a violation of subsection (a)
18 or subsection (b) may bring an action for dam-
19 ages in any court of competent jurisdiction.

20 (B) DAMAGES.—A prevailing plaintiff in
21 an action described in subparagraph (A) shall,
22 for each violation, be awarded damages in an
23 amount determined by the court, except that
24 such amount—

1 (i) may not exceed 3 times the actual
 2 damages to the plaintiff; and

3 (ii) may not be less than \$10,000.

4 (c) DEFINITIONS.—In this section, the terms “mem-
 5 ber of the immediate family” and “personally identifiable
 6 information” have the meaning given such terms in sec-
 7 tion 303A of the Help America Vote Act of 2002.

8 (d) SEVERABILITY.—If any provision of this section,
 9 or the application of a provision of this section to any per-
 10 son or circumstance, is held to be unconstitutional, the
 11 remainder of this section, and the application of the provi-
 12 sions of this section to any person or circumstance, shall
 13 not be affected by the holding.

14 **TITLE XVII—CYBERSECURITY** 15 **GUIDANCE FOR CAMPAIGNS**

16 **SEC. 1701. ISSUANCE OF CYBERSECURITY GUIDANCE AND** 17 **BEST PRACTICES FOR CAMPAIGNS BY FED-** 18 **ERAL ELECTION COMMISSION.**

19 (a) IN GENERAL.—Section 311 of the Federal Elec-
 20 tion Campaign Act of 1971 (52 U.S.C. 30111) is amended
 21 by adding at the end the following new subsection:

22 “(g) ISSUANCE OF CYBERSECURITY GUIDANCE AND
 23 BEST PRACTICES.—

24 “(1) ISSUANCE.—In consultation with the Di-
 25 rectory of the National Institute of Standards and

1 Technology, the Director of the Cybersecurity and
2 Infrastructure Security Agency of the Department of
3 Homeland Security, and such other offices of the
4 government as the Commission considers appro-
5 priate, the Commission shall issue—

6 “(A) guidance for political committees and
7 vendors on cybersecurity risks, including
8 threats to the databases of such committees;
9 and

10 “(B) best practices for political committees
11 to protect their databases from such threats.

12 “(2) UPDATES.—The Commission shall regu-
13 larly issue updated versions of the guidance and best
14 practices described in paragraph (1).”.

15 (b) DEADLINE.—The Federal Election Commission
16 shall issue the first guidance and best practices under sec-
17 tion 311(g) of the Federal Election Campaign Act of
18 1971, as added by subsection (a), not later than 6 months
19 after the date of the enactment of this Act.

1 **TITLE XVIII—DETERMINATION**
2 **OF NUMBER OF EMPLOYEES**
3 **WITH SECURITY CLEARANCES**

4 **SEC. 1801. EXCLUSION OF EMPLOYEES WITH EXISTING SE-**
5 **CURITY CLEARANCES FROM DETERMINA-**
6 **TION OF LIMIT ON NUMBER OF EMPLOYEES**
7 **OF HOUSE MEMBER OFFICES PERMITTED TO**
8 **HAVE CLEARANCES.**

9 For purposes of any Rule or regulation of the House
10 of Representatives which limits the number of employees
11 of the office of a Member of the House (including a Dele-
12 gate or Resident Commissioner to the Congress) who are
13 permitted to have security clearances, an employee of the
14 office who has a valid security clearance which the em-
15 ployee obtained prior to becoming an employee of the
16 Member's office shall not be included in the determination
17 of the number of employees of the office who have security
18 clearances.

19 **SEC. 1802. EXERCISE OF RULEMAKING AUTHORITY.**

20 This title is enacted by Congress—

21 (1) as an exercise of the rulemaking power of
22 the House of Representatives, and as such it is
23 deemed a part of the rules of the House of Rep-
24 resentatives, and it supersedes other rules only to
25 the extent that it is inconsistent with such rules; and

1 (2) with full recognition of the constitutional
2 right of the House of Representatives to change the
3 rules (so far as relating to the procedure of the
4 House) at any time, in the same manner, and to the
5 same extent as in the case of any other rule of the
6 House.

7 **TITLE XIX—HONEST ADS**

8 **SEC. 1901. SHORT TITLE.**

9 This title may be cited as the “Honest Ads Act”.

10 **SEC. 1902. PURPOSE.**

11 The purpose of this title is to enhance the integrity
12 of American democracy and national security by improving
13 disclosure requirements for online political advertisements
14 in order to uphold the Supreme Court’s well-established
15 standard that the electorate bears the right to be fully in-
16 formed.

17 **SEC. 1903. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

19 (1) the dramatic increase in digital political ad-
20 vertisements, and the growing centrality of online
21 platforms in the lives of Americans, requires the
22 Congress and the Federal Election Commission to
23 take meaningful action to ensure that laws and reg-
24 ulations provide the accountability and transparency
25 that is fundamental to our democracy;

1 (2) free and fair elections require both trans-
2 parency and accountability which give the public a
3 right to know the true sources of funding for polit-
4 ical advertisements in order to make informed polit-
5 ical choices and hold elected officials accountable;
6 and

7 (3) transparency of funding for political adver-
8 tisements is essential to enforce other campaign fi-
9 nance laws, including the prohibition on campaign
10 spending by foreign nationals.

11 **SEC. 1904. EXPANSION OF DEFINITION OF PUBLIC COMMU-**
12 **NICATION.**

13 (a) IN GENERAL.—Paragraph (22) of section 301 of
14 the Federal Election Campaign Act of 1971 (52 U.S.C.
15 30101(22)) is amended by striking “or satellite commu-
16 nication” and inserting “satellite, paid internet, or paid
17 digital communication”.

18 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
19 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
20 amended—

21 (1) in paragraph (8)(B)(v), by striking “on
22 broadcasting stations, or in newspapers, magazines,
23 or similar types of general public political adver-
24 tising” and inserting “in any public communica-
25 tion”; and

1 (2) in paragraph (9)(B)—

2 (A) by amending clause (i) to read as fol-
3 lows:

4 “(i) any news story, commentary, or
5 editorial distributed through the facilities
6 of any broadcasting station or any print,
7 online, or digital newspaper, magazine,
8 blog, publication, or periodical, unless such
9 broadcasting, print, online, or digital facili-
10 ties are owned or controlled by any polit-
11 ical party, political committee, or can-
12 didate;” and

13 (B) in clause (iv), by striking “on broad-
14 casting stations, or in newspapers, magazines,
15 or similar types of general public political ad-
16 vertising” and inserting “in any public commu-
17 nication”.

18 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
19 Subsection (a) of section 318 of such Act (52 U.S.C.
20 30120) is amended—

21 (1) by striking “financing any communication
22 through any broadcasting station, newspaper, maga-
23 zine, outdoor advertising facility, mailing, or any
24 other type of general public political advertising”

1 and inserting “financing any public communication”;
2 and

3 (2) by striking “solicits any contribution
4 through any broadcasting station, newspaper, maga-
5 zine, outdoor advertising facility, mailing, or any
6 other type of general public political advertising”
7 and inserting “solicits any contribution through any
8 public communication”.

9 **SEC. 1905. EXPANSION OF DEFINITION OF ELECTION-**
10 **EERING COMMUNICATION.**

11 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

12 (1) APPLICATION TO QUALIFIED INTERNET AND
13 DIGITAL COMMUNICATIONS.—

14 (A) IN GENERAL.—Subparagraph (A) of
15 section 304(f)(3) of the Federal Election Cam-
16 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
17 is amended by striking “or satellite communica-
18 tion” each place it appears in clauses (i) and
19 (ii) and inserting “satellite, or qualified internet
20 or digital communication”.

21 (B) QUALIFIED INTERNET OR DIGITAL
22 COMMUNICATION.—Paragraph (3) of section
23 304(f) of such Act (52 U.S.C. 30104(f)) is
24 amended by adding at the end the following
25 new subparagraph:

1 “(D) QUALIFIED INTERNET OR DIGITAL
2 COMMUNICATION.—The term ‘qualified internet
3 or digital communication’ means any commu-
4 nication which is placed or promoted for a fee
5 on an online platform (as defined in subsection
6 (k)(3)).”.

7 (2) NONAPPLICATION OF RELEVANT ELEC-
8 TORATE TO ONLINE COMMUNICATIONS.—Section
9 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
10 30104(f)(3)(A)(i)(III)) is amended by inserting “any
11 broadcast, cable, or satellite” before “communica-
12 tion”.

13 (3) NEWS EXEMPTION.—Section
14 304(f)(3)(B)(i) of such Act (52 U.S.C.
15 30104(f)(3)(B)(i)) is amended to read as follows:

16 “(i) a communication appearing in a
17 news story, commentary, or editorial dis-
18 tributed through the facilities of any
19 broadcasting station or any online or dig-
20 ital newspaper, magazine, blog, publica-
21 tion, or periodical, unless such broad-
22 casting, online, or digital facilities are
23 owned or controlled by any political party,
24 political committee, or candidate;”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to communications
3 made on or after January 1, 2022.

4 **SEC. 1906. APPLICATION OF DISCLAIMER STATEMENTS TO**
5 **ONLINE COMMUNICATIONS.**

6 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
7 MENT.—Subsection (a) of section 318 of the Federal Elec-
8 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
9 amended—

10 (1) by striking “shall clearly state” each place
11 it appears in paragraphs (1), (2), and (3) and in-
12 serting “shall state in a clear and conspicuous man-
13 ner”; and

14 (2) by adding at the end the following flush
15 sentence: “For purposes of this section, a commu-
16 nication does not make a statement in a clear and
17 conspicuous manner if it is difficult to read or hear
18 or if the placement is easily overlooked.”.

19 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR
20 DIGITAL COMMUNICATIONS.—

21 (1) IN GENERAL.—Section 318 of such Act (52
22 U.S.C. 30120) is amended by adding at the end the
23 following new subsection:

24 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
25 DIGITAL COMMUNICATIONS.—

1 “(1) SPECIAL RULES WITH RESPECT TO STATE-
2 MENTS.—In the case of any qualified internet or
3 digital communication (as defined in section
4 304(f)(3)(D)) which is disseminated through a me-
5 dium in which the provision of all of the information
6 specified in this section is not possible, the commu-
7 nication shall, in a clear and conspicuous manner—

8 “(A) state the name of the person who
9 paid for the communication; and

10 “(B) provide a means for the recipient of
11 the communication to obtain the remainder of
12 the information required under this section with
13 minimal effort and without receiving or viewing
14 any additional material other than such re-
15 quired information.

16 “(2) SAFE HARBOR FOR DETERMINING CLEAR
17 AND CONSPICUOUS MANNER.—A statement in quali-
18 fied internet or digital communication (as defined in
19 section 304(f)(3)(D)) shall be considered to be made
20 in a clear and conspicuous manner as provided in
21 subsection (a) if the communication meets the fol-
22 lowing requirements:

23 “(A) TEXT OR GRAPHIC COMMUNICA-
24 TIONS.—In the case of a text or graphic com-
25 munication, the statement—

1 “(i) appears in letters at least as large
2 as the majority of the text in the commu-
3 nication; and

4 “(ii) meets the requirements of para-
5 graphs (2) and (3) of subsection (c).

6 “(B) AUDIO COMMUNICATIONS.—In the
7 case of an audio communication, the statement
8 is spoken in a clearly audible and intelligible
9 manner at the beginning or end of the commu-
10 nication and lasts at least 3 seconds.

11 “(C) VIDEO COMMUNICATIONS.—In the
12 case of a video communication which also in-
13 cludes audio, the statement—

14 “(i) is included at either the beginning
15 or the end of the communication; and

16 “(ii) is made both in—

17 “(I) a written format that meets
18 the requirements of subparagraph (A)
19 and appears for at least 4 seconds;
20 and

21 “(II) an audible format that
22 meets the requirements of subpara-
23 graph (B).

24 “(D) OTHER COMMUNICATIONS.—In the
25 case of any other type of communication, the

1 statement is at least as clear and conspicuous
2 as the statement specified in subparagraph (A),
3 (B), or (C).”.

4 (2) NONAPPLICATION OF CERTAIN EXCEP-
5 TIONS.—The exceptions provided in section
6 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
7 Regulations, or any successor to such rules, shall
8 have no application to qualified internet or digital
9 communications (as defined in section 304(f)(3)(D)
10 of the Federal Election Campaign Act of 1971).

11 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
12 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
13 Act (52 U.S.C. 30120(d)) is amended—

14 (1) in paragraph (1)(A)—

15 (A) by striking “which is transmitted
16 through radio” and inserting “which is in an
17 audio format”; and

18 (B) by striking “BY RADIO” in the heading
19 and inserting “AUDIO FORMAT”;

20 (2) in paragraph (1)(B)—

21 (A) by striking “which is transmitted
22 through television” and inserting “which is in
23 video format”; and

24 (B) by striking “BY TELEVISION” in the
25 heading and inserting “VIDEO FORMAT”; and

1 (3) in paragraph (2)—

2 (A) by striking “transmitted through radio
3 or television” and inserting “made in audio or
4 video format”; and

5 (B) by striking “through television” in the
6 second sentence and inserting “in video for-
7 mat”.

8 **SEC. 1907. POLITICAL RECORD REQUIREMENTS FOR ON-**
9 **LINE PLATFORMS.**

10 (a) IN GENERAL.—Section 304 of the Federal Elec-
11 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
12 ed by section 1301(a)(1), is further amended by adding
13 at the end the following new subsection:

14 “(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
15 MENTS.—

16 “(1) IN GENERAL.—

17 “(A) REQUIREMENTS FOR ONLINE PLAT-
18 FORMS.—An online platform shall maintain,
19 and make available for online public inspection
20 in machine readable format, a complete record
21 of any request to purchase on such online plat-
22 form a qualified political advertisement which is
23 made by a person whose aggregate requests to
24 purchase qualified political advertisements on

1 such online platform during the calendar year
2 exceeds \$500.

3 “(B) REQUIREMENTS FOR ADVER-
4 TISERS.—Any person who requests to purchase
5 a qualified political advertisement on an online
6 platform shall provide the online platform with
7 such information as is necessary for the online
8 platform to comply with the requirements of
9 subparagraph (A).

10 “(2) CONTENTS OF RECORD.—A record main-
11 tained under paragraph (1)(A) shall contain—

12 “(A) a digital copy of the qualified political
13 advertisement;

14 “(B) a description of the audience targeted
15 by the advertisement, the number of views gen-
16 erated from the advertisement, and the date
17 and time that the advertisement is first dis-
18 played and last displayed; and

19 “(C) information regarding—

20 “(i) the average rate charged for the
21 advertisement;

22 “(ii) the name of the candidate to
23 which the advertisement refers and the of-
24 fice to which the candidate is seeking elec-
25 tion, the election to which the advertise-

1 ment refers, or the national legislative
2 issue to which the advertisement refers (as
3 applicable);

4 “(iii) in the case of a request made
5 by, or on behalf of, a candidate, the name
6 of the candidate, the authorized committee
7 of the candidate, and the treasurer of such
8 committee; and

9 “(iv) in the case of any request not
10 described in clause (iii), the name of the
11 person purchasing the advertisement, the
12 name and address of a contact person for
13 such person, and a list of the chief execu-
14 tive officers or members of the executive
15 committee or of the board of directors of
16 such person, and, if the person purchasing
17 the advertisement is acting as the agent of
18 a foreign principal under the Foreign
19 Agents Registration Act of 1938, as
20 amended (22 U.S.C. 611 et seq.), a state-
21 ment that the person is acting as the agent
22 of a foreign principal and the identification
23 of the foreign principal involved.

24 “(3) ONLINE PLATFORM.—For purposes of this
25 subsection, the term ‘online platform’ means any

1 public-facing website, web application, or digital ap-
2 plication (including a social network, ad network, or
3 search engine) which—

4 “(A) sells qualified political advertise-
5 ments; and

6 “(B) has 50,000,000 or more unique
7 monthly United States visitors or users for a
8 majority of months during the preceding 12
9 months.

10 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—

11 For purposes of this subsection, the term ‘qualified
12 political advertisement’ means any advertisement
13 (including search engine marketing, display adver-
14 tisements, video advertisements, native advertise-
15 ments, and sponsorships) that—

16 “(A) is made by or on behalf of a can-
17 didate; or

18 “(B) communicates a message relating to
19 any political matter of national importance, in-
20 cluding—

21 “(i) a candidate;

22 “(ii) any election to Federal office; or

23 “(iii) a national legislative issue of
24 public importance.

1 “(5) TIME TO MAINTAIN FILE.—The informa-
2 tion required under this subsection shall be made
3 available as soon as possible and shall be retained by
4 the online platform for a period of not less than 4
5 years.

6 “(6) SAFE HARBOR FOR PLATFORMS MAKING
7 BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE
8 SUBJECT TO RECORD MAINTENANCE REQUIRE-
9 MENTS.—In accordance with rules established by the
10 Commission, if an online platform shows that the
11 platform used best efforts to determine whether or
12 not a request to purchase a qualified political adver-
13 tisement was subject to the requirements of this sub-
14 section, the online platform shall not be considered
15 to be in violation of such requirements.

16 “(7) PENALTIES.—For penalties for failure by
17 online platforms, and persons requesting to purchase
18 a qualified political advertisement on online plat-
19 forms, to comply with the requirements of this sub-
20 section, see section 309.”.

21 (b) RULEMAKING.—Not later than 120 days after the
22 date of the enactment of this Act, the Federal Election
23 Commission shall establish rules—

24 (1) requiring common data formats for the
25 record required to be maintained under section

1 304(k) of the Federal Election Campaign Act of
2 1971 (as added by subsection (a)) so that all online
3 platforms submit and maintain data online in a com-
4 mon, machine-readable and publicly accessible for-
5 mat;

6 (2) establishing search interface requirements
7 relating to such record, including searches by can-
8 didate name, issue, purchaser, and date; and

9 (3) establishing the criteria for the safe harbor
10 exception provided under paragraph (6) of section
11 304(k) of such Act (as added by subsection (a)).

12 (c) REPORTING.—Not later than 2 years after the
13 date of the enactment of this Act, and biannually there-
14 after, the Chairman of the Federal Election Commission
15 shall submit a report to Congress on—

16 (1) matters relating to compliance with and the
17 enforcement of the requirements of section 304(k) of
18 the Federal Election Campaign Act of 1971, as
19 added by subsection (a);

20 (2) recommendations for any modifications to
21 such section to assist in carrying out its purposes;
22 and

23 (3) identifying ways to bring transparency and
24 accountability to political advertisements distributed
25 online for free.

1 **SEC. 1908. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
2 **INDEPENDENT EXPENDITURES, AND DIS-**
3 **BURSEMENTS FOR ELECTIONEERING COM-**
4 **MUNICATIONS BY FOREIGN NATIONALS IN**
5 **THE FORM OF ONLINE ADVERTISING.**

6 Section 319 of the Federal Election Campaign Act
7 of 1971 (52 U.S.C. 30121), as amended by section
8 1401(a), is further amended by adding at the end the fol-
9 lowing new subsection:

10 “(d) RESPONSIBILITIES OF BROADCAST STATIONS,
11 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
12 ONLINE PLATFORMS.—

13 “(1) RESPONSIBILITIES DESCRIBED.—Each tel-
14 evision or radio broadcast station, provider of cable
15 or satellite television, or online platform (as defined
16 in section 304(k)(3)) shall make reasonable efforts
17 to ensure that communications described in section
18 318(a) and made available by such station, provider,
19 or platform are not purchased by a foreign national,
20 directly or indirectly. For purposes of the previous
21 sentence, a station, provider, or online platform shall
22 not be considered to have made reasonable efforts
23 under this paragraph in the case of the availability
24 of a communication unless the station, provider, or
25 online platform directly inquires from the individual
26 or entity making such purchase whether the pur-

1 chase is to be made by a foreign national, directly
2 or indirectly.

3 “(2) SPECIAL RULES FOR DISBURSEMENT PAID
4 WITH CREDIT CARD.—For purposes of paragraph
5 (1), a television or radio broadcast station, provider
6 of cable or satellite television, or online platform
7 shall be considered to have made reasonable efforts
8 under such paragraph in the case of a purchase of
9 the availability of a communication which is made
10 with a credit card if—

11 “(A) the individual or entity making such
12 purchase is required, at the time of making
13 such purchase, to disclose the credit verification
14 value of such credit card; and

15 “(B) the billing address associated with
16 such credit card is located in the United States
17 or, in the case of a purchase made by an indi-
18 vidual who is a United States citizen living out-
19 side of the United States, the individual pro-
20 vides the television or radio broadcast station,
21 provider of cable or satellite television, or online
22 platform with the United States mailing ad-
23 dress the individual uses for voter registration
24 purposes.”.

1 **SEC. 1909. INDEPENDENT STUDY ON MEDIA LITERACY AND**
2 **ONLINE POLITICAL CONTENT CONSUMPTION.**

3 (a) INDEPENDENT STUDY.—Not later than 30 days
4 after the date of enactment of this Act, the Federal Elec-
5 tion Commission shall commission an independent study
6 and report on media literacy with respect to online polit-
7 ical content consumption among voting-age Americans.

8 (b) ELEMENTS.—The study and report under sub-
9 section (a) shall include the following:

10 (1) An evaluation of media literacy skills, such
11 as the ability to evaluate sources, synthesize multiple
12 accounts into a coherent understanding of an issue,
13 understand the context of communications, and re-
14 sponsibly create and share information, among vot-
15 ing-age Americans.

16 (2) An analysis of the effects of media literacy
17 education and particular media literacy skills on the
18 ability to critically consume online political content,
19 including political advertising.

20 (3) Recommendations for improving voting-age
21 Americans' ability to critically consume online polit-
22 ical content, including political advertising.

23 (c) DEADLINE.—Not later than 270 days after the
24 date of enactment of this Act, the entity conducting the
25 study and report under subsection (a) shall submit the re-
26 port to the Commission.

1 (d) SUBMISSION TO CONGRESS.—Not later than 30
2 days after receiving the report under subsection (c), the
3 Commission shall submit the report to the Committee on
4 House Administration of the House of Representatives
5 and the Committee on Rules and Administration of the
6 Senate, together with such comments on the report as the
7 Commission considers appropriate.

8 (e) DEFINITION OF MEDIA LITERACY.—The term
9 “media literacy” means the ability to—

10 (1) access relevant and accurate information
11 through media;

12 (2) critically analyze media content and the in-
13 fluences of media;

14 (3) evaluate the comprehensiveness, relevance,
15 credibility, authority, and accuracy of information;

16 (4) make educated decisions based on informa-
17 tion obtained from media and digital sources;

18 (5) operate various forms of technology and
19 digital tools; and

20 (6) reflect on how the use of media and tech-
21 nology may affect private and public life.

1 **TITLE XX—PROHIBITING USE OF**
2 **DEEPFAKES IN ELECTION**
3 **CAMPAIGNS**

4 **SEC. 2001. PROHIBITION ON DISTRIBUTION OF MATERI-**
5 **ALLY DECEPTIVE AUDIO OR VISUAL MEDIA**
6 **PRIOR TO ELECTION.**

7 (a) IN GENERAL.—Title III of the Federal Election
8 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
9 amended by adding at the end the following new section:

10 **“SEC. 325. PROHIBITION ON DISTRIBUTION OF MATERI-**
11 **ALLY DECEPTIVE MEDIA PRIOR TO ELEC-**
12 **TION.**

13 “(a) IN GENERAL.—Except as provided in sub-
14 sections (b) and (c), a person, political committee, or other
15 entity shall not, within 60 days of a election for Federal
16 office at which a candidate for elective office will appear
17 on the ballot, distribute, with actual malice, materially de-
18 ceptive audio or visual media of the candidate with the
19 intent to injure the candidate’s reputation or to deceive
20 a voter into voting for or against the candidate.

21 “(b) EXCEPTION.—

22 “(1) REQUIRED LANGUAGE.—The prohibition
23 in subsection (a) does not apply if the audio or vis-
24 ual media includes—

1 “(A) a disclosure stating: “This
2 _____ has been manipulated.”; and

3 “(B) filled in the blank in the disclosure
4 under subparagraph (A), the term ‘image’,
5 ‘video’, or ‘audio’, as most accurately describes
6 the media.

7 “(2) VISUAL MEDIA.—For visual media, the
8 text of the disclosure shall appear in a size that is
9 easily readable by the average viewer and no smaller
10 than the largest font size of other text appearing in
11 the visual media. If the visual media does not in-
12 clude any other text, the disclosure shall appear in
13 a size that is easily readable by the average viewer.
14 For visual media that is video, the disclosure shall
15 appear for the duration of the video.

16 “(3) AUDIO-ONLY MEDIA.—If the media con-
17 sists of audio only, the disclosure shall be read in a
18 clearly spoken manner and in a pitch that can be
19 easily heard by the average listener, at the beginning
20 of the audio, at the end of the audio, and, if the
21 audio is greater than 2 minutes in length, inter-
22 spersed within the audio at intervals of not greater
23 than 2 minutes each.

24 “(c) INAPPLICABILITY TO CERTAIN ENTITIES.—This
25 section does not apply to the following:

1 “(1) A radio or television broadcasting station,
2 including a cable or satellite television operator, pro-
3 grammer, or producer, that broadcasts materially
4 deceptive audio or visual media prohibited by this
5 section as part of a bona fide newscast, news inter-
6 view, news documentary, or on-the-spot coverage of
7 bona fide news events, if the broadcast clearly ac-
8 knowledges through content or a disclosure, in a
9 manner that can be easily heard or read by the aver-
10 age listener or viewer, that there are questions about
11 the authenticity of the materially deceptive audio or
12 visual media.

13 “(2) A radio or television broadcasting station,
14 including a cable or satellite television operator, pro-
15 grammer, or producer, when it is paid to broadcast
16 materially deceptive audio or visual media.

17 “(3) An internet website, or a regularly pub-
18 lished newspaper, magazine, or other periodical of
19 general circulation, including an internet or elec-
20 tronic publication, that routinely carries news and
21 commentary of general interest, and that publishes
22 materially deceptive audio or visual media prohibited
23 by this section, if the publication clearly states that
24 the materially deceptive audio or visual media does

1 not accurately represent the speech or conduct of the
2 candidate.

3 “(4) Materially deceptive audio or visual media
4 that constitutes satire or parody.

5 “(d) CIVIL ACTION.—

6 “(1) INJUNCTIVE OR OTHER EQUITABLE RE-
7 LIEF.—A candidate for elective office whose voice or
8 likeness appears in a materially deceptive audio or
9 visual media distributed in violation of this section
10 may seek injunctive or other equitable relief prohib-
11 iting the distribution of audio or visual media in vio-
12 lation of this section. An action under this para-
13 graph shall be entitled to precedence in accordance
14 with the Federal Rules of Civil Procedure.

15 “(2) DAMAGES.—A candidate for elective office
16 whose voice or likeness appears in a materially de-
17 ceptive audio or visual media distributed in violation
18 of this section may bring an action for general or
19 special damages against the person, committee, or
20 other entity that distributed the materially deceptive
21 audio or visual media. The court may also award a
22 prevailing party reasonable attorney’s fees and costs.
23 This paragraph shall not be construed to limit or
24 preclude a plaintiff from securing or recovering any
25 other available remedy.

1 “(3) BURDEN OF PROOF.—In any civil action
2 alleging a violation of this section, the plaintiff shall
3 bear the burden of establishing the violation through
4 clear and convincing evidence.

5 “(e) RULE OF CONSTRUCTION.—This section shall
6 not be construed to alter or negate any rights, obligations,
7 or immunities of an interactive service provider under sec-
8 tion 230 of title 47, United States Code.

9 “(f) MATERIALLY DECEPTIVE AUDIO OR VISUAL
10 MEDIA DEFINED.—In this section, the term ‘materially
11 deceptive audio or visual media’ means an image or an
12 audio or video recording of a candidate’s appearance,
13 speech, or conduct that has been intentionally manipulated
14 in a manner such that both of the following conditions
15 are met:

16 “(1) The image or audio or video recording
17 would falsely appear to a reasonable person to be
18 authentic.

19 “(2) The image or audio or video recording
20 would cause a reasonable person to have a fun-
21 damentally different understanding or impression of
22 the expressive content of the image or audio or video
23 recording than that person would have if the person
24 were hearing or seeing the unaltered, original
25 version of the image or audio or video recording.”.

1 (b) CRIMINAL PENALTIES.—Section 309(d)(1) of the
 2 Federal Election Campaign Act of 1971 (52 U.S.C.
 3 30109(d)(1)), as amended by section 1303, is further
 4 amended by adding at the end the following new subpara-
 5 graph:

6 “(G) Any person who knowingly and willfully com-
 7 mits a violation of section 325 shall be fined not more
 8 than \$100,000, imprisoned not more than 5 years, or
 9 both.”.

10 (c) EFFECT ON DEFAMATION ACTION.—For pur-
 11 poses of an action for defamation, a violation of section
 12 325 of the Federal Election Campaign Act of 1971, as
 13 added by subsection (a), shall constitute defamation per
 14 se.

15 **TITLE XXI—ASSISTANCE FOR**
 16 **TRANSITION TO RANKED**
 17 **CHOICE VOTING**

18 **SEC. 2101. SHORT TITLE.**

19 This title may be cited as the “Voter Choice Act”.

20 **SEC. 2102. ASSISTANCE FOR TRANSITION TO RANKED**
 21 **CHOICE VOTING.**

22 (a) IN GENERAL.—Title V of the Help America Vote
 23 Act of 2002 (52 U.S.C. 21121 et seq.) is amended by add-
 24 ing at the end the following:

1 **“Subtitle B—Ranked Choice Voting**
2 **Program**

3 **“SEC. 511. RANKED CHOICE VOTING PROGRAM.**

4 “(a) DEFINITION OF RANKED CHOICE VOTING SYS-
5 TEM.—For purposes of this subtitle, the term ‘ranked
6 choice voting system’ means a set of election methods
7 which allow each voter to rank contest options in order
8 of the voter’s preference, in which votes are counted in
9 rounds using a series of runoff tabulations to defeat con-
10 test options with the fewest votes, and which elects a win-
11 ner with a majority of final round votes in a single-winner
12 contest and provides proportional representation in multi-
13 winner contests.

14 “(b) PROGRAM.—The Commission shall establish a
15 program under which the Commission—

16 “(1) provides technical assistance to State and
17 local governments that are considering whether to
18 make, or that are in the process of making, a transi-
19 tion to a ranked choice voting system for Federal,
20 State, or local elections; and

21 “(2) awards grants to States and local govern-
22 ment to support the transition to a ranked choice
23 voting system, including through the acquisition of
24 voting equipment and tabulation software, appro-

1 prate ballot design, the development and publication
2 of educational materials, and voter outreach.

3 “(c) RULES FOR GRANTS.—

4 “(1) SELECTION OF GRANT RECIPIENTS.—To
5 the extent possible, the Commission shall award
6 grants under subsection (b)(2) to areas that rep-
7 resent a diversity of jurisdictions with respect to ge-
8 ography, population characteristics, and population
9 density.

10 “(2) AWARD LIMITATION.—The amount of any
11 grant awarded under subsection (b)(2) shall not ex-
12 ceed 50 percent of the cost of the activities covered
13 by the grant.

14 **“SEC. 512. AUTHORIZATION OF APPROPRIATIONS.**

15 “(a) IN GENERAL.—In addition to any funds author-
16 ized to be appropriated to the Commission under section
17 210, there are authorized to be appropriated to carry out
18 this subtitle \$40,000,000 for fiscal year 2022.

19 “(b) AVAILABILITY OF FUNDS.—Amounts appro-
20 priated pursuant to the authorization under this section
21 shall remain available, without fiscal year limitation, until
22 expended.”.

23 (b) CONFORMING AMENDMENTS.—

24 (1) Section 202(6) of the Help America Vote
25 Act of 2002 (52 U.S.C. 20922) is amended by strik-

1 ing “the Help America Vote College Program under
2 title V” and inserting “the programs under title V”.

3 (2) Title V of the Help America Vote Act of
4 2002 (52 U.S.C. 21121 et seq.) is amended by strik-
5 ing the matter preceding section 501 and inserting
6 the following:

7 **“TITLE V—ELECTION**
8 **ASSISTANCE PROGRAMS**
9 **“Subtitle A—Help America Vote**
10 **College Program”.**

11 (3) Section 503 of such Act (52 U.S.C. 21123)
12 is amended by striking “title” and inserting “sub-
13 title”.

14 (4) The table of sections of the Help America
15 Vote Act of 2002 is amended—

16 (A) by striking the item relating to title V
17 and inserting the following:

“TITLE V—ELECTION ASSISTANCE PROGRAMS

“Subtitle A—Help America Vote College Program”;

18 and

19 (B) by inserting after the item relating to
20 section 503 the following:

“Subtitle B—Ranked Choice Voting Program

“Sec. 511. Ranked choice voting program.

“Sec. 512. Authorization of appropriations.”.

1 **DIVISION D—SEVERABILITY**
2 **TITLE XXII—SEVERABILITY**

3 **SEC. 2201. SEVERABILITY.**

4 If any provision of this Act or any amendment made
5 by this Act, or the application of a provision of this Act
6 or an amendment made by this Act to any person or cir-
7 cumstance, is held to be unconstitutional, the remainder
8 of this Act, and the application of the provisions to any
9 person or circumstance, shall not be affected by the hold-
10 ing.

11 **SEC. 2202. PROHIBITION ON USE OF FEDERAL PROPERTY**
12 **FOR POLITICAL CONVENTIONS.**

13 (a) IN GENERAL.—Chapter 29 of title 18, United
14 States Code, is amended by inserting after section 611 the
15 following:

16 **“§ 612. Prohibition on use of Federal property for**
17 **certain political activities**

18 “(a) A convention of a national political party held
19 to nominate a candidate for the office of President or Vice
20 President may not be held on or in any Federal property.

21 “(b) Any candidate or the authorized committee of
22 the candidate under the Federal Election Campaign Act
23 of 1971 which was responsible for a convention in violation
24 of subsection (a) shall be subject to an assessment of a
25 civil penalty equal to the fair market value of the cost of

1 the convention or \$50,000, whichever is greater, or impris-
 2 oned not more than five years, or both.

3 “(c) In this section, the term ‘Federal property’
 4 means any building, land, or other real property owned,
 5 leased, or occupied by any department, agency, or instru-
 6 mentality of the United States, including the White House
 7 grounds and the White House (including the Old Execu-
 8 tive Office Building, the West Wing, the East Wing, the
 9 Rose Garden, and the Executive Residence, but not includ-
 10 ing the second floor of the Executive Residence).”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 for such chapter is amended by inserting after the item
 13 relating to section 611 the following:

“612. Prohibition on use of Federal property for certain political activities.”.

14 (c) APPLICATION.—

15 (1) IN GENERAL.—This Act and the amend-
 16 ments made by this Act shall apply to any conven-
 17 tion described in section 612(a) of title 18, United
 18 States Code, as added by subsection (a), occurring
 19 on or after the date of enactment of this Act.

20 (2) TRAVEL.—Nothing in this Act or the
 21 amendments made by this Act shall be construed to
 22 limit or otherwise prevent the President or Vice
 23 President from using vehicles (including aircraft)
 24 owned or leased by the Government for travel to or
 25 from any such convention.

1 **SEC. 2203. IMPROVING ACCESS TO INFLUENTIAL VISITOR**
2 **ACCESS RECORDS.**

3 (a) DEFINITIONS.—In this section:

4 (1) COVERED LOCATION.—The term “covered
5 location” means—

6 (A) the White House;

7 (B) the residence of the Vice President;

8 and

9 (C) any other location at which the Presi-
10 dent or the Vice President regularly conducts
11 official business.

12 (2) COVERED RECORDS.—The term “covered
13 records” means information relating to a visit at a
14 covered location, which shall include—

15 (A) the name of each visitor at the covered
16 location;

17 (B) the name of each individual with whom
18 each visitor described in subparagraph (A) met
19 at the covered location; and

20 (C) the purpose of the visit.

21 (b) REQUIREMENT.—Except as provided in sub-
22 section (c), not later than 90 days after the date of enact-
23 ment of this Act, the President shall establish and update,
24 every 90 days thereafter, a publicly available database that
25 contains covered records for the preceding 90-day period,

1 on a publicly available website in an easily searchable and
2 downloadable format.

3 (c) EXCEPTIONS.—

4 (1) IN GENERAL.—The President shall not in-
5 clude in the database established under subsection

6 (b) any covered record—

7 (A) the posting of which would implicate
8 personal privacy or law enforcement concerns or
9 threaten national security;

10 (B) relating to a purely personal guest at
11 a covered location; or

12 (C) that reveals the social security number,
13 taxpayer identification number, birth date,
14 home address, or personal phone number of an
15 individual, the name of an individual who is less
16 than 18 years old, or a financial account num-
17 ber.

18 (2) SENSITIVE MEETINGS.—With respect to a
19 particularly sensitive meeting at a covered location,
20 the President shall—

21 (A) include the number of visitors at the
22 covered location in the database established
23 under subsection (b);

24 (B) post the applicable covered records in
25 the database established under subsection (b)

1 when the President determines that release of
2 the covered records is no longer sensitive; and
3 (C) post any reasonably segregable portion
4 that is not covered by an exception described in
5 subsection (c) of any such excepted record on
6 the website described under subsection (b).

7 **TITLE XXIII—PREVENTING A**
8 **PATRONAGE SYSTEM**

9 **SEC. 2301. LIMITATIONS ON EXCEPTION OF COMPETITIVE**
10 **SERVICE POSITIONS.**

11 (a) IN GENERAL.—No position in the competitive
12 service (as defined under section 2102 of title 5, United
13 States Code) may be excepted from the competitive service
14 unless such position is placed—

15 (1) in any of the schedules A through E as de-
16 scribed in section 6.2 of title 5, Code of Federal
17 Regulations, as in effect on September 30, 2020;
18 and

19 (2) under the terms and conditions under part
20 6 of such title as in effect on such date.

21 (b) SUBSEQUENT TRANSFERS.—No position in the
22 excepted service (as defined under section 2103 of title
23 5, United States Code) may be placed in any schedule
24 other than a schedule described in subsection (a)(1).

1 **DIVISION E—PROTECTING**
2 **ELECTION OFFICIALS**
3 **TITLE XXIV—DOJ TASK FORCE**

4 **SEC. 2401. ELECTION OFFICIALS SECURITY TASK FORCE.**

5 The Attorney General shall establish a task force, to
6 be headed by the head of the Civil Rights Division of the
7 Department of Justice, for purposes of studying threats
8 or acts of violence against the people responsible for ensur-
9 ing the integrity of Federal and State elections in the
10 United States, and their families, and to provide expertise
11 and resources for the identification, investigation, and
12 prosecution of the persons responsible for such threats and
13 acts, including by making referrals for criminal prosecu-
14 tions. The task force shall include representatives from the
15 following:

- 16 (1) The Federal Bureau of Investigation.
- 17 (2) The United States Marshals Service.
- 18 (3) The Cybersecurity and Infrastructure Secu-
19 rity Agency of the Department of Homeland Secu-
20 rity.
- 21 (4) State and local prosecutors and election of-
22 ficials.

1 (5) The Election Assistance Commission.

2 (6) Elections officials associations.

Passed the House of Representatives December 9,
2021.

Attest:

Clerk.

117TH CONGRESS
1ST SESSION

H. R. 5314

AN ACT

To protect our democracy by preventing abuses of presidential power, restoring checks and balances and accountability and transparency in government, and defending elections against foreign interference, and for other purposes.