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 Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Our Democracy Act”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

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

(1) Division A—Preventing Abuses of Presidential Power.

(2) Division B—Restoring Checks and Balances, Accountability, and Transparency.

(3) Division C—Miscellaneous.

(4) Division D—Severability.

(5) Division E—Protecting Election Officials.

(b) TABLE OF CONTENTS.—The table of contents of 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. 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 ACCOUNTABILITY 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.

Subtitle B—Strengthening Transparency and Reporting

PART 1—FUNDS MANAGEMENT AND REPORTING TO THE CONGRESS
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.
Sec. 523. Department of Justice reporting to Congress for Antideficiency Act violations.
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.
Sec. 532. National Emergencies Act declaration spending reporting in the President’s budget.
Sec. 533. Disclosure to Congress of presidential emergency action documents.
Sec. 534. Congressional Designations.

TITLE VI—SECURITY FROM POLITICAL INTERFERENCE IN JUSTICE

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. Communications logs.
Sec. 604. Rule of construction.

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.
Sec. 713. Conforming amendments and coordination with other provisions of law.

Subtitle C—Congressional Notification

Sec. 721. Short title.
Sec. 722. Change in status of Inspector General offices.
Sec. 723. Presidential explanation of failure to nominate an Inspector General.

Subtitle D—Inspector General for the Office of Management and Budget

Sec. 731. Inspector General for the Office of Management and Budget.

TITLE VIII—PROTECTING WHISTLEBLOWERS

Subtitle A—Whistleblower Protection Improvement

Sec. 801. Short title.
Sec. 802. Additional whistleblower protections.
Sec. 803. Enhancement of whistleblower protections.
Sec. 804. Classifying certain furloughs as adverse personnel actions.
Sec. 805. Codification of protections for disclosures of censorship related to research, analysis, or technical information.
Sec. 806. Title 5 technical and conforming amendments.

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.
Sec. 813. Prohibition against disclosure of whistleblower identity as reprisal against whistleblower disclosure by employees and contractors in intelligence community.

TITLE IX—ACCOUNTABILITY FOR ACTING OFFICIALS

Sec. 901. Short title.

TITLE X—STRENGTHENING HATCH ACT ENFORCEMENT AND PENALTIES

Subtitle A—Strengthening Hatch Act Enforcement and Penalties

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.
Sec. 1010. GAO review of reimbursable political events.

Subtitle B—Strengthening Ethics Enforcement and Penalties for Federal Executive Employees

Sec. 1011. Ethics pledge.
Sec. 1012. Definitions.
Sec. 1013. Waiver.
Sec. 1014. Administration.
Sec. 1015. Enforcement.
Sec. 1016. General provisions.

TITLE XI—PROMOTING EFFICIENT PRESIDENTIAL TRANSITIONS

Sec. 1101. Short title.
Sec. 1102. Ascertainment of successful candidates in general elections for purposes of presidential transition.

TITLE XII—PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY

Sec. 1201. Presidential and Vice Presidential tax transparency.

DIVISION C—MISCELLANEOUS

TITLE XIII—REPORTING FOREIGN INTERFERENCE IN ELECTIONS

Sec. 1301. Federal campaign reporting of foreign contacts.
Sec. 1302. Federal campaign foreign contact reporting compliance system.
Sec. 1303. Criminal penalties.
Sec. 1304. Report to congressional intelligence committees.
Sec. 1305. Rule of construction.

TITLE XIV—ELIMINATING FOREIGN INTERFERENCE IN ELECTIONS

Sec. 1401. Clarification of application of foreign money ban.
Sec. 1402. Requiring acknowledgment of foreign money ban by political committees.
Sec. 1403. Prohibition on contributions and donations by foreign nationals in connections with ballot initiatives and referenda.

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.
Sec. 1502. Imposition of Penalty Against Candidate or Officeholder.
Sec. 1503. Effective Date.

TITLE XVI—PROTECTING ELECTION OFFICIALS FROM DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

Sec. 1601. Short title.
Sec. 1602. Requiring States to maintain list of election officials protected from disclosure of personally identifiable information.
Sec. 1603. Prohibiting persons from making information on program participants available.

TITLE XVII—CYBERSECURITY GUIDANCE FOR CAMPAIGNS

Sec. 1701. Issuance of cybersecurity guidance and best practices for campaigns by Federal Election Commission.
TITLE XVIII—DETERMINATION OF NUMBER OF EMPLOYEES WITH SECURITY CLEARANCES

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.

Sec. 1802. Exercise of rulemaking authority.

TITLE XIX—HONEST ADS

Sec. 1901. Short title.
Sec. 1902. Purpose.
Sec. 1903. Sense of Congress.
Sec. 1904. Expansion of definition of public communication.
Sec. 1905. Expansion of definition of electioneering communication.
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.
Sec. 1909. Independent study on media literacy and online political content consumption.

TITLE XX—PROHIBITING USE OF DEEPFAKES IN ELECTION CAMPAIGNS

Sec. 2001. Prohibition on distribution of materially deceptive audio or visual media prior to election.

TITLE XXI—ASSISTANCE FOR TRANSITION TO RANKED CHOICE VOTING

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.
Sec. 2203. Improving access to influential visitor access records.

TITLE XXIII—PREVENTING A PATRONAGE SYSTEM

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

DIVISION E—PROTECTING ELECTION OFFICIALS

TITLE XXIV—DOJ TASK FORCE

Sec. 2401. Election officials security task force.
DIVISION A—PREVENTING ABUSES OF PRESIDENTIAL POWER

TITLE I—ABUSE OF THE PARDON POWER PREVENTION

SEC. 101. SHORT TITLE.
This title may be cited as the “Abuse of the Pardon Power Prevention Act”.

SEC. 102. CONGRESSIONAL OVERSIGHT RELATING TO CERTAIN PARDONS.
(a) Submission of Information.—In the event that the President grants an individual a pardon for a covered offense, not later than 30 days after the date of such pardon the Attorney General shall submit to the chairmen and ranking minority members of the appropriate congressional committees—

(1) all materials obtained or produced by the prosecution team, including the Attorney General and any United States Attorney, and all materials obtained or prepared by any investigative agency of the United States government, relating to the offense for which the individual was so pardoned; and

(2) all materials obtained or produced by the Department of Justice in relation to the pardon.
(b) TREATMENT OF INFORMATION.—Rule 6(e) of the Federal Rules of Criminal Procedure may not be construed to prohibit the disclosure of information required by subsection (a) of this section.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

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

(B) if an investigation relates to intelligence or counterintelligence matters, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “covered offense” means—

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

(I) the President;

(ii) a relative of the President;

(iii) any member or former member of the President’s administration;
(iv) any person who worked on the President’s presidential campaign as a paid employee; or

(v) in the case of an offense motivated by a direct and significant personal or pecuniary interest of any individual described in clause (I), (ii), (iii), or (iv), any person or entity;

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

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

(3) The term “pardon” includes a commutation of sentence.

(4) The term “relative” means any family member, up to a third degree relation to the President, or a spouse thereof.

SEC. 103. BRIBERY IN CONNECTION WITH PARDONS AND COMMUTATIONS.

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

(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”.

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SEC. 202. TOLLING OF STATUTE OF LIMITATIONS.

(a) Offenses Committed by the President or Vice President During or Prior to Tenure in Office.—Section 3282 of title 18, United States Code, is amended by adding at the end the following:

“(c) Offenses Committed by the President or Vice President During or Prior to Tenure in Office.—In the case of any person serving as President or Vice President of the United States, the duration of that person’s tenure in office shall not be considered for purposes of any statute of limitations applicable to any Federal criminal offense committed by that person (including any offenses committed during any period of time preceding such tenure in office).

“(d) Delay in Trial or Other Legal Proceedings.—In the case of an indictment of any person serving as President or Vice President of the United States, a trial or other legal proceeding with respect to such indictment may be delayed at the discretion of a court of competent jurisdiction to the extent that ongoing criminal proceedings would interfere with the performance of the defendant’s duties while in office.

“(e) Burden of Proof.—With respect to an exercise of discretion under subsection (d), the burden of proof shall be on the defendant to demonstrate that an ongoing criminal proceeding would pose a substantial burden on
the defendant’s ability to fulfill the duties of the defendant’s office.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any offense committed before the date of the enactment of this section, if the statute of limitations applicable to that offense had not run as of such date.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preclude the indictment or prosecution of a President or Vice President, during that President or Vice President’s tenure in office, for violations of the criminal laws of the United States.

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

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

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

(2) in the first undesignated paragraph, by inserting “the President, the Vice President, or any member of the Cabinet,” after “Whoever, being”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 23 of title 18, United States Code,
is amended by striking the item relating to section 431 and inserting the following:

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

SEC. 204. FORFEITURE OF BENEFITS FOR FORMER PRESIDENTS CONVICTED OF A FELONY.

The Act entitled “An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes”, approved August 25, 1958 (commonly known as the “Former Presidents Act of 1958”; 3 U.S.C. 102 note), is amended—

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

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

“(2) who has not been impeached by the House of Representatives and convicted by the Senate pursuant to the impeachment.”; and

(3) by adding at the end the following new subsection:

“(h)(1) If a former President is finally convicted of a felony for which every act or omission that is needed to satisfy the elements of the felony is committed during or after the period such former President holds the office
of President of the United States of America, or was finally convicted of such a felony while holding such office—

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

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

“(C) such former President shall repay any amounts received under subsection (a) during the period beginning on the date on which such former President is initially convicted of the felony and ending on the date such former President is finally convicted of the felony.

“(2) The term ‘finally convicted’ means a conviction—

“(A) which has not been appealed and is no longer appealable because the time for taking an appeal has expired; or

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

SEC. 205. LIMITATION ON NONDISCLOSURE AGREEMENTS.

The President may not require an officer or employee of the Executive Office of the President to enter into a
nondisclosure agreement that is not related to the protec-
tion of classified or controlled unclassified information as
a condition of employment or upon separation from the
civil service.

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 Emolu-
ments Clauses of the Constitu-
tion

SEC. 301. SHORT TITLE.
This title may be cited as the “Foreign and Domestic
Emoluments Enforcement Act”.

SEC. 302. DEFINITIONS.
In this title:

(1) The term “emolument” means any profit,
gain, or advantage that is received directly or indi-
rectly from any government of a foreign country, the
Federal government, or any State or local govern-
ment, or from any instrumentality thereof, including
payments arising from commercial transactions at fair market value.

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

(3) The term “government of a foreign country” has the meaning given such term in section 1(e) of the Foreign Agents Registration Act (22 U.S.C. 611(e)).

SEC. 303. PROHIBITION ON ACCEPTANCE OF FOREIGN AND DOMESTIC EMOLUMENTS.

(a) FOREIGN.—Except as otherwise provided in section 7342 of title 5, United States Code, it shall be unlawful for any person holding an office of profit or trust under the United States to accept from a government of a foreign country, without first obtaining the consent of Congress, any present or emolument, or any office or title. The prohibition under this subsection applies without regard to whether the present, emolument, office, or title is—

(1) provided directly or indirectly by that government of a foreign country; or

(2) provided to that person or to any private business interest of that person.
(b) DOMESTIC.—It shall be unlawful for the President to accept from the United States, or any of them, any emolument other than the compensation for his or her services as President provided for by Federal law. The prohibition under this subsection applies without regard to whether the emolument is provided directly or indirectly, and without regard to whether the emolument is provided to the President or to any private business interest of the President.

SEC. 304. CIVIL ACTIONS BY CONGRESS CONCERNING FOREIGN EMOLUMENTS.

(a) CAUSE OF ACTION.—The House of Representatives or the Senate may bring a civil action against any person for a violation of subsection (a) of section 303.

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

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

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

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

(3) It shall be the duty of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any such action and appeal.

(e) Remedy.—If the court determines that a violation of subsection (a) of section 303 has occurred, the court shall issue an order enjoining the course of conduct found to constitute the violation, and such of the following as are appropriate:

(1) The disgorgement of the value of any foreign present or emolument.

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

(3) The renunciation of any office or title accepted in violation of such subsection.

(4) A prohibition on the use or holding of such an office or title.
(5) Such other relief as the court determines appropriate.

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

SEC. 305. DISCLOSURES CONCERNING FOREIGN AND DOMESTIC EMOLUMENTS.

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

“(9) Any present, emolument, office, or title received from a government of a foreign country, including the source, date, type, and amount or value of each present or emolument accepted on or before the date of filing during the preceding calendar year.

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

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

“(A) any emolument received from the United States, or any of them, other than the
compensation for his or her services as President provided for by Federal law; and

“(B) any business interest that is reasonably expected to result in the receipt of any emolument from the United States, or any of them.”.

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

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

(2) by inserting after subparagraph (F) the following:

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

“(H) In the case of items described in paragraph (11)(A) of subsection (a), any such items received by spouse or dependant child of the President other than items related to the President’s services as President provided for by Federal law, and in the case of items de-
scribed in paragraph (11)(B) of subsection (a), all information required to be reported under that paragraph.”.

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

SEC. 306. ENFORCEMENT AUTHORITY OF THE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS.

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

(1) by striking “(a) The Director” and inserting “(a)(1) The Director”; and

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

“(2) The Director shall provide overall direction of executive branch policies related to compliance with the Foreign and Domestic Emoluments Enforcement Act and the amendments made by such Act and shall have the authority to—

“(A) issue administrative fines to individuals for violations;
“(B) order individuals to take corrective action, including disgorgement, divestiture, and recusal, as the Director deems necessary; and

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

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

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

(2) by striking the period at the end of paragraph (15) and inserting “; and”; and

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

“(16) developing and promulgating rules and regulations to ensure compliance with the Foreign and Domestic Emoluments Enforcement Act and the amendments made by such Act, including establishing—

“(A) requirements for reporting and disclosure;

“(B) a schedule of administrative fines that may be imposed by the Director for violations; and

“(C) a process for referral of matters to the Office of Special Counsel for investigation
in compliance with section 1216(d) of title 5, United States Code.”.

SEC. 307. JURISDICTION OF THE OFFICE OF SPECIAL COUNSEL.

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

(1) in subsection (a)—

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

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

(C) by adding at the end the following:

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

and

(2) by adding at the end the following:

“(d) If the Director of the Office of Government Ethics refers a matter for investigation pursuant to section 402 of the Ethics in Government Act of 1978, or if the Special Counsel receives a credible complaint of a violation referred to in subsection (a)(6), the Special Counsel shall complete an investigation not later than 120 days thereafter. If the Special Counsel investigates any violation pursuant to subsection (a)(6), the Special Counsel shall re-
port not later than 7 days after the completion of such
investigation to the Director of the Office of Government
Ethics and to Congress on the results of such investiga-
tion.”.

SEC. 308. RULEMAKING FOR ETHICS REQUIREMENTS FOR
LEGAL EXPENSE FUNDS.

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

(b) Limitations on Acceptance of Certain Pay-
ments.—A legal expense fund described in subsection (a)
may not accept any contribution or other payment made
by—

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

(2) an agent of a foreign principal.

In the case of any such contribution being made, the legal
expense fund shall take appropriate remedial action and
the Director of the Office of Government Ethics may as-
sess a fine against the individual or agent. For purposes of this section, the term “agent of a foreign principal” has the meaning given such term under section 1 of the Foreign Agents Registration Act of 1938, as amended (2 U.S.C. 611).

SEC. 309. LIMITATIONS AND DISCLOSURE OF CERTAIN DONATIONS TO, AND DISBURSEMENTS BY, INAUGURAL COMMITTEES.

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

“SEC. 325. INAUGURAL COMMITTEES.

“(a) PROHIBITED DONATIONS.—

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

“(A) for an Inaugural Committee—

“(i) to solicit, accept, or receive a donation from a person that is not an individual; or

“(ii) to solicit, accept, or receive a donation from a foreign national;

“(B) for a person—

“(i) to make a donation to an Inaugural Committee in the name of another person, or to knowingly authorize his or
her name to be used to effect such a donation;

“(ii) to knowingly accept a donation to an Inaugural Committee made by a person in the name of another person; or

“(iii) to convert a donation to an Inaugural Committee to personal use as described in paragraph (2); and

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

“(2) CONVERSION OF DONATION TO PERSONAL USE.—For purposes of paragraph (1)(B)(iii), a donation shall be considered to be converted to personal use if any part of the donated amount is used—

“(A) to fulfill a commitment, obligation, or expense of a person that would exist irrespective of the responsibilities of the Inaugural Committee; or

“(B) to benefit the personal business venture of the President or Vice President of the United States, the Inaugural Committee, or an immediate family member of such individuals.
“(3) NO EFFECT ON DISBURSEMENT OF UN-
USED FUNDS TO NONPROFIT ORGANIZATIONS.—
Nothing in this subsection may be construed to pro-
hibit an Inaugural Committee from disbursing un-
used funds to an organization which is described in
section 501(c)(3) of the Internal Revenue Code of
1986 and is exempt from taxation under section
501(a) of such Code.
“(b) LIMITATION ON DONATIONS.—
“(1) IN GENERAL.—It shall be unlawful for an
individual to make donations to an Inaugural Com-
mittee which, in the aggregate, exceed $50,000.
“(2) INDEXING.—At the beginning of each
Presidential election year (beginning with 2028), the
amount described in paragraph (1) shall be in-
creased by the cumulative percent difference deter-
mined in section 315(c)(1)(A) since the previous
Presidential election year. If any amount after such
increase is not a multiple of $1,000, such amount
shall be rounded to the nearest multiple of $1,000.
“(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-
BURSEMENTS.—
“(1) DONATIONS OVER $1,000.—
“(A) IN GENERAL.—An Inaugural Com-
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.
“(B) The total amount of all disbursements, and all disbursements in the following categories:

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

“(ii) Repayment of all loans.

“(iii) Donation refunds and other offsets to donations.

“(iv) Any other disbursements.

“(C) The name and address of each person—

“(i) to whom a disbursement in an aggregate amount or value in excess of $200 is made by the committee to meet a committee operating expense, together with date, amount, and purpose of such operating expense;

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

“(iii) who receives a donation refund or other offset to donations from the committee, together with the date and amount of such disbursement; and
“(iv) to whom any other disbursement in an aggregate amount or value in excess of $200 is made by the committee, together with the date and amount of such disbursement.

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

“(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of a Federal agency to enforce a Federal law with respect to an Inaugural Committee.

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

“(1)(A) The term ‘donation’ includes—

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

“(ii) the payment by any person of compensation for the personal services of another person which are rendered to the committee without charge for any purpose.

“(B) The term ‘donation’ does not include the value of services provided without compensation by
any individual who volunteers on behalf of the committee.

“(2) The term ‘foreign national’ has the meaning given that term by section 319(b).

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

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

(b) Confirming Amendment Related to Reporting Requirements.—Section 304 of the Federal Election Campaign Act (52 U.S.C. 30104) is amended—

(1) by striking subsection (h); and

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

(c) Confirming Amendment Related to Status of Committee.—Section 510 of title 36, United States Code, is amended to read as follows:

“§510. Disclosure of and prohibition on certain donations

“A committee shall not be considered to be the Inaugural Committee for purposes of this chapter unless the committee agrees to, and meets, the requirements of section 325 of the Federal Election Campaign Act of 1971.”.
(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to Inaugural Committees established under chapter 5 of title 36, United States Code, for inaugurations held in 2025 and any succeeding year.

Subtitle B—Accountability in Access to Classified Information

SEC. 311. TRANSPARENCY IN ACCESS TO CLASSIFIED INFORMATION DURING PRESIDENTIAL TRANSITIONS.

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

“(3) Not later than 10 days after submitting an application for a security clearance for any individual, and not later than 10 days after any such individual is granted a security clearance (including an interim clearance), each eligible candidate (as that term is described in subsection (h)(4)(A)) or the President-elect (as the case may be) shall submit a report containing the name of such individual to the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Permanent Select Committee on Intelligence of the
SEC. 312. TRANSPARENCY IN FAMILY ACCESS TO CLASSIFIED INFORMATION.

(a) IN GENERAL.—Not later than 10 days after submitting an application for a security clearance for any covered individual, and not later than 10 days after any covered individual is granted a security clearance (including an interim clearance), the President or head of the applicable agency shall submit a written notice of such application or approval (as the case may be) to the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate.

(b) COVERED INDIVIDUAL DEFINED.—In this section, the term “covered individual” means a spouse, child, or child-in-law (including adult children and children-in-law) of the President.
DIVISION B—RESTORING
CHECKS AND BALANCES, ACCOUNTABILITY, AND TRANSPARENCY

TITLE IV—ENFORCEMENT OF CONGRESSIONAL SUBPOENAS

SEC. 401. SHORT TITLE.

This title may be cited as the “Congressional Subpoena Compliance and Enforcement Act”.

SEC. 402. FINDINGS.

The Congress finds as follows:

(1) As the Supreme Court has repeatedly affirmed, including in its July 9, 2020 holding in Trump v. Mazars, Congress’s “power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function”. Congress’s power to obtain information, including through the issuance of subpoenas and the enforcement of such subpoenas, is “broad and indispensable”.

(2) Congress “suffers a concrete and particularized injury when denied the opportunity to obtain information necessary” to the exercise of its constitutional functions, as the U.S. Court of Appeals for the District of Columbia Circuit correctly recognized
in its August 7, 2020 en banc decision in Committee on the Judiciary of the U.S. House of Representa-
tives v. McGahn.

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

SEC. 403. ENFORCEMENT OF CONGRESSIONAL SUBPOENAS.

(a) In general.—Chapter 85 of title 28, United States Code, is amended by inserting after section 1365 the following:

“§ 1365a. Congressional actions against subpoena recipi ents

“(a) CAUSE OF ACTION.—The United States House of Representatives, the United States Senate, or a committee or subcommittee thereof, may bring a civil action against the recipient of a subpoena issued by a congressional committee or subcommittee to enforce compliance with the subpoena.

“(b) SPECIAL RULES.—In any civil action described in subsection (a), the following rules shall apply:
“(1) The action may be filed in a United States district court of competent jurisdiction.

“(2) Notwithstanding section 1657(a), it shall be the duty of every court of the United States to expedite to the greatest possible extent the disposition of any such action and appeal. Upon a showing by the plaintiff of undue delay, other irreparable harm, or good cause, a court to which an appeal of the action may be taken shall issue any necessary and appropriate writs and orders to ensure compliance with this paragraph.

“(3) If a three-judge court is expressly requested by the plaintiff in the initial pleading, the action shall be heard by a three-judge court convened pursuant to section 2284, and shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

“(4) The initial pleading must be accompanied by certification that the party bringing the action has in good faith conferred or attempted to confer with the recipient of the subpoena to secure compliance with the subpoena without court action.
“(c) Penalties.—

“(1) Cases involving government agencies.—

“(A) In general.—The court may impose monetary penalties directly against each head of a Government agency and the head of each component thereof held to have knowingly failed to comply with any part of a congressional subpoena, unless—

“(I) the President instructed the official not to comply; and

“(ii) the President, or the head of the agency or component thereof, submits to the court a letter confirming such instruction and the basis for such instruction.

“(B) Prohibition on use of government funds.—No appropriated funds, funds provided from any accounts in the Treasury, funds derived from the collection of fees, or other Government funds shall be used to pay any monetary penalty imposed by the court pursuant to this paragraph.

“(2) Legal fees.—In addition to any other penalties or sanctions, the court shall require that any defendant, other than a Government agency,
held to have willfully failed to comply with any part of a congressional subpoena, pay a penalty in an amount equal to that party’s legal fees, including attorney’s fees, litigation expenses, and other costs. If such defendant is an officer or employee of a Government agency, such fees may be paid from funds appropriated to pay the salary of the defendant.

“(d) WAIVER.—Any ground for noncompliance asserted by the recipient of a congressional subpoena shall be deemed to have been waived as to any particular information withheld from production if the court finds that the recipient failed in a timely manner to comply with the applicable requirements of section 105(b) of the Revised Statutes of the United States with respect to such information.

“(e) RULES OF PROCEDURE.—The Supreme Court and the Judicial Conference of the United States shall prescribe rules of procedure to ensure the expeditious treatment of actions described in subsection (a). Such rules shall be prescribed and submitted to the Congress pursuant to sections 2072, 2073, and 2074. This shall include procedures for expeditiously considering any assertion of constitutional or Federal statutory privilege made in connection with testimony by any recipient of a subpoena from a congressional committee or subcommittee.
The Supreme Court shall transmit such rules to Congress within 6 months after the effective date of this section and then pursuant to section 2074 thereafter.

“(f) DEFINITION.—For purposes of this section, the term ‘Government agency’ means any office or entity described in section 105 and 106 of title 3, an executive department listed in section 101 of title 5, an independent establishment, commission, board, bureau, division, or office in the executive branch, or other agency or instrumentality of the Federal Government, including wholly or partly owned Government corporations.”.

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

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

SEC. 404. COMPLIANCE WITH CONGRESSIONAL SUBPOENAS.

(a) IN GENERAL.—Chapter 7 of title II of the Revised Statutes of the United States (2 U.S.C. 191 et seq.) is amended—

(1) by adding at the end the following:

“SEC. 105. RESPONSE TO CONGRESSIONAL SUBPOENAS.

“(a) SUBPOENA BY CONGRESSIONAL COMMITTEE.—Any recipient of any subpoena from a congressional committee or subcommittee shall appear and testify, produce,
or otherwise disclose information in a manner consistent with the subpoena and this section.

“(b) FAILURE TO PRODUCE INFORMATION.—

“(1) GROUNDS FOR WITHHOLDING INFORMATION.—Unless required by the Constitution or by Federal statute, no claim of privilege or protection from disclosure shall be a ground for withholding information responsive to the subpoena or required by this section.

“(2) IDENTIFICATION OF INFORMATION WITHHELD.—In the case of information that is withheld, in whole or in part, by the subpoena recipient, the subpoena recipient shall, without delay provide a log containing the following:

“(A) An express assertion and description of the ground asserted for withholding the information.

“(B) The type of information.

“(C) The general subject matter.

“(D) The date, author, and addressee.

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

“(F) The custodian of the information.

“(G) Any other descriptive information that may be produced or disclosed regarding
the information that will enable the congressional committee or subcommittee issuing the subpoena to assess the ground asserted for withholding the information.

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

(b) CLERICAL AMENDMENT.—The table of contents for chapter 7 of title II of the Revised Statutes of the United States is amended by adding at the end the following:

“105. Response to congressional subpoenas.”.

SEC. 405. RULE OF CONSTRUCTION.

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

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

For purposes of remedying any failure to comply with a request under section 2954 of title 5, United States Code, section 1365a of title 28, United States Code (as added by section 403), and section 105 of the Revised
Statutes of the United States (as added by section 404) shall apply to such a request.

**TITLE V—REASSERTING CONGRESSIONAL POWER OF THE PURSE**

**SEC. 500. SHORT TITLE.**

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

**Subtitle A—Strengthening Congressional Control and Review To Prevent Impoundment**

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

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

“PRUDENT OBLIGATION OF BUDGET AUTHORITY AND SPECIFIC REQUIREMENTS FOR EXPIRING BUDGET AUTHORITY

“Sec. 1018. (a) Special Message Requirement.—With respect to budget authority proposed to be rescinded or that is set to be reserved or proposed to be deferred in a special message transmitted under section 1012 or 1013, such budget authority—

“(1) shall be made available for obligation in sufficient time to be prudently obligated as required under section 1012(b) or 1013; and
“(2) may not be deferred or otherwise withheld from obligation during the 90-day period before the expiration of the period of availability of such budget authority, including, if applicable, the 90-day period before the expiration of an initial period of availability for which such budget authority was provided.

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

“(1) to make available all amounts for obligation in sufficient time to be prudently obligated; and

“(2) to make available all amounts for obligation, without precondition (including footnotes) that shall be met prior to obligation, not later than 90 days before the expiration of the period of availability of such appropriation, including, if applicable, 90 days before the expiration of an initial period of availability for which such appropriation was provided.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Congressional Budget and Impoundment Control Act of 1974 set forth in section 1(b) of such Act is amend-
ed by adding after the item relating to section 1017 the following:

“1018. Prudent obligation of budget authority and specific requirements for expiring budget authority.”.

SEC. 502. STRENGTHENING CONGRESSIONAL REVIEW.

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

“REPORTING

“Sec. 1019. (a) Apportionment of Appropriations.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Office of Management and Budget shall complete implementation of an automated system to post each document apportioning an appropriation, pursuant to section 1513(b) of title 31, United States Code, including any associated footnotes, in a format that qualifies each such document as an Open Government Data Asset (as defined in section 3502 of title 44, United States Code), not later than 2 business days after the date of approval of such apportionment, and shall place on such website each document apportioning an appropriation, pursuant to such section 1513(b), including any associated foot-
notes, already approved for the fiscal year, and shall report the date of completion of such requirements to the Committees on the Budget and Appropriations of the House of Representatives and Senate.

“(2) Explanatory statement.—Each document apportioning an appropriation posted on a publicly accessible website under paragraph (1) shall also include a written explanation by the official approving each such apportionment (pursuant to section 1513(b) of title 31, United States Code) of the rationale for the apportionment schedule and for any footnotes for apportioned amounts.

“(3) Special process for transmitting classified documentation to the Congress.—The Office of Management and Budget or the applicable department or agency shall make available classified documentation referenced in any apportionment at the request of the chair or ranking member of any appropriate congressional committee or subcommittee.

“(4) Department and agency report.—Each department or agency shall notify the Committees on the Budget and Appropriations of the House of Representatives and the Senate and any other appropriate congressional committees if—
“(A) an apportionment is not made in the required time period provided in section 1513(b) of title 31, United States Code;

“(B) an approved apportionment received by the department or agency conditions the availability of an appropriation on further action; or

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

and such notification shall contain information identifying the bureau, account name, appropriation name, and Treasury Appropriation Fund Symbol or fund account.

“(b) Approving Officials.—

“(1) Delegation of Authority.—Not later than 15 days after the date of enactment of this section, any delegation of apportionment authority pursuant to section 1513(b) of title 31, United States Code that is in effect as of such date shall be submitted for publication in the Federal Register. Any delegation of such apportionment authority after the date of enactment of this section shall, on the date
of such delegation, be submitted for publication in the Federal Register. The Office of Management and Budget shall publish such delegations in a format that qualifies such publications as an Open Government Data Asset (as defined in section 3502 of title 44, United States Code) on a public internet website, which shall be continuously updated with the position of each Federal officer or employee to whom apportionment authority has been delegated.

“(2) REPORT TO CONGRESS.—Not later than 5 days after any change in the position of the approving official with respect to such delegated apportionment authority for any account is made, the Office shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committees on the Budget of the House of Representatives and the Senate, and any other appropriate congressional committee explaining why such change was made.”.

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

“1019. Reporting.”.
SEC. 503. UPDATED AUTHORITIES FOR AND REPORTING BY

THE COMPTROLLER GENERAL.

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

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

(2) by adding at the end the following:

“(c) Review.—

“(1) IN GENERAL.—The Comptroller General shall review compliance with this part and shall submit to the Committees on the Budget, Appropriations, and Oversight and Reform of the House of Representatives, the Committees on the Budget, Appropriations, and Homeland Security and Governmental Affairs of the Senate, and any other appropriate congressional committee of the House of Representatives and Senate a report, and any relevant information related to the report, on any noncompliance with this part.

“(2) INFORMATION, DOCUMENTATION, AND VIEWS.—The President or the head of the relevant department or agency of the United States shall provide information, documentation, and views to the Comptroller General, as is determined by the Comptroller General to be necessary to determine such compliance, not later than 20 days after the date on
which the request from the Comptroller General is
received, or if the Comptroller General determines
that a shorter or longer period is appropriate based
on the specific circumstances, within such shorter or
longer period.

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

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

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

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

(3) by adding at the end the following:

“(5) affecting or limiting in any way the au-
thorities provided to the Comptroller General under
chapter 7 of title 31, United States Code.”.
SEC. 504. ADVANCE CONGRESSIONAL NOTIFICATION AND LITIGATION.

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

"SUITS BY COMPTROLLER GENERAL"

"Sec. 1016. If, under this chapter, budget authority is required to be made available for obligation and such budget authority is not made available for obligation or information, documentation, views, or access are required to be produced and such information, documentation, views, or access are not produced, the Comptroller General is expressly empowered, through attorneys of the Comptroller General’s own selection, to bring a civil action in the United States District Court for the District of Columbia to require such budget authority to be made available for obligation or such information, documentation, views, or access to be produced, and such court is expressly empowered to enter in such civil action, against any department, agency, officer, or employee of the United States, any decree, judgment, or order which may be necessary or appropriate to make such budget authority available for obligation or compel production of such information, documentation, views, or access. No civil action shall be brought by the Comptroller General to require budget authority be made available under this section until the expiration of 15 calendar days following the date on which
an explanatory statement by the Comptroller General of
the circumstances giving rise to the action contemplated
is filed with the Speaker of the House of Representatives
and the President of the Senate, except that expiration
of such period shall not be required if the Comptroller
General finds (and incorporates the finding in the explana-
tory statement filed) that the delay would be contrary to
the public interest.”.

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

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

“PENALTIES FOR FAILURE TO COMPLY

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

“(b) REPORTING VIOLATIONS.—

“(1) IN GENERAL.—In the event of a violation
of section 1001, 1012, 1013, or 1018 of this part,
or in the case that the Comptroller General issues
a legal decision concluding that a department, agen-
cy, or office of the United States violated this part, the President or the head of the relevant department or agency as the case may be, shall report immedi-
diately to Congress all relevant facts and a state-
ment of actions taken. A copy of each report shall also be transmitted to the Comptroller General and the relevant inspector general on the same date the report is transmitted to the Congress.

“(2) CONTENTS.—Any such report shall include a summary of the facts pertaining to the violation, the title and Treasury Appropriation Fund Symbol of the appropriation or fund account, the amount in-
volved for each violation, the date on which the vio-
lation occurred, the position of any individuals re-
 sponsible for the violation, a statement of the admin-
istrative discipline imposed and any further action taken with respect to any officer or employee in-
volved in the violation, a statement of any additional action taken to prevent recurrence of the same type of violation, and any written response by any officer or employee identified by position as involved in the violation. In the case that the Comptroller General issues a legal decision concluding that a department, agency, or office of the United States violated this part and the relevant department, agency, or office
does not agree that a violation has occurred, the re- 
port provided to Congress, the Comptroller General, 
and relevant inspector general will explain its posi- 
tion.”.

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

“1020. Penalties for failure to comply.”.

Subtitle B—Strengthening 
Transparency and Reporting 

PART 1—FUNDS MANAGEMENT AND REPORTING 
TO THE CONGRESS 

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

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

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

“(A) unobligated expired balances as of the 
beginning of the current fiscal year and the be- 
beginning of each of the preceding 2 fiscal years 
by agency and the applicable Treasury Appro- 
priation Fund Symbol or fund account; and
“(B) an explanation of unobligated expired balances in any Treasury Appropriation Fund Symbol or fund account that exceed the lesser of 5 percent of total appropriations made available for that account or $100,000,000.”.

SEC. 512. CANCELLED BALANCE REPORTING IN THE PRESIDENT'S BUDGET.

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

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

“(A) cancelled balances (pursuant to section 1552(a)) for the preceding 3 fiscal years by agency and Treasury Appropriation Fund Symbol or fund account;

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

“(C) a tabulation, by Treasury Appropriation Fund Symbol or fund account and appropriation, of all balances of appropriations available for an indefinite period in an appropriation
account available for an indefinite period that
do not meet the criteria for closure under sec-
tion 1555, but for which either—

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

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

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

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

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

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

“(42) a report on—

“(A) any obligation or expenditure made
by a department or agency affected in whole or
in part by any lapse in appropriations of 5 con-
secutive days or more during the preceding fis-
cal year for which amounts were not available; and

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

“(I) the amount so obligated or expended;

“(ii) the account affected;

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

“(iv) an explanation of any change in the application of any Antideficiency Act exception for a program, project, or activity from any explanations previously reported on pursuant to this paragraph.”.

SEC. 514. TRANSFER AND OTHER REPURPOSING AUTHORITY REPORTING IN THE PRESIDENT’S BUDGET.

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

“(43) for the budget for fiscal year 2023, a report on—
“(A) any transfer authority or other authority to repurpose appropriations provided in a law other than an appropriation act; and

“(B) with respect to any such authority, the citation to the statute, the list of departments or agencies covered, an explanation of when such authority may be used, and an explanation on any use of such authority in the preceding 3 fiscal years.”

SEC. 515. AUTHORIZING CANCELLATIONS IN INDEFINITE ACCOUNTS BY APPROPRIATION.

(a) In General.—Subchapter IV of chapter 15 of title 31, United States Code, is amended by inserting after section 1555 the following:

“SEC. 1555a. CANCELLATION OF APPROPRIATIONS AVAILABLE FOR INDEFINITE PERIODS WITHIN AN ACCOUNT.

“Any remaining balance (whether obligated or unobligated) from an appropriation available for an indefinite period in an appropriation account available for an indefinite period that does not meet the requirements for closure under section 1555 shall be canceled, and thereafter shall not be available for obligation or expenditure for any purpose, if—
“(1) the head of the agency concerned or the President determines that the purposes for which the appropriation was made have been carried out; and

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

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

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

SEC. 516. WHITE HOUSE EMPLOYEE INFORMATION.

Not later than 90 days after the date of the enactment of this Act and updated not less frequently than annually thereafter, the Executive Office of the President shall make available on a publicly available website in an easily searchable and downloadable format the following information:

(1) The annual salary of each White House employee, which shall be updated quarterly, and the following:

(A) The number of employees who are paid at a rate of basic pay equal to or greater than the rate of basic pay then currently paid for level V of the Executive Schedule of section
5316 of title 5 and who are employed in the
White House Office, the Executive Residence at
the White House, the Office of the Vice Presi-
dent, the Domestic Policy Staff, or the Office of
Administration, and the aggregate amount paid
to such employees.

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

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

(D) The number of individuals detailed
under section 112 of title 3, United States
Code, for more than 30 days to each such office, the number of days in excess of 30 each individual was detailed, and the aggregate amount of reimbursement made as provided by the provisions of section 112 of such title.

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

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

SEC. 517. MACHINE-READABLE FORMAT REQUIRED FOR AGENCY REPORTS.

Any report required to be submitted to Congress by an executive agency shall be submitted in machine-readable format, unless each committee of Congress to whom the report is submitted waives the requirement.
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.

(a) In General.—Subchapter II of chapter 7 of title 31, United States Code, is amended by adding at the end the following:

“SEC. 722. REQUIREMENT TO RESPOND TO REQUESTS FOR INFORMATION FROM THE COMPTROLLER GENERAL FOR BUDGET AND APPROPRIATIONS LAW DECISIONS.

“(a) If an agency receives a written request for information, documentation, or views from the Comptroller General relating to a decision or opinion on budget or appropriations law, the agency shall provide the requested information, documentation, or views not later than 20 days after receiving the written request, unless such written request specifically provides otherwise.

“(b) If an agency fails to provide the requested information, documentation, or views within the time required by this section—

“(1) the Comptroller General shall notify, in writing, the Committee on Oversight and Reform of
the House of Representatives, Committee on Homeland Security and Governmental Affairs of the Senate, and any other appropriate congressional committee of such failure; and

“(2) the Comptroller General is hereby expressly empowered, through attorneys of the Comptroller General’s own selection, to bring a civil action in the United States District Court for the District of Columbia to require such information, documentation, or views to be produced, and such court is expressly empowered to enter in such civil action, against any department, agency, officer, or employee of the United States, any decree, judgment, or order which may be necessary or appropriate to require such production.

“(c) Nothing in this section shall be construed as affecting or otherwise limiting the authorities provided to the Comptroller General in section 716 of this title.”.

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

“722. 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.

(a) Violations of Section 1341 or 1342.—Section 1351 of title 31, United States Code, is amended—

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

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

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

(4) by adding at the end the following:

“(b) Any such report shall include a statement of the provision violated, a summary of the facts pertaining to the violation, the title and Treasury Appropriation Fund Symbol of the appropriation or fund account, the amount involved for each violation, the date on which the violation occurred, the position of any officer or employee responsible for the violation, a statement of the administrative discipline imposed and any further action taken with respect to any officer or employee involved in the violation, a statement of any additional action taken to prevent recurrence of the same type of violation, a statement of any determination that the violation was not knowing and willful that has been made by the entity filing the report, and
any written response by any officer or employee identified
by position as involved in the violation. In the case that
the Comptroller General issues a legal decision concluding
that section 1341(a) or 1342 was violated and the entity
filing the report, does not agree that a violation has oc-
curred, the report provided to the President, the Congress,
and the Comptroller General will explain its position.”.

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

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

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

(3) by adding at the end the following:
“(c) Any such report shall include a statement of the
provision violated, a summary of the facts pertaining to
the violation, the title and Treasury Appropriation Fund
Symbol of the appropriation or fund account, the amount
involved for each violation, the date on which the violation
occurred, the position of any officer or employee respon-
sible for the violation, a statement of the administrative
discipline imposed and any further action taken with re-
spect to any officer or employee involved in the violation,
a statement of any additional action taken to prevent re-
currence of the same type of violation, a statement of any
determination that the violation was not knowing and will-
ful that has been made by the entity filing the report, and
any written response by any officer or employee identified
by position as involved in the violation. In the case that
the Comptroller General issues a legal decision concluding
that subsection (a) was violated and the entity filing the
report does not agree that a violation has occurred, the
report provided to the President, the Congress, and the
Comptroller General will explain its position.”.

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

(a) VIOLATIONS OF SECTIONS 1341 OR 1342.—Sec-
tion 1350 of title 31, United States Code, is amended—
(1) by striking “An officer” and inserting “(a)
An officer”; and
(2) by adding at the end the following:
“(b)(1) If a report is made under section 1351 of a
violation of section 1341(a) or 1342, the Attorney General
shall promptly review such report and investigate to the
extent necessary to determine whether there are reason-
able grounds to believe that the responsible officer or em-
ployee knowingly and willfully violated such section
1341(a) or 1342, as applicable. If the Attorney General
determines that there are such reasonable grounds, the
Attorney General diligently shall investigate a criminal
violation under this section.
“(2) The Attorney General shall submit to Congress
and the Comptroller General on or before March 31 of
each calendar year an annual report detailing separately
for each reporting entity—
“(A) the number of reports under section 1351
transmitted to the President during the preceding
calendar year;
“(B) the number of reports reviewed in accord-
ance with paragraph (1) during the preceding cal-
endar year;
“(C) without identification of any individual of-
fer or employee, a description of each investigation
undertaken in accordance with paragraph (1) during
the preceding calendar year and an explanation of
the status of any such investigation; and
“(D) without identification of any individual of-
fer or employee, an explanation of any update to
the status of any review or investigation previously
reported pursuant to this subsection.”.
(b) VIOLATIONS OF SECTION 1517.—Section 1519 of title 31, United States Code, is amended—

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

(2) by adding at the end the following:

“(b)(1) If a report is made under section 1517(b) of a violation of section 1517(a), the Attorney General shall promptly review such report and investigate to the extent necessary to determine whether there are reasonable grounds to believe that the responsible officer or employee knowingly and willfully violated such section 1517(a). If the Attorney General determines that there are such reasonable grounds, the Attorney General diligently shall investigate a criminal violation under this section.

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

“(A) the number of reports under section 1517(b) transmitted to the President during the preceding calendar year;

“(B) the number of reports reviewed in accordance with paragraph (1) during the preceding calendar year;
“(C) without identification of any individual officer or employee, a description of each investigation undertaken in accordance with paragraph (1) during the preceding calendar year and an explanation of the status of any such investigation; and

“(D) without identification of any individual officer or employee, an explanation of any update to the status of any review or investigation previously reported pursuant to this subsection.”.

SEC. 524. PUBLICATION OF BUDGET OR APPROPRIATIONS LAW OPINIONS OF THE DEPARTMENT OF JUSTICE OFFICE OF LEGAL COUNSEL.

(a) Schedule of Publication for Final OLC Opinions.—Each final opinion issued by the Office of Legal Counsel of the Department of Justice (final OLC opinion) shall be made available on its public website in a manner that is searchable, sortable, and downloadable in its entirety as soon as is practicable, but—

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

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

(4) not later than 3 years after the date of enactment of this Act for an opinion issued on or after January 20, 1969, and before or on January 19, 1981; and

(5) not later than 4 years after the date of enactment of this Act for all other opinions.

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

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

(A) information contained in the opinion was—

(I) specifically authorized to be kept secret, under criteria established by an Executive order, in the interest of national defense or foreign policy;

(ii) properly classified, including all procedural and marking requirements, pursuant to such Executive order;

(iii) the Attorney General determines that the national defense or foreign policy
interests protected outweigh the public’s interest in access to the information; and

(iv) put through declassification review within the past two years;

(B) information contained in the opinion relates to the appointment of a specific individual not confirmed to Federal office;

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

(I) requires that the material be withheld in such a manner as to leave no discretion on the issue; or

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

(D) information in the opinion includes trade secrets and commercial or financial information obtained from a person and privileged or confidential whose disclosure would likely cause substantial harm to the competitive position of the person from whom the information was obtained;
(E) the President, in his or her sole and nondelegable determination, formally and personally claims in writing that executive privilege prevents the release of the information and disclosure would cause specific identifiable harm to an interest protected by an exception or the disclosure is prohibited by law; or

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

(2) DETERMINATION TO WITHHOLD.—Any determination under this subsection to withhold information contained in a final OLC opinion shall be made by the Attorney General or a designee of the Attorney General. The determination shall be—

(A) in writing;

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

(C) sufficiently detailed as to inform the public of what kind of information is being withheld and the reason therefore; and
(D) effective only for a period of 3 years, subject to review and reissuance, with each reissuance made available to the public.

(3) Final opinions.—For final OLC opinions for which the text is withheld in full or in substantial part, a detailed unclassified summary of the opinion shall be made available to the public, in the same timeframe as required of the final OLC opinion, that conveys the essence of the opinion, including any interpretations of a statute, the Constitution, or other legal authority. A notation shall be included in any published list of final OLC opinions regarding the extent of the withholdings.

(4) No limitation on freedom of information.—Nothing in this subsection shall be construed as limiting the availability of information under section 552 of title 5, United States Code or construed as an exemption under paragraph (3) of subsection (b) of such section.

(5) No limitation on relief.—A decision by the Attorney General to release or withhold information pursuant to this title shall not preclude any action or relief conferred by statutory or regulatory regime that empowers any person to request or demand the release of information.
(6) Reasonably segregable portions of opinions to be published.—Any reasonably segregable portion of an opinion shall be provided after withholding of the portions which are exempt under this section. The amount of information withheld, and the exemption under which the withholding is made, shall be indicated on the released portion of the opinion, unless including that indication would harm an interest protected by the exemption in this paragraph under which the withholding is made. If technically feasible, the amount of the information withheld, and the exemption under which the withholding is made, shall be indicated at the place in the opinion where such withholding is made.

(c) Method of Publication.—The Attorney General shall publish each final OLC opinion to the extent the law permits, including by publishing the opinions on a publicly accessible website that—

(1) with respect to each opinion—

(A) contains an electronic copy of the opinion, including any transmittal letter associated with the opinion, in an open format that is platform independent and that is available to the public without restrictions;
(B) provides the public the ability to retrieve an opinion, to the extent practicable, through searches based on—

(I) the title of the opinion;

(ii) the date of publication or revision;

or

(iii) the full text of the opinion;

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

(D) provides a permanent means of accessing the opinion electronically;

(2) includes a means for bulk download of all final OLC opinions or a selection of opinions retrieved using a text-based search;

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

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

(d) DEFINITIONS.—In this section:

(1) OLC OPINION.—The term “OLC opinion” means views on a matter of legal interpretation com-
municated by the Office of Legal Counsel of the Department of Justice to any other office or agency, or person in an office or agency, in the Executive Branch, including any office in the Department of Justice, the White House, or the Executive Office of the President, and rendered in accordance with sections 511–513 of title 28, United States Code, and relating to—

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

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

(C) the Congressional Budget and Impoundment Control Act of 1974; or

(D) any appropriations Act, continuing resolution, or other provision of law providing or governing appropriations or budget authority.

(2) Final OLC Opinion.—The term “final OLC opinion” means an OLC opinion that—

(A) the Attorney General, Assistant Attorney General for the Office of Legal Counsel, or a Deputy Assistant Attorney General for the Office of Legal Counsel, has determined is final; or
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(B) is cited in another Office of Legal Counsel opinion.

SEC. 525. TREATMENT OF REQUESTS FOR INFORMATION FROM MEMBERS OF CONGRESS.

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

(a) Requirements Relating to Declaration and Renewal of National Emergencies.—Title II of the National Emergencies Act (50 U.S.C. 1621 et seq.) is amended by striking sections 201 and 202 and inserting the following:

“SEC. 201. DECLARATIONS OF NATIONAL EMERGENCIES.

“(a) Authority To Declare National Emergencies.—With respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special or extraordinary power, the President is authorized to declare such a national emergency by procla-
mation. Such proclamation shall immediately be trans-
mitted to Congress and published in the Federal Register.

“(b) Specification of Provisions of Law To Be
Exercised and Reporting.—No powers or authorities
made available by statute for use during the period of a
national emergency shall be exercised unless and until the
President specifies the provisions of law under which the
President proposes that the President or other officers will
act in—

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

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

“(c) Prohibition on Subsequent Actions if
Emergencies Not Approved.—

“(1) Subsequent Declarations.—If a joint
resolution of approval is not enacted under section
203 with respect to a national emergency before the
expiration of the period described in section 202(a),
or with respect to a national emergency proposed to
be renewed under section 202(b), the President may
not, during the remainder of the term of office of
that President, declare a subsequent national emer-
gency under subsection (a) with respect to substantially the same circumstances.

“(2) Exercise of authorities.—If a joint resolution of approval is not enacted under section 203 with respect to a power or authority specified by the President under subsection (b) with respect to a national emergency, the President may not, during the remainder of the term of office of that President, exercise that power or authority with respect to that emergency.

“(d) Effect of future laws.—No law enacted after the date of the enactment of the Congressional Power of the Purse Act shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.

“(e) Limitations.—

“(1) In general.—Any emergency powers invoked by the President pursuant to a national emergency declared under this section shall relate to the nature of, and may be used only to address, that emergency.

“(2) Authorization or funding withheld.—No authority available to the President during a national emergency declared under this section
may be used to provide authorization or funding for
any program, project, or activity for which Congress,
on or after the date of the events giving rise to the
emergency declaration, has withheld authorization or
funding.

“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-
GENCIES.

“(a) Temporary Effective Periods.—

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

“(2) Exercise of powers and authori-
ties.—Unless the declaration of national emergency
has been terminated pursuant to Presidential order
or Act of Congress, any emergency power or author-
ity made available under a provision of law specified
pursuant to section 201(b) may be exercised pursu-
ant to a declaration of a national emergency for 20 session days, in the case of the Senate, and 20 legislative days, in the case of the House, from the issuance of the proclamation or Executive order (not counting the day on which such proclamation or Executive order was issued). That power or authority may not be exercised after that period expires unless there is enacted into law a joint resolution of approval under section 203 approving—

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

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

“(b) RENEWAL OF NATIONAL EMERGENCIES.—A national emergency declared by the President under section 201(a) or previously renewed under this subsection, and not already terminated pursuant to subsection (a) or (c), shall terminate on the date that is one year after the President transmitted to Congress the proclamation declaring the emergency or the enactment of a previous renewal pursuant to this subsection, unless—

“(1) the President publishes in the Federal Register and transmits to Congress an Executive order renewing the emergency; and
“(2) there is enacted into law a joint resolution of approval renewing the emergency pursuant to section 203 before the termination of the emergency or previous renewal of the emergency.

“(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

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

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

“(C) the date specified in an Act of Congress, including a joint resolution of termination defined in section 203, terminating the emergency;

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

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

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

“(A) any powers or authorities exercised by reason of the emergency shall cease to be exercised;
“(B) any amounts reprogrammed, repurposed, or transferred under any provision of law with respect to the emergency that remain unobligated on that date shall be returned and made available for the purpose for which such amounts were appropriated; and

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

“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMERGENCIES.

“(a) JOINT RESOLUTION OF APPROVAL AND JOINT RESOLUTIONS OF TERMINATION DEFINED.—In this section, the term ‘joint resolution of approval or joint resolution of termination’ means a joint resolution that does not have a preamble and that contains only the following provisions after its resolving clause:

“(1) A provision approving one or more—

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

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

“(C) Executive orders issued under section 202(b).
“(2) A provision approving a list of all or a portion of the provisions of law specified by the President under section 201(b) in the proclamations or Executive orders that are the subject of the joint resolution.

“(b) JOINT RESOLUTION OF TERMINATION DEFINED.—In this section, the term ‘joint resolution of termination’ means a resolution introduced in the House or Senate to terminate—

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

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

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

“(1) INTRODUCTION.—After the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), a joint resolution of approval or joint resolution of termination may be introduced in either House of Congress by any member of that House.
“(2) CONSIDERATION IN SENATE.—In the Senate, the following shall apply:

“(A) COMMITTEE REFERRAL.—A joint resolution of approval or joint resolution of termination shall be referred to the appropriate committee or committees.

“(B) REPORTING AND DISCHARGE.—If the committee to which a joint resolution of approval or joint resolution of termination has been referred has not reported it at the end of 10 calendar days after its introduction, that committee shall be discharged from further consideration of the resolution and it shall be placed on the calendar.

“(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when a committee to which a joint resolution of approval or joint resolution of termination is referred has reported the resolution, or when that committee is discharged under subparagraph (B) from further consideration of the resolution, it is at any time thereafter in order to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against
the motion to proceed to the consideration of the joint resolution) are waived. The motion to proceed shall be debatable for 4 hours evenly divided between proponents and opponents of the joint resolution of approval or joint resolution of termination. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of a joint resolution of approval or joint resolution of termination is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(D) FLOOR CONSIDERATION.—There shall be 10 hours of consideration on a joint resolution of approval or joint resolution of termination, to be divided evenly between the proponents and opponents of the joint resolution. Of that 10 hours, there shall be a total of 2 hours of debate on any debatable motions in connection with the joint resolution, to be di-
vided evenly between the proponents and opponents of the joint resolution.

“(E) Amendments.—No amendments shall be in order with respect to a joint resolution of approval or joint resolution of termination in the Senate.

“(F) Motion to Reconsider Vote on Passage.—A motion to reconsider a vote on passage of a joint resolution of approval or joint resolution of termination shall not be in order.

“(G) Appeals.—Points of order and appeals from the decision of the Presiding Officer shall be decided without debate.

“(3) Consideration in House of Representatives.—In the House of Representatives, the following shall apply:

“(A) Reporting and Discharge.—If any committee to which a joint resolution of approval or joint resolution of termination has been referred has not reported it to the House within seven legislative days after the date of referral such committee shall be discharged from further consideration of the joint resolution.
“(B)(I) PROCEEDING TO CONSIDER-
ATION.—Beginning on the third legislative day
after each committee to which a joint resolution
of approval or joint resolution of termination
has been referred reports it to the House or has
been discharged from further consideration
thereof, it shall be in order to move to proceed
to consider the joint resolution of approval or
joint resolution of termination in the House. All
points of order against the motion are waived.
Such a motion shall not be in order after the
House has disposed of another motion to pro-
ceed on the joint resolution of approval or joint
resolution of termination. The previous question
shall be considered as ordered on the motion to
its adoption without intervening motion. The
motion shall not be debatable. A motion to re-
consider the vote by which the motion is dis-
posed of shall not be in order.

“(ii) MOTION.—A motion to proceed to the
consideration of a joint resolution of approval of
an Executive order described in subsection
(a)(1) or a list described in subsection (a)(2)
shall not be in order prior to the enactment of
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 resolu-
tion of approval or joint resolution of termi-
nation 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 reso-
lution of approval or joint resolution of termi-
nation to final passage without intervening mo-
tion except two hours of debate equally divided
and controlled by the sponsor of the joint reso-
lution of approval or joint resolution of termi-
nation (or a designee) and an opponent. A mo-
tion 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
of termination with regard to the same proclamation or Executive order, then the following procedures shall apply:

“(I) The joint resolution of approval or joint resolution of termination of the other House shall not be referred to a committee.

“(ii) With respect to a joint resolution of approval or joint resolution of termination of the House receiving the joint resolution—

“(I) the procedure in that House shall be the same as if no joint resolution of approval or joint resolution of termination had been received from the other House; but

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

“(iii) Upon the failure of passage of the joint resolution of approval or joint resolution of termination of the other House, the question shall immediately occur on passage of the joint resolution of
approval or joint resolution of termination
of the receiving House.

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

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

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

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

“(e) RULES OF THE HOUSE AND SENATE.—This sec-
tion is enacted by Congress—
“(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of joint resolutions described in this section, and supersedes other rules only to the extent that it is inconsistent with such other rules; and

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

“SEC. 204. BAR ON PERMANENT EMERGENCIES.

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

“(b) EMERGENCIES ALREADY IN EFFECT.—Any national emergency declaration that remains in force as of the date of the enactment of this section and—

“(1) has been in effect for 3 years or fewer as of such date, shall automatically terminate on the date that is 5 years after the date of the enactment of this section; or
“(2) has been in effect for more than 3 years
as of such date, shall automatically terminate on the
date that is 2 years after the date of the enactment
of this section.

“(c) Effect of Termination.—If a national emer-
gency declaration terminates pursuant to this section, no
emergency may subsequently be declared based on sub-
stantially the same circumstances.

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

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

“(b) National Emergency Described.—

“(1) In General.—A national emergency de-
scribed in this subsection is a national emergency
pursuant to which the President proposes to exercise
emergency powers or authorities made available
under the International Emergency Economic Pow-
ers Act (50 U.S.C. 1701 et seq.), supplemented as
necessary by a provision of law specified in paragraph (2).

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

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

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

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

“(e) EFFECT OF ADDITIONAL POWERS AND AUTHORITIES.—Subsection (a) shall not apply to a national emergency or the exercise of emergency powers and authorities pursuant to the national emergency if, in addition to the exercise of emergency powers and authorities described in subsection (b), the President proposes to exercise, pursuant to the national emergency, any emergency powers and authorities under any other provision of law.”.

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

“(d) REPORT ON EMERGENCIES.—The President shall transmit to Congress, with any proclamation declar-
ing a national emergency under section 201(a) or any Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), a report, in writing, that includes the following:

“(1) A description of the circumstances necessitating the declaration of a national emergency, the renewal of such an emergency, or the use of a new emergency authority specified in the Executive order, as the case may be.

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

“(3) A summary of the actions the President or other officers intend to take, including any reprogramming or transfer of funds and any contracts anticipated to be entered into, and the statutory authorities the President and such officers expect to rely on in addressing the national emergency.

“(4) In the case of a renewal of a national emergency, a summary of the actions the President or other officers have taken in the preceding one-year period, including any reprogramming or transfer of funds, to address the emergency.
“(e) Provision of Information to Congress.—

The President shall provide to Congress such other information as Congress may request in connection with any national emergency in effect under title II.

“(f) Periodic Reports on Status of Emergencies.—If the President declares a national emergency under section 201(a), the President shall, not less frequently than every 3 months for the duration of the emergency, report to Congress on the status of the emergency and the actions the President or other officers have taken and authorities the President and such officers have relied on in addressing the emergency.”.

(e) Conforming Amendments.—

(1) National Emergencies Act.—Title III of the National Emergencies Act (50 U.S.C. 1631) is repealed.

(2) International Emergency Economic Powers Act.—Section 207 of the International Emergency Economic Powers Act (50 U.S.C. 1706) is amended by adding at the end the following:

“(c) In this section, the term ‘National Emergencies Act’ means the National Emergencies Act, as in effect on the day before the date of the enactment of the Congressional Power of the Purse Act.”.

(d) Effective Date; Applicability.—
(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect upon enactment and apply with respect to national emergencies declared under section 201 of the National Emergencies Act on or after that date.

(2) APPLICABILITY TO RENEWALS OF EXISTING EMERGENCIES.—When a national emergency declared under section 201 of the National Emergencies Act before the date of the enactment of the Congressional Power of the Purse Act would expire or be renewed under section 202(d) of that Act (as in effect on the day before such date of enactment), that national emergency shall be subject to the requirements for renewal under section 202(b) of that Act, as amended by subsection (a).

SEC. 532. NATIONAL EMERGENCIES ACT DECLARATION SPENDING REPORTING IN THE PRESIDENT'S BUDGET.

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

“(44)(A) a report on the proposed, planned, and actual obligations and expenditures of funds (for the prior fiscal year, the current fiscal year, and the
fiscal years for which the budget is submitted) attributable to the exercise of powers and authorities made available by statute for each national emergency declared by the President, currently active or in effect during the applicable fiscal years.

“(B) Obligations and expenditures contained in the report under subparagraph (A) shall be organized by Treasury Appropriation Fund Symbol or fund account and by program, project, and activity, and include—

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

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

“(iii) the purpose and progress of such obligations and expenditures toward addressing the applicable national emergency.

“(C) Such report shall include, with respect to any transfer, reprogramming, or repurposing of funds to address the applicable national emergency—

“(I) the amount of such transfer, reprogramming, or repurposing;

“(ii) the authority authorizing each such transfer, reprogramming, or repurposing; and
“(iii) a description of programs, projects, and activities affected by such transfer, re-programming, or repurposing, including by a reduction in funding.”.

SEC. 533. DISCLOSURE TO CONGRESS OF PRESIDENTIAL EMERGENCY ACTION DOCUMENTS.

(a) In General.—Not later than 30 days after the conclusion of the process for approval, adoption, or revision of any presidential emergency action document, the President shall submit that document to the appropriate congressional committees.

(b) Documents in Existence Before Date of Enactment.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees all presidential emergency action documents in existence before such date of enactment.

(c) Definitions.—In this section:

(1) Appropriate Congressional Committees.—The term “appropriate congressional committees”, with respect to a presidential emergency action document submitted under subsection (a) or (b), means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on
(B) the Committee on Oversight and Reform, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) any other committee of the Senate or the House of Representatives with jurisdiction over the subject matter addressed in the presidential emergency action document.

(2) Presidential emergency action document.—The term “presidential emergency action document” refers to—

(A) each of the approximately 56 documents described as presidential emergency action documents in the budget justification materials for the Office of Legal Counsel of the Department of Justice submitted to Congress in support of the budget of the President for fiscal year 2018; and

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

(I) is designated as a presidential emergency action document; or
(ii) is designed to implement a presidential decision or transmit a presidential request when an emergency disrupts normal governmental or legislative processes.

SEC. 534. CONGRESSIONAL DESIGNATIONS.

(a) Repeal of Overseas Contingency Operations/Global War on Terrorism Designation.—Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)) is amended—

(1) in the subparagraph heading, by striking ‘‘; OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM’’; and

(2) by striking ‘‘that—’’ and all that follows through the period at the end and inserting the following: ‘‘that the Congress designates as emergency requirements in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements.’’.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the later of October 1, 2021 or the date of enactment of this Act.
TITLE VI—SECURITY FROM POLITICAL INTERFERENCE IN JUSTICE

SEC. 601. SHORT TITLE.

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

SEC. 602. DEFINITIONS.

In this title:

(1) COMMUNICATIONS LOG.—The term “communications log” means the log required to be maintained under section 603(a).

(2) COVERED COMMUNICATION.—

(A) IN GENERAL.—The term “covered communication” means any communication relating to any contemplated or ongoing investigation or litigation conducted by the Department of Justice in any civil or criminal matter (regardless of whether a civil action or criminal indictment or information has been filed); and

(B) EXCEPTIONS.—The term does not include a communication that is any of the following:

(I) A communication that involves contact between the President, the Vice President, the Counsel to the President, or
the Principal Deputy Counsel to the President, and the Attorney General, the Deputy Attorney General, or the Associate Attorney General, except to the extent that the communication concerns a contemplated or ongoing investigation or litigation in which a target or subject is one of the following:

(I) The President, the Vice President, or a member of the immediate family of the President or Vice President.

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

(III) The current or former chair or treasurer of any national campaign committee that sought the election or seeks the reelection of the President, or any officer of such a committee exercising authority at the national
level, during the tenure in office of the President.

(ii) A communication that involves contact between an officer or employee of the Department of Justice and an officer or employee of the Executive Office of the President on a particular matter, if any of the President, the Vice President, the Counsel to the President, or the Principal Deputy Counsel to the President, and if any of the Attorney General, the Deputy Attorney General, or the Associate Attorney General have designated a subordinate to carry on such contact, and the person so designating monitors all subsequent communications and the person designated keeps the designating person informed of each such communication, except to the extent that the communication concerns a contemplated or ongoing investigation or litigation in which a target or subject is one of the following:

(I) The President, the Vice President, or a member of the immediate
family of the President or Vice President.

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

(III) The current or former chair or treasurer of any national campaign committee that sought the election or seeks the reelection of the President, or any officer of such a committee exercising authority at the national level, during the tenure in office of the President.

(iii) A communication that involves contact from or to the Deputy Counsel to the President for National Security Affairs, the staff of the National Security Council, and the staff of the Homeland Security Council that relates to a national security matter, except to the extent that the communication concerns a pending adver-
sary case in litigation that may have na-
tional security implications.

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

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

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

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

(B) stands in loco parentis.

SEC. 603. COMMUNICATIONS LOGS.

(a) IN GENERAL.—The Attorney General shall main-
tain a log of covered communications.
(b) CONTENTS.—A communications log shall include, with respect to a covered communication—

(1) the name and title of each officer or employee of the Department of Justice or the Executive Office of the President who participated in the covered communication;

(2) the topic of the covered communication; and

(3) a statement describing the purpose and necessity of the covered communication.

(c) OVERSIGHT.—

(1) PERIODIC DISCLOSURE OF LOGS.—Not later than January 30, April 30, July 30, and October 30 of each year, the Attorney General shall submit to the Office of the Inspector General of the Department of Justice a report containing the communications log for the 3-month period preceding that January, April, July, or October.

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

(A) review each communications log received under paragraph (1)(A); and

(B) notify the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate if the In-
spectator General determines that a covered com-
munication described in the communications 
log—

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

(ii) raises concerns about improper 
political interference.

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

SEC. 604. RULE OF CONSTRUCTION.

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

TITLE VII—PROTECTING IN-
SPECTOR GENERAL INDE-
PENDENCE

Subtitle A—Requiring Cause for 
Removal

SEC. 701. SHORT TITLE.

This subtitle may be cited as the “Inspector General 
Independence Act”.
SEC. 702. AMENDMENT.


(1) in section 3(b)—

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

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

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

“(2) The President may remove an Inspector General only for any of the following grounds (and the documentation of any such ground shall be included in the communication required pursuant to paragraph (1)):

“(A) Documented permanent incapacity.

“(B) Documented neglect of duty.

“(C) Documented malfeasance.

“(D) Documented conviction of a felony or conduct involving moral turpitude.

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

“(F) Documented gross mismanagement.

“(G) Documented gross waste of funds.

“(H) Documented abuse of authority.

“(I) Documented inefficiency.”; and
(2) in section 8G(e)(2), by adding at the end the following new sentence: “An Inspector General may be removed only for any of the following grounds (and the documentation of any such ground shall be included in the communication required pursuant to this paragraph):

“(A) Documented permanent incapacity.

“(B) Documented neglect of duty.

“(C) Documented malfeasance.

“(D) Documented conviction of a felony or conduct involving moral turpitude.

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

“(F) Documented gross mismanagement.

“(G) Documented gross waste of funds.

“(H) Documented abuse of authority.

“(I) Documented inefficiency.”.

SEC. 703. REMOVAL OR TRANSFER REQUIREMENTS.

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

(1) in paragraph (1), by striking “reasons” and inserting “substantive rationale, including detailed and case-specific reasons,”; and
(2) by inserting at the end the following new paragraph:

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

“(A) identify each entity that is conducting, or that conducted, the inquiry; and

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

(b) REASONS FOR REMOVAL OR TRANSFER FOR DESIGNATED FEDERAL ENTITIES.—Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

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

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

“(3) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under paragraph (2), the written communication required under that paragraph shall—
“(A) identify each entity that is conducting, or that conducted, the inquiry; and

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

Subtitle B—Inspectors General of Intelligence Community

SEC. 711. INDEPENDENCE OF INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.

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

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

“Subtitle A—Inspectors General

“SEC. 1201. INDEPENDENCE OF INSPECTORS GENERAL.

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

“(1) Documented permanent incapacity.

“(2) Documented neglect of duty.

“(3) Documented malfeasance.
“(4) Documented conviction of a felony or conduct involving moral turpitude.

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

“(6) Documented gross mismanagement.

“(7) Documented gross waste of funds.

“(8) Documented abuse of authority.

“(9) Documented Inefficiency.

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

“(c) NOTIFICATION.—The head official may not remove a covered Inspector General under subsection (a) or place a covered Inspector General on administrative leave under subsection (b) unless—

“(1) the head official transmits in writing to the appropriate congressional committees a notification of such removal or placement, including an explanation of the documented grounds specified in subsection (a) for such removal or placement; and

“(2) with respect to the removal of a covered Inspector General, a period of 30 days elapses following the date of such transmittal.
“(d) REPORT.—Not later than 30 days after the date on which the head official notifies a covered Inspector General of being removed under subsection (a) or placed on administrative leave under subsection (b), the office of that Inspector General shall submit to the appropriate congressional committees a report containing—

“(1) a description of the facts and circumstances of any pending complaint, investigation, inspection, audit, or other review or inquiry, including any information, allegation, or complaint reported to the Attorney General in accordance with section 535 of title 28, United States Code, that the Inspector General was working on as of the date of such removal or placement; and

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

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

“(f) DEFINITIONS.—In this section:

“(1) ADMINISTRATIVE LEAVE.—The term ‘administrative leave’ includes any other type of paid or unpaid non-duty status.
“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the congressional intelligence committees; and

“(B) the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

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

“(A) with respect to the position of a covered Inspector General that requires appointment by the President, by and with the advice and consent of the Senate, the President; and

“(B) with respect to the position of a covered Inspector General that requires appointment by a head of a department or agency of the Federal Government, the head of such department or agency.”.

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

“(8) The term ‘covered Inspector General’ means each of the following:
“(A) The Inspector General of the Intelligence Community.

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


“(D) The Inspector General of the National Reconnaissance Office.

“(E) The Inspector General of the National Geospatial-Intelligence Agency.

“(F) The Inspector General of the National Security Agency.”.

(c) Clerical Amendments.—The table of sections at the beginning of the National Security Act of 1947 is amended by adding after the items relating to title XI 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.”.

SEC. 712. AUTHORITY OF INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY TO DETERMINE MATTERS OF URGENT CONCERN.

(a) Determination.—

(1) In general.—Title XII of the National Security Act of 1947, as added by section 711, is
amended by inserting after section 1201 the following new section:

“SEC. 1203. DETERMINATION OF MATTERS OF URGENT CONCERN.

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

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

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of the National Security Act of 1947 is amended by inserting after the item relating to section 1201, as added by section 711, the following new item:

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

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

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

(c) REPORTS ON UNRESOLVED DIFFERENCES.—

Paragraph (3) of section 103H(k) of the National Security Act of 1947 (50 U.S.C. 3033(k)) is amended by adding at the end the following new subparagraph:

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

“(I) a general description of the unresolved differences, the particular duties or responsibilities of the Inspector General involved, and, if such differences relate to a complaint or information under paragraph (5), a description of the complaint or information and the entities or individuals identified in the complaint or information; and
“(ii) to the extent such differences can be attributed not only to the Director but also to any other official, department, agency, or office within the executive branch, or a component thereof, the titles of such official, department, agency, or office.”

(d) Clarification of Role of Director of National Intelligence.—Section 102A(f)(1) of such Act (50 U.S.C. 3024(f)(1)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph:

“(B) The authority of the Director of National Intelligence under subparagraph (A) includes coordinating and supervising activities undertaken by elements of the intelligence community for the purpose of protecting the United States from any foreign interference in elections in the United States.”

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

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

“(4) The provisions of title XII shall apply to the Inspector General with respect to the removal of the Inspect-
tor General and any other matter relating to the Inspector General as specifically provided for in such title.”.

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

“(6) The provisions of title XII of the National Security Act of 1947 shall apply to the Inspector General with respect to the removal of the Inspector General and any other matter relating to the Inspector General as specifically provided for in such title.”.

(c) OTHER ELEMENTS.—

(1) IN GENERAL.—Title XII of the National Security Act of 1947, as added by section 711, is further amended by inserting after section 1203, as added by section 712(a), the following new section:

“SEC. 1205. COORDINATION WITH OTHER PROVISIONS OF LAW.

“No provision of law that is inconsistent with any provision of this title shall be considered to supersede, repeal, or otherwise modify a provision of this title unless such other provision of law specifically cites a provision of this title in order to supersede, repeal, or otherwise modify that provision of this title.”.
(2) **Clerical Amendment.**—The table of sections at the beginning of the National Security Act of 1947 is amended by inserting after the item relating to section 1203, as added by section 713, the following new item:

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

### **Subtitle C—Congressional Notification**

#### SEC. 721. SHORT TITLE.

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

#### SEC. 722. CHANGE IN STATUS OF INSPECTOR GENERAL OFFICES.

(a) **Change in Status of Inspector General of Office.**—Paragraph (1) of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

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

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

(3) by inserting “, change in status,” after “before the removal”.

(b) **Change in Status of Inspector General of Designated Federal Entity.**—Section 8G(e)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—
(1) by inserting “is placed on paid or unpaid "non-duty status,” after “office”;  
(2) by inserting “change in status,” after “any such removal”; and  
(3) by inserting “change in status,” after “before the removal”.

(e) Exception to requirement to submit communication relating to certain changes in status.—

(1) Communication relating to change in status of inspector general of office.—Section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 702(1), is further amended—

(A) in paragraph (1), by striking “If” and inserting “Except as provided in paragraph (4), if”; and  
(B) by adding at the end the following:

“(4) If an Inspector General is placed on paid or unpaid non-duty status, the President may submit the communication described in paragraph (1) to Congress later than 30 days before the Inspector General is placed on paid or unpaid non-duty status, but in any case not later than the date on which the placement takes effect, if—
“(A) the President determines that a delay in placing the Inspector General on paid or unpaid non-duty status would—

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

“(ii) result in the destruction of evidence relevant to an investigation; or

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

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

“(I) a specification of which clause the President relied on to make the determination under subparagraph (A);

“(ii) the substantive rationale, including detailed and case-specific reasons, for such determination;

“(iii) if the President relied on an inquiry to make such determination, an identification of each entity that is conducting, or that conducted, such inquiry; and

“(iv) if an inquiry described in clause (iii) is completed, the findings of that inquiry.
“(5) The President may not place an Inspector General on paid or unpaid non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (1) unless the President—

“(A) determines that not placing the Inspector General on paid or unpaid non-duty status would—

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

“(ii) result in the destruction of evidence relevant to an investigation; or

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

“(B) on or before the date on which the placement takes effect, submits to the Committee in the House of Representatives and the Committee in the Senate that has jurisdiction over the Inspector General involved, the Committee on Oversight and Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a written communication that contains the following information—
“(I) a specification of which clause under subparagraph (A) the President relied on to make the determination under such subparagraph;

“(ii) the substantive rationale, including detailed and case-specific reasons, for such determination;

“(iii) if the President relied on an inquiry to make such determination, an identification of each entity that is conducting, or that conducted, such inquiry; and

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

(2) COMMUNICATION RELATING TO CHANGE IN STATUS OF INSPECTOR GENERAL OF DESIGNATED FEDERAL ENTITY.—Section 8G(e) of the Inspector General Act Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 702(2), is further amended—

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

(B) by adding at the end the following:
“(4) If an Inspector General is placed on paid or unpaid non-duty status, the head of a designated Federal entity may submit the communication described in paragraph (2) to Congress later than 30 days before the Inspector General is placed on paid or unpaid non-duty status, but in any case not later than the date on which the placement takes effect, if—

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

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

“(ii) result in the destruction of evidence relevant to an investigation; or

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

“(B) in the communication, the head includes—

“(I) a specification of which clause under subparagraph (A) the head relied on to make the determination under such subparagraph;
“(ii) the substantive rationale, including detailed and case-specific reasons, for such determination;

“(iii) if the head relied on an inquiry to make such determination, an identification of each entity that is conducting, or that conducted, such inquiry; and

“(iv) if an inquiry described in clause (iii) is completed, the findings of that inquiry.

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

“(A) determines that not placing the Inspector General on paid or unpaid non-duty status would—

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

“(ii) result in the destruction of evidence relevant to an investigation; or

“(iii) result in loss of or damage to Government property; and
“(B) on or before the date on which the placement takes effect, submits to the Committee in the House of Representatives and the Committee in the Senate that has jurisdiction over the Inspector General involved, the Committee on Oversight and Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a written communication that contains the following information—

“(I) a specification of which clause under subparagraph (A) the head relied on to make the determination under such subparagraph;

“(ii) the substantive rationale, including detailed and case-specific reasons, for such determination;

“(iii) if the head relied on an inquiry to make such determination, an identification of each entity that is conducting, or that conducted, such inquiry; and

“(iv) if an inquiry described in clause (iii) is completed, the findings of that inquiry.”.
(d) APPLICATION.—The amendments made by this section shall apply with respect to removals, transfers, and changes of status occurring on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 723. PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after section 3349d the following new section:

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§ 3349e. Presidential explanation of failure to nominate an Inspector General

"If the President fails to make a formal nomination for a vacant Inspector General position that requires a formal nomination by the President to be filled within the period beginning on the date on which the vacancy occurred and ending on the day that is 210 days after that date, the President shall communicate, within 30 days after the end of such period, to Congress in writing—

"(1) the reasons why the President has not yet made a formal nomination; and

"(2) a target date for making a formal nomination.".
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(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended
by inserting after the item relating to 3349d the following new item:

“3349e. Presidential explanation of failure to nominate an Inspector General.”.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any vacancy first occurring on or after that date.

Subtitle D—Inspector General for the Office of Management and Budget

SEC. 731. INSPECTOR GENERAL FOR THE OFFICE OF MANAGEMENT AND BUDGET.

(a) ESTABLISHMENT OF OFFICE.—Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by inserting “the Director of the Office of Management and Budget,” after “means”; and

(2) in paragraph (2), by inserting “the Office of Management and Budget,” after “means”.

(b) SPECIAL PROVISIONS CONCERNING THE INSPECTOR GENERAL OF THE OFFICE OF MANAGEMENT AND BUDGET.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding after section 8N the following new section:
SEC. 80. SPECIAL PROVISIONS CONCERNING THE INSPECTOR GENERAL OF THE OFFICE OF MANAGEMENT AND BUDGET.

“The Inspector General of the Office of Management and Budget shall only have jurisdiction over those matters that have been specifically assigned to the Office under law.”.

(c) APPOINTMENT.—Not later than 120 days after the date of the enactment of this Act, the President shall appoint an individual to serve as the Inspector General of the Office of Management and Budget in accordance with section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.).

TITLE VIII—PROTECTING WHISTLEBLOWERS

Subtitle A—Whistleblower Protection Improvement

SEC. 801. SHORT TITLE.

This title may be cited as the “Whistleblower Protection Improvement Act of 2021”.

SEC. 802. ADDITIONAL WHISTLEBLOWER PROTECTIONS.

(a) INVESTIGATIONS AS PERSONNEL ACTIONS.—

(1) IN GENERAL.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (xi), by striking “and” at the end;

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(B) by redesignating clause (xii) as clause (xiii); and

(C) by inserting after the clause (xi) the following:

“(xii) for purposes of subsection (b)(8)—

“(I) the commencement, expansion, or extension of an investigation, but not including any investigation that is ministerial or nondiscretionary (including a ministerial or nondiscretionary investigation described in section 1213) or any investigation that is conducted by an Inspector General of an entity of the Government of an employee not employed by the office of that Inspector General; and

“(II) a referral to an Inspector General of an entity of the Government, except for a referral that is ministerial or nondiscretionary; and”.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to any investigation opened, or referral made, as described under clause (xii) of section 2302(a)(2)(A) of title 5, United States Code, as added by such paragraph, on or after the date of enactment of this Act.
(b) Right to Petition Congress.—

(1) In General.—Section 2302(b)(9) of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by adding “or” after the semicolon at the end; and

(C) by adding at the end the following:

“(E) the exercise of any right protected under section 7211;”.

(2) Application.—The amendment made by paragraph (1) shall apply to the exercise of any right described in section 2302(b)(9)(E) of title 5, United States Code, as added by paragraph (1), occurring on or after the date of enactment of this Act.

(c) Prohibition on Disclosure of Whistleblower Identity.—

(1) In General.—Section 2302 of title 5, United States Code, is amended by adding at the end the following:

“(g)(1) No employee of an agency may willfully communicate or transmit to any individual who is not an officer or employee of the Government the identity of, or personally identifiable information about, any other employee
because that other employee has made, or is suspected to
have made, a disclosure protected by subsection (b)(8),
unless—

“(A) the other employee provides express writ-
ten consent prior to the communication or trans-
mission of their identity or personally identifiable in-
formation;

“(B) the communication or transmission is
made in accordance with the provisions of section
552a;

“(C) the communication or transmission is
made to a lawyer for the sole purpose of providing
legal advice to an employee accused of whistleblower
retaliation; or

“(D) the communication or transmission is re-
quired or permitted by any other provision of law.

“(2) In this subsection, the term ‘officer or employee
of the Government’ means—

“(A) the President;
“(B) a Member of Congress;
“(C) a member of the uniformed services;
“(D) an employee as that term is defined in
section 2105, including an employee of the United
States Postal Service, the Postal Regulatory Com-
mission, or the Department of Veterans Affairs (in-
cluding any employee appointed pursuant to chapter
73 or 74 of title 38); and

“(E) any other officer or employee in any
branch of the Government of the United States.”.

(2) APPLICATION.—The amendment made by
paragraph (1) shall apply to any transmission or
communication described in subsection (g) of section
2302 of title 5, United States Code, as added by
paragraph (1), made on or after the date of enact-
ment of this Act.

(d) RIGHT TO PETITION CONGRESS.—

(1) IN GENERAL.—Section 7211 of title 5,
United States Code, is amended to read as follows:

“§ 7211. Employees’ right to petition or furnish infor-
mation or respond to Congress

“(a) IN GENERAL.—Each officer or employee of the
Federal Government, individually or collectively, has a
right to—

“(1) petition Congress or a Member of Con-
gress;

“(2) furnish information, documents, or testi-
mony to either House of Congress, any Member of
Congress, or any committee or subcommittee of the
Congress; or
“(3) respond to any request for information, documents, or testimony from either House of Con-
gress or any Committee or subcommittee of Con-
gress.

“(b) PROHIBITED ACTIONS.—No officer or employee
of the Federal Government may interfere with or deny the
right set forth in subsection (a), including by—

“(1) prohibiting or preventing, or attempting or
threatening to prohibit or prevent, any other officer
or employee of the Federal Government from engag-
ing in activity protected in subsection (a); or

“(2) removing, suspending from duty without
pay, demoting, reducing in rank, seniority, status,
pay, or performance or efficiency rating, denying
promotion to, relocating, reassigning, transferring,
disciplining, or discriminating in regard to any em-
ployment right, entitlement, or benefit, or any term
or condition of employment of, any other officer or
employee of the Federal Government or attempting
or threatening to commit any of the foregoing ac-
tions protected in subsection (a).

“(c) APPLICATION.—This section shall not be con-
strued to authorize disclosure of any information that is—

“(1) specifically prohibited from disclosure by
any other provision of Federal law; or
“(2) specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs, unless disclosure is otherwise authorized by law.

“(d) Definition of Officer or Employee of the Federal Government.—For purposes of this section, the term ‘officer or employee of the Federal Government’ includes—

“(1) the President;

“(2) a Member of Congress;

“(3) a member of the uniformed services;

“(4) an employee (as that term is defined in section 2105);

“(5) an employee of the United States Postal Service or the Postal Regulatory Commission; and

“(6) an employee appointed under chapter 73 or 74 of title 38.”.

(2) Clerical Amendment.—The table of sections for subchapter II of chapter 72 of title 5, United States Code, is amended by striking the item related to section 7211 and inserting the following:

“7211. Employees’ right to petition or furnish information or respond to Congress.”.
SEC. 803. ENHANCEMENT OF WHISTLEBLOWER PROTECTIONS.

(a) Disclosures Relating to Officers or Employees of an Office of Inspector General.—Section 1213(c) of title 5, United States Code, is amended by adding at the end the following:

“(3) If the information transmitted under this subsection disclosed a violation of law, rule, or regulation, or gross waste, gross mismanagement, abuse of authority, or a substantial and specific danger to public health or safety, by any officer or employee of an Office of Inspector General, the Special Counsel may refer the matter to the Council of the Inspectors General on Integrity and Efficiency, which shall comply with the standards and procedures applicable to investigations and reports under subsection (c).”.

(b) Retaliatory Referrals to Inspectors General.—Section 1214(d) of title 5, United States Code, is amended by adding at the end the following:

“(3) In any case in which the Special Counsel determines that a referral to an Inspector General of an entity of the Federal Government was in retaliation for a disclosure or protected activity described in section 2302(b)(8) or in retaliation for exercising a right described in section 2302(b)(9)(A)(I), the Special Counsel shall transmit that finding in writing to the Inspector General within seven days.
days of making the finding. The Inspector General shall consider that finding and make a determination on whether to initiate an investigation or continue an investigation based on the referral that the Special Counsel found to be retaliatory.”.

(e) Ensuring Timely Relief.—

(1) Individual right of action.—Section 1221 of title 5, United States Code, is amended by striking “section 2302(b)(8) or section 2302(b)(9)(A)(I), (B), (C), or (D),” each place it appears and inserting “section 2302(b)(8), section 2302(b)(9)(A)(I), (B), (C), (D), or (E), section 2302(b)(13), or section 2302(g),”.

(2) Stays.—Section 1221(e)(2) of title 5, United States Code, is amended to read as follows:

“(2) Any stay requested under paragraph (1) shall be granted within 10 calendar days (excluding Saturdays, Sundays, and legal holidays) after the date the request is made, if the Board determines—

“(A) that there is a substantial likelihood that protected activity was a contributing factor to the personnel action involved; or

“(B) the Board otherwise determines that such a stay would be appropriate.”.
(3) **APPEAL OF STAY.**—Section 1221(c) of title 5, United States Code, is amended by adding at the end the following:

“(4) If any stay requested under paragraph (1) is denied, the employee, former employee, or applicant may, within 7 days after receiving notice of the denial, file an appeal for expedited review by the Board. The agency shall have 7 days thereafter to respond. The Board shall provide a decision not later than 21 days after receiving the appeal. During the period of appeal, both parties may supplement the record with information unavailable to them at the time the stay was first requested.”.

(4) **ACCESS TO DISTRICT COURT; JURY TRIALS.**—

(A) **IN GENERAL.**—Section 1221(I) of title 5, United States Code, is amended—

(I) by striking “(I) Subsections” and inserting “(I)(1) Subsections”; and

(ii) by adding at the end the following:

“(2)(A) If, in the case of an employee, former employee, or applicant for employment who seeks corrective action from the Merit Systems Protection Board based on an alleged prohibited personnel practice described in sec-
tion 2302(b)(8), section 2302(b)(9)(A)(I), (B), (C), (D),
or (E), section 2302(b)(13), or section 2302(g), no final
order or decision is issued by the Board within 180 days
after the date on which a request for such corrective action
has been duly submitted to the Board, such employee,
former employee, or applicant may, after providing written
notice to the Special Counsel and the Board and only with-
in 20 days after providing such notice, bring an action
for review de novo before the appropriate United States
district court, and such action shall, at the request of ei-
ther party to such action, be tried before a jury. Upon
filing of an action with the appropriate United States dis-
trict court, any proceedings before the Board shall cease
and the employee, former employee, or applicant for em-
ployment waives any right to refile with the Board.

“(B) If the Board certifies (in writing) to the parties
of a case that the complexity of such case requires a longer
period of review, subparagraph (A) shall be applied by
substituting ‘240 days’ for ‘180 days’.

“(C) In any such action brought before a United
States district court under subparagraph (A), the court—
“(I) shall apply the standards set forth in sub-
section (e); and
“(ii) may award any relief which the court considers appropriate, including any relief described in subsection (g).”.

(B) APPLICATION.—

(I) The amendments made by subparagraph (A) shall apply to any corrective action duly submitted to the Merit Systems Protection Board, during the five-year period preceding the date of enactment of this Act, by an employee, former employee, or applicant for employment based on an alleged prohibited personnel practice described in section 2302(b)(8), 2302(b)(9)(A)(I), (B), (C), or (D), or 2302(b)(13) of title 5, United States Code, with respect to which no final order or decision has been issued by the Board.

(ii) In the case of an individual described in clause (I) whose duly submitted claim to the Board was made not later than 180 days before the date of enactment of this Act, such individual may only bring an action before a United States district court as described in section 1221(I)(2) of title 5, United States Code,
(as added by subparagraph (A) if that individual—

(I) provides written notice to the Office of Special Counsel and the Merit Systems Protection Board not later than 90 days after the date of enactment of this Act; and

(II) brings such action not later than 20 days after providing such notice.

(d) RECIPIENTS OF WHISTLEBLOWER DISCLOSURES.—Section 2302(b)(8)(B) of title 5, United States Code, is amended by striking “or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures” and inserting “the Inspector General of an agency, a supervisor in the employee’s direct chain of command up to and including the head of the employing agency, or to an employee designated by any of the aforementioned individuals for the purpose of receiving such disclosures”.

(e) ATTORNEY FEES.—

(1) IN GENERAL.—Section 7703(a) of title 5, United States Code, is amended by adding at the end the following:
“(3) If an employee, former employee, or applicant for employment is the prevailing party under a proceeding brought under this section, the employee, former employee, or applicant for employment shall be entitled to attorney fees for all representation carried out pursuant to this section. In such an action for attorney fees, the agency responsible for taking the personnel action shall be the respondent and shall be responsible for paying the fees.”.

(2) APPLICATION.—In addition to any proceeding brought by an employee, former employee, or applicant for employment on or after the date of enactment of this Act to a Federal court under section 7703 of title 5, United States Code, the amendment made by paragraph (1) shall apply to any proceeding brought by an employee, former employee, or applicant for employment under such section before the date of enactment of this Act with respect to which the applicable Federal court has not issued a final decision.

(f) EXTENDING WHISTLEBLOWER PROTECTION ACT TO CERTAIN EMPLOYEES.—

(1) IN GENERAL.—Section 2302(a)(2)(A) of title 5, United States Code, is amended in the matter 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 fol-
lowing: “, a fellow or intern at an agency, a
commissioned officer or applicant for employ-
ment in the Public Health Service, an officer or
applicant for employment in the commissioned
officer corps of the National Oceanic and At-
mospheric Administration, and a noncareer ap-
pointee in the Senior Executive Service”.

(2) CONFORMING AMENDMENTS.—Section 261
of the National Oceanic and Atmospheric Adminis-
tration 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 sec-
ond sentence.

(3) APPLICATION.—

(A) IN GENERAL.—With respect to an offi-
cer or applicant for employment in the commis-
sioned officer corps of the National Oceanic and
Atmospheric Administration, the amendments
made by paragraphs (1) and (2) shall apply to
any personnel action taken against such officer
or applicant on or after the date of enactment
of the National Oceanic and Atmospheric Ad-
ministration Commissioned Officer Corps
Amendments Act of 2020 (Public Law 116–
259) for making any disclosure protected under
section 2302(8) of title 5, United States Code.

(B) EXCEPTION.—Subparagraph (A) shall
not apply to any personnel action with respect
to which a complaint has been filed pursuant to
section 1034 of title 10, United States Code,
and a final decision has been rendered regard-
ing such complaint.

(g) RELIEF.—

(1) IN GENERAL.—Section 7701(b)(2)(A) of
title 5, United States Code, is amended by striking
“upon the making of the decision” and inserting
“upon making of the decision, necessary to make the
employee whole as if there had been no prohibited
personnel practice, including training, seniority and
promotions consistent with the employee’s prior
record”.

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(2) APPLICATION.—In addition to any appeal made on or after the date of enactment of this Act to the Merit Systems Protection Board under section 7701 of title 5, United States Code, the amendment made by paragraph (1) shall apply to any appeal made under such section before the date of enactment of this Act with respect to which the Board has not issued a final decision.

SEC. 804. CLASSIFYING CERTAIN FURLOUGHS AS ADVERSE PERSONNEL ACTIONS.

(a) IN GENERAL.—Section 7512 of title 5, United States Code, is amended—

(1) in paragraph (4), by striking “and” at the end; and

(2) by striking paragraph (5) and inserting the following:

“(5) a furlough of more than 14 days but less than 30 days; and

“(6) a furlough of 13 days or less that is not due to a lapse in appropriations;”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any furlough covered by such section 7512(5) or (6) (as amended by such subsection) occurring on or after the date of enactment of this Act.
SEC. 805. CODIFICATION OF PROTECTIONS FOR DISCLOSURES OF CENSORSHIP RELATED TO RESEARCH, ANALYSIS, OR TECHNICAL INFORMATION.

(a) In General.—Section 2302 of title 5, United States Code, as amended by section 802(c)(1), is further amended by adding at the end the following:

“(h)(1) In this subsection—

“(A) the term ‘applicant’ means an applicant for a covered position;

“(B) the term ‘censorship related to research, analysis, or technical information’ means any effort to distort, misrepresent, or suppress research, analysis, or technical information; and

“(C) the term ‘employee’ means an employee in a covered position in an agency.

“(2)(A) Any disclosure of information by an employee or applicant for employment that the employee or applicant reasonably believes is evidence of censorship related to research, analysis, or technical information—

“(I) shall come within the protections of subsection (b)(8)(A) if—

“(I) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—
“(aa) any violation of law, rule, or regulation; or

“(bb) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

“(II) such disclosure is not specifically prohibited by law or such information is not specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs; and

“(ii) shall come within the protections of subsection (b)(8)(B) if—

“(I) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

“(aa) any violation of law, rule, or regulation; or

“(bb) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

“(II) the disclosure is made to the Special Counsel, or to the Inspector General of an

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agency or another person designated by the head of the agency to receive such disclosures, consistent with the protection of sources and methods.

“(3) A disclosure shall not be excluded from paragraph (2) for any reason described under subsection (f)(1) or (2).

“(4) Nothing in this subsection shall be construed to imply any limitation on the protections of employees and applicants afforded by any other provision of law, including protections with respect to any disclosure of information believed to be evidence of censorship related to research, analysis, or technical information.”.

(b) REPEAL.—

(1) IN GENERAL.—Section 110 of the Whistleblower Protection Enhancement Act of 2012 (Public Law 112–199) is hereby repealed.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or otherwise affect any action under such section 110 commenced before the date of enactment of this Act or any protections afforded by such section with respect to such action.
Title 5, United States Code, is amended—

(1) in section 1212(h), by striking “or (9)” each place it appears and inserting “, (b)(9), (b)(13), or (g)”;

(2) in section 1214—

(A) in subsections (a) and (b), by striking “section 2302(b)(8) or section 2302(b)(9)(A)(I), (B), (C), or (D)” each place it appears and inserting “section 2302(b)(8), section 2302(b)(9)(A)(I), (B), (C), (D), or (E), section 2302(b)(13), or section 2302(g)”;

(B) in subsection (I), by striking “section 2302(b)(8) or subparagraph (A)(I), (B), (C), or (D) of section 2302(b)(9)” and inserting “section 2302(b)(8), subparagraph (A)(I), (B), (C), (D), or (E) of section 2302(b)(9), section 2302(b)(13), or section 2302(g)”;

(3) in section 1215(a)(3)(B), by striking “section 2302(b)(8), or 2302(b)(9)(A)(I), (B), (C), or (D)” each place it appears and inserting “section 2302(b)(8), section 2302(b)(9)(A)(I), (B), (C), (D), or (E), section 2302(b)(13), or section 2302(g)”;

(4) in section 2302—

(A) in subsection (a)—
(I) in paragraph (1), by inserting “or (g)” after “subsection (b)”); and
(ii) in paragraph (2)(C)(I), by striking “subsection (b)(8) or section 2302(b)(9)(A)(I), (B), (C), or (D)” and inserting “section 2302(b)(8), section 2302(b)(9)(A)(I), (B), (C), (D), or (E), section 2302(b)(13), or section 2302(g)”;

(B) in subsection (c)(1)(B), by striking “paragraph (8) or subparagraph (A)(I), (B), (C), or (D) of paragraph (9) of subsection (b)” and inserting “paragraph (8), subparagraph (A)(I), (B), (C), or (D) of paragraph (9), or paragraph (13) of subsection (b) or subsection (g)”;

(5) in section 7515(a)(2), by striking “paragraph (8), (9), or (14) of section 2302(b)” and inserting “paragraph (8), (9), (13), or (14) of section 2302(b) or section 2302(g)”;

(6) in section 7701(c)(2)(B), by inserting “or section 2302(g)” after “section 2302(b)”); and

(7) in section 7703(b)(1)(B), by striking “section 2302(b)(8), or 2302(b)(9)(A)(I), (B), (C), or (D)” and inserting “section 2302(b)(8), section
Subtitle B—Whistleblowers of the Intelligence Community

SEC. 811. LIMITATION ON SHARING OF INTELLIGENCE COMMUNITY WHISTLEBsLOER COMPLAINTS WITH PERSONS NAMED IN SUCH COMPLAINTS.

(a) In general.—Title XII of the National Security Act of 1947, as added by section 711, is further amended by inserting after section 1205, as added by section 713(c), the following new subtitle:

“Subtitle B—Protections for Whistleblowers

“SEC. 1223. LIMITATION ON SHARING OF INTELLIGENCE COMMUNITY WHISTLEBLOWER COMPLAINTS WITH PERSONS NAMED IN SUCH COMPLAINTS.

“(a) In general.—It shall be unlawful for any employee or officer of the Federal Government to knowingly and willfully share any whistleblower disclosure information with any individual named as a subject of the whistleblower disclosure and alleged in the disclosure to have engaged in misconduct, unless—
“(1) the whistleblower consented, in writing, to such sharing before the sharing occurs;

“(2) a covered Inspector General to whom such disclosure is made—

“(A) determines that such sharing is necessary to advance an investigation, audit, inspection, review, or evaluation by the Inspector General; and

“(B) notifies the whistleblower of such sharing before the sharing occurs; or

“(3) an attorney for the Government—

“(A) determines that such sharing is necessary to advance an investigation by the attorney; and

“(B) notifies the whistleblower of such sharing before the sharing occurs.

“(b) WHISTLEBLOWER DISCLOSURE INFORMATION DEFINED.—In this section, the term ‘whistleblower disclosure information’ means, with respect to a whistleblower disclosure—

“(1) the disclosure;

“(2) confirmation of the fact of the existence of the disclosure; or

“(3) the identity, or other identifying information, of the whistleblower who made the disclosure.”.
(b) **TECHNICAL AND CLERICAL AMENDMENTS.**—

(1) **TRANSFER.**—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended as follows:

(A) Section 1104 is—

(I) transferred to title XII of such Act, as added by section 711;

(ii) inserted before section 1223 of such Act, as added by this section; and

(iii) redesignated as section 1221.

(B) Section 1106 is—

(I) amended by striking “section 1104” each place it appears and inserting “section 1221”;

(ii) transferred to title XII of such Act, as added by section 711;

(iii) inserted after section 1223 of such Act, as added by this section; and

(iv) redesignated as section 1225.

(2) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of the National Security Act of 1947 is amended—

(A) by striking the items relating to section 1104 and section 1106; and
(B) by inserting after the item relating to 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.”.

(c) DEFINITIONS.—Section 3 of such Act (50 U.S.C. 3003), as amended by section 711, is further amended by adding at the end the following new paragraphs:

"(9) The term ‘whistleblower’ means a person who makes a whistleblower disclosure.

"(10) The term ‘whistleblower disclosure’ means a disclosure that is protected under section 1221 of this Act or section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)).”.


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SEC. 812. DISCLOSURES TO CONGRESS.

(a) IN GENERAL.—Title XII of the National Security Act of 1947, as added by section 711, is further amended by inserting after section 1225, as designated by section 811(b), the following new section:

“SEC. 1227. PROCEDURES REGARDING DISCLOSURES TO CONGRESS.

“(a) GUIDANCE.—

“(1) OBLIGATION TO PROVIDE SECURITY DIRECTION UPON REQUEST.—Upon the request of a whistleblower, the head of the relevant element of the intelligence community, acting through the covered Inspector General for that element, shall furnish on a confidential basis to the whistleblower information regarding how the whistleblower may directly contact the congressional intelligence committees, in accordance with appropriate security practices, regarding a complaint or information of the whistleblower pursuant to section 103H(k)(5)(D) or other appropriate provision of law.

“(2) NONDISCLOSURE.—Unless a whistleblower who makes a request under paragraph (1) provides prior consent, a covered Inspector General may not disclose to the head of the relevant element of the intelligence community—

“(A) the identity of the whistleblower; or
“(B) the element at which such whistle-
blower is employed, detailed, or assigned as a
contractor employee.

“(b) OVERSIGHT OF OBLIGATION.—If a covered In-
spector General determines that the head of an element
of the intelligence community denied a request by a whis-
tleblower under subsection (a), directed the whistleblower
not to contact the congressional intelligence committees,
or unreasonably delayed in providing information under
such subsection, the covered Inspector General shall notify
the congressional intelligence committees of such denial,
direction, or unreasonable delay.

“(c) PERMANENT SECURITY OFFICER.—The head of
each element of the intelligence community may designate
a permanent security officer in the element to provide to
whistleblowers the information under subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of the National Security Act of 1947 is
amended by inserting after the item relating to section
1225, as added by section 811(b), the following new item:

“Sec. 1227. Procedures regarding disclosures to Congress.”.

c) CONFORMING AMENDMENT.—Section
103H(k)(5)(D)(I) of the National Security Act of 1947
(50 U.S.C. 3033(k)(5)(D)(I)) is amended by adding at the
end the following: “The employee may request information
pursuant to section 1227 with respect to contacting such committees.”

SEC. 813. PROHIBITION AGAINST DISCLOSURE OF WHISTLEBLOWER IDENTITY AS REPRISAL AGAINST WHISTLEBLOWER DISCLOSURE BY EMPLOYEES AND CONTRACTORS IN INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Paragraph (3) of subsection (a) of section 1221 of the National Security Act of 1947, as designated by section 811(b)(1)(A), is amended—

(1) in subparagraph (I), by striking “; or” and inserting a semicolon;

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following:

“(J) a knowing and willful disclosure revealing the identity or other personally identifiable information of such employee or such contractor employee without the express written consent of such employee or such contractor employee or if the Inspector General determines such disclosure is necessary for the exclusive purpose of investigating a complaint or information received under section 8H of the Inspect-
tor General Act of 1978 (5 U.S.C. App. 8H); or”.

(b) APPLICABILITY TO DETAILEES.—Such subsection is amended by adding at the end the following:

“(5) EMPLOYEE.—The term ‘employee’, with respect to an agency or a covered intelligence community element, includes an individual who has been detailed to such agency or covered intelligence community element.”.

c) PRIVATE RIGHT OF ACTION FOR UNLAWFUL DISCLOSURE OF WHISTLEBLOWER IDENTITY.—Subsection (d) of such section is amended to read as follows:

“(d) ENFORCEMENT.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the President shall provide for the enforcement of this section.

“(2) PRIVATE RIGHT OF ACTION FOR UNLAWFUL, WILLFUL DISCLOSURE OF WHISTLEBLOWER IDENTITY.—In a case in which an employee of an agency, or other employee or officer of the Federal Government, takes a personnel action described in subsection (a)(3)(J) against an employee of a covered intelligence community element as a reprisal in violation of subsection (b) or in a case in which a contractor employee takes a personnel action de-
scribed in such subsection against another con-
tractor employee as a reprisal in violation of sub-
section (c), the employee or contractor employee
against whom the personnel action was taken may
bring a private action for all appropriate remedies,
including injunctive relief and compensatory and pu-
nitive damages, against the employee or contractor
employee who took the personnel action, in a Fed-
eral district court of competent jurisdiction within
180 days of when the employee or contractor em-
ployee first learned of or should have learned of the
violation.”.

TITLE IX—ACCOUNTABILITY
FOR ACTING OFFICIALS

SEC. 901. SHORT TITLE.
This title may be cited as the “Accountability for Act-
ing Officials Act”.

SEC. 902. CLARIFICATION OF FEDERAL VACANCIES RE-
FORM ACT OF 1998.
(a) ELIGIBILITY REQUIREMENTS.—Section 3345 of
title 5, United States Code, is amended as follows:
(1) In subsection (a)—
(A) in paragraph (1), by adding at the end
before the semi-colon the following: “, but, and
except as provided in subsection (e), only if the
individual serving in the position of first assistant has occupied such position for a period of at least 30 days during the 365-day period preceding the date of the death, resignation, or beginning of inability to serve”; and

(B) by striking subparagraph (A) of paragraph (3) and inserting the following:

“(A) the officer or employee served in a position in such agency for a period of at least 1 year preceding the date of death, resignation, or beginning of inability to serve of the applicable officer; and”.

(2) By adding at the end the following:

“(d) For purposes of this section, a position shall be considered to be the first assistant to the office with respect to which a vacancy occurs only if such position has been designated, at least 30 days before the date of the vacancy, by law, rule, or regulation as the first assistant position. The previous sentence shall begin to apply on the date that is 180 days after the date of enactment of the Accountability for Acting Officials Act.

“(e) The 30-day service requirement in subsection (a)(1) shall not apply to any individual who is a first assistant if—
“(1)(A) the office of such first assistant is an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate; and

“(B) the Senate has approved the appointment of such individual to such office; or

“(2) the individual began serving in the position of first assistant during the 180-day period beginning on a transitional inauguration day (as that term is defined in section 3349a(a)).”.

(b) Qualifications.—Section 3345(b) of title 5, United States Code, is amended by adding at the end the following:

“(3) Any individual directed to perform the functions and duties of the vacant office temporarily in an acting capacity under subsection (a)(2) or (f) shall possess the qualifications (if any) set forth in law, rule, or regulation that are otherwise applicable to an individual appointed by the President, by and with the advice and consent of the Senate, to occupy such office.”.

(c) Application to Individuals Removed From Office.—Paragraph (2) of section 3345(c) of title 5, United States Code, is amended by inserting after “the expiration of a term of office” the following: “or removal (voluntarily or involuntarily) from office”. 

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(d) Vacancy of Inspector General Positions.—

(1) In General.—Section 3345 of title 5, United States Code, as amended by subsection (a)(2), is further amended by adding at the end the following:

“(f)(1) Notwithstanding subsection (a), if an Inspector General position that requires appointment by the President by and with the advice and consent of the Senate to be filled is vacant, the first assistant of such position shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346.

“(2) Notwithstanding subsection (a), if for purposes of carrying out paragraph (1) of this subsection, by reason of absence, disability, or vacancy, the first assistant to the position of Inspector General is not available to perform the functions and duties of the Inspector General, an acting Inspector General shall be appointed by the President from among individuals serving in an office of any Inspector General, provided that—

“(A) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the applicable Inspector General, the individual served in a position in an office of any Inspector General for not less than 90 days; and
“(B) the rate of pay for the position of such individual is equal to or greater than the minimum rate of pay payable for a position at GS–15 of the General Schedule.”.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to any vacancy first occurring with respect to an Inspector General position on or after the date of enactment of this Act.

(e) TESTIMONY OF ACTING OFFICIALS BEFORE CONGRESS.—Section 3345 of title 5, United States Code, as amended by subsection (d)(1), is further amended by adding at the end the following:

“(g)(1) Any individual serving as an acting officer due to a vacancy to which this section applies, or any individual who has served in such capacity and continues to perform the same or similar duties beyond the time limits described in section 3346, shall appear, at least once during any 60-day period that the individual is so serving, before the appropriate committees of jurisdiction of the House of Representatives and the Senate.

“(2) Paragraph (1) may be waived upon mutual agreement of the chairs and ranking members of such committees.”.

(f) TIME LIMITATION FOR PRINCIPAL OFFICES.— Section 3346 of title 5, United States Code, is amended—
(1) in subsection (a), by inserting “or as pro-
vided in subsection (d)” after “sickness”; and

(2) by adding at the end the following:

“(d) With respect to the vacancy of the position of
head of any agency listed in subsection (b) of section 901
of title 31, or any other position that is within the Presi-
dent’s cabinet and to which this section applies, sub-
sections (a) through (c) of this section and sections
3348(c), 3349(b), and 3349(a)(b) shall be applied by sub-
stituting ‘120’ for ‘210’ in each instance.”.

(g) EXCLUSIVITY.—Section 3347 of title 5, United
States Code, is amended—

(1) by redesignating subsection (b) as sub-
section (c); and

(2) by inserting after subsection (a) the fol-
lowing:

“(b) Notwithstanding subsection (a), any statutory
provision covered under paragraph (1) of such subsection
that contains a non-discretionary order or directive to des-
ignate an officer or employee to perform the functions and
duties of a specified office temporarily in an acting capac-
ity shall be the exclusive means for temporarily author-
izing an acting official to perform the functions and duties
of such office.”.

(h) REPORTING OF VACANCIES.—
(1) IN GENERAL.—Section 3349 of title 5, United States Code, is amended—

(A) in subsection (a)—

(I) by striking “immediately upon” in each instance and inserting “not later than 7 days after”;

(ii) in paragraph (3), by striking “and” at the end;

(iii) in paragraph (4), by striking the period at the end and inserting “; and”;

and

(iv) by adding at the end the following:

“(5) notification of the end of the term of service of any person serving in an acting capacity and the name of any subsequent person serving in an acting capacity and the date the service of such subsequent person began not later than 7 days after such date.”; and

(B) in subsection (b), by striking “immediately” and inserting “not later than 14 days after the date of such determination”.

(2) TECHNICAL CORRECTIONS.—Paragraphs (1) and (2) of subsection (b) of such section 3349 of such title are amended to read as follows:
“(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(2) the Committee on Oversight and Reform of the House of Representatives;”.

(I) VACANCIES DURING PRESIDENTIAL INAUGURAL TRANSITIONS.—Subsection (b) of section 3349a of title 5, United States Code, is amended to read as follows:

“(b) Notwithstanding section 3346 (except as provided in paragraph (2) of this subsection) or 3348(c), with respect to any vacancy that exists on a transitional inauguration day, or that arises during the 60-day period beginning on such day, the person serving as an acting officer as described under section 3345 may serve in the office—

“(1) for no longer than 300 days beginning on such day; or

“(2) subject to subsection 3346(b), once a first or second nomination for the office is submitted to the Senate, from the date of such nomination for the period that the nomination is pending in the Senate.”.
TITLE X—STRENGTHENING HATCH ACT ENFORCEMENT AND PENALTIES

Subtitle A—Strengthening Hatch Act Enforcement and Penalties

SEC. 1001. SHORT TITLE.

This title may be cited as the “Hatch Act Accountability Act”.

SEC. 1002. STRENGTHENING HATCH ACT ENFORCEMENT AND PENALTIES AGAINST POLITICAL APPOINTEES.

(a) INVESTIGATIONS BY OFFICE OF SPECIAL COUNSEL.—Section 1216 of title 5, United States Code, as amended by section 307, is amended—

(1) in subsection (c), by striking “(1),”; and

(2) by adding at the end the following:

“(e)(1) In addition to the authority otherwise provided in this chapter, the Special Counsel—

“(A) shall conduct an investigation with respect to any allegation concerning political activity prohibited under subchapter III of chapter 73 (relating to political activities by Federal employees); and

“(B) may, regardless of whether the Special Counsel has received an allegation, conduct any investigation as the Special Counsel considers nec-
necessary concerning political activity prohibited under such subchapter.

“(2) With respect to any investigation under paragraph (1) of this subsection, the Special Counsel may seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.

“(f)(1) Notwithstanding subsection (b) of section 1215, consistent with paragraph (3) of this subsection, if after an investigation under subsection (d)(1) the Special Counsel determines that a political appointee has violated section 7323 or 7324, the Special Counsel may present a complaint to the Merit Systems Protection Board under the process provided in section 1215, against such political appointee.

“(2) Notwithstanding section 7326, a final order of the Board on a complaint of a violation of section 7323 or 7324 by a political appointee may impose an assessment of a civil penalty not to exceed $50,000.

“(3) The Special Counsel may not present a complaint under paragraph (1) of this subsection—

“(A) unless no disciplinary action or civil penalty has been taken or assessed, respectively, against the political appointee pursuant to section 7326; and
“(B) until on or after the date that is 90 days after the date that the complaint regarding the political appointee was presented to the President under section 1215(b), notwithstanding whether the President submits a written statement pursuant to paragraph (4) of this subsection.

“(4)(A) Not later than 90 days after receiving from the Special Counsel a complaint recommending disciplinary action under section 1215(b) with respect to a political appointee for a violation of section 7323 or 7324, the President shall provide a written statement to the Special Counsel on whether the President imposed the recommended disciplinary action, imposed another form of disciplinary action and the nature of that disciplinary action, or took no disciplinary action against the political appointee.

“(B) Not later than 14 days after receiving a written statement under subparagraph (A) of this paragraph—

“(I) the Special Counsel shall submit the written statement to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(ii) publish the written statement on the public website of the Office of Special Counsel.
“(5) Not later than 14 days after the date that the Special Counsel determines a political appointee has violated section 7323 or 7324, the Special Counsel shall—

“(A) submit a report on the investigation into such political appointee, and any communications sent from the Special Counsel to the President recommending discipline of such political appointee, to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(B) publish the report and such communications on the public website of the Office of Special Counsel.

“(6) In this subsection, the term ‘political appointee’ means any individual, other than the President and the Vice-President, employed or holding office—

“(A) in the Executive Office of the President, the Office of the Vice President, and any other office of the White House, but not including any career employee; or

“(B) in a confidential, policy-making, policy-determining, or policy-advocating position appointed by the President, by and with the advice and consent
of the Senate (other than an individual in the Foreign Service of the United States).”.

(b) Clarification on Application of Hatch Act to EOP and OVP Employees.—Section 7322(1)(A) of title 5, United States Code, is amended by inserting after “Executive agency” the following: “, including the Executive Office of the President, the Office of the Vice President, and any other office of the White House,”.

c) Criminal Penalty.—

(1) In General.—Subchapter III of chapter 73 of title 5, United States Code, is amended by adding after section 7326 the following:

§ 7328. Criminal penalty for Hatch Act violations

“(a) In General.—Any person who knowingly violates section 7323 or 7324 shall be fined $50,000 (notwithstanding section 3571(e) of title 18), or imprisoned for not more than 1 year, or both. Notwithstanding section 3571(e) of title 18, for each violation after the first, the fine applicable under this section shall be double the amount of the fine assessed for the previous violation.

“(b) Attorney Fees.—A court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which an employee has established, by a preponderance of the evidence, that a superior ordered or other-
wise coerced the employee into taking any act that re-
resulted in a violation of such section 7323 or 7324.”.

(2) **CLERICAL AMENDMENT.**—The table of sec-
tions of such subchapter is amended by inserting
after the item relating to section 7326 the following:

“7328. Criminal penalty for Hatch Act violations.”.

(3) **TRAINING.**—After an individual’s first viola-
tion of section 7323 or 7324 of title 5, United
States Code, such individual shall be provided train-
ing by the employing agency on how to avoid subse-
quent violations of either such section.

SEC. 1003. INCLUDING EXECUTIVE OFFICE OF THE PRESI-
DENT UNDER LIMITATION ON NEPOTISM IN
THE CIVIL SERVICE.

Section 3110(a)(1)(A) of title 5, United States Code,
is amended by inserting “, including the Executive Office
of the President” after “Executive agency”.

SEC. 1004. DISCLOSURE OF HATCH ACT INVESTIGATIONS
FOR CERTAIN POLITICAL EMPLOYEES.

Section 1216 of title 5, United States Code, is
amended by adding at the end the following:

“(d)(1) With respect to any investigation of an alle-
gation of prohibited activity under subsection (a)(1)
against a political employee, not later than 14 days after
the Special Counsel makes a final determination under
such investigation with respect to whether a violation oc-
curred, the Special Counsel shall—

“(A) publish, on the Office of Special Counsel’s
website, such determination and a report on that de-
termination; and

“(B) submit such report to the Committee on
Oversight and Reform of the House of Representa-
tives and the Committee on Homeland Security and
Governmental Affairs of the Senate.

“(2) In this subsection, the term ‘political employee’
means any individual occupying any of the following posi-
tions in the executive branch of Government (including an
individual carrying out the duties of a position described
in paragraph (1) in an acting capacity):

“(A) Any position required to be filled by an
appointment by the President by and with the advice
and consent of the Senate.

“(B) Any position in the executive branch of
the Government of a confidential or policy-deter-
mining character under schedule C of subpart C of

“(C) Any position in or under the Executive Of-

tice of the President.

“(D) Any position in or under the Office of the

Vice President.
“(E) Any position in the Senior Executive Service that is not a career appointee, a limited term appointee, or a limited emergency appointee (as those terms are defined in section 3132(a)).”

SEC. 1005. CLARIFICATION ON CANDIDATES VISITING FEDERAL PROPERTY.

(a) In General.—Section 7323 of title 5, United States Code, is amended by adding at the end the following:

“(d) Nothing in this section or section 7324 shall be construed to prohibit an employee from allowing a Member of Congress or any other elected official from visiting Federal facilities for an official purpose, including receiving briefings, tours, or other official information.”.

(b) Technical and Conforming Amendments.—Such section 7323 is further amended—

(1) in subsection (a)(1), by striking “his” and inserting “the employee’s”; and

(2) in subsection (c)—

(A) by striking “he” and inserting “the employee”; and

(B) by striking “his” and inserting “the employee’s”.

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SEC. 1006. APPLYING HATCH ACT TO PRESIDENT AND VICE PRESIDENT WHILE ON FEDERAL PROPERTY.

(a) In General.—Subchapter III of chapter 73 of title 5, United States Code, as amended by section 1002(c), is further amended by redesignating section 7326 as section 7327 and by inserting after section 7325 the following:

“§ 7326. Limitations on political activity of president and vice president while on White House grounds

“Notwithstanding section 7322(1), the prohibitions on political activity under section 7323(a) and section 7324 shall apply to the President and Vice President while the President and Vice President are on or in any part of the White House and White House grounds that is regularly used in the discharge of official duties.”.

(b) Clerical Amendment.—The table of sections of such subchapter, as amended by section 1002(c), is further amended by striking the item relating to section 7326 and inserting the following:

“7326. Limitations on political activity of President and Vice President while on Federal property

“7327. Penalties”.

SEC. 1007. GRANTING THE OFFICE OF SPECIAL COUNSEL RULEMAKING AUTHORITY.

Notwithstanding any other law, rule, or regulation, the Office of Special Counsel shall have exclusive authority
to promulgate regulations with respect to authority granted to the Office under the Hatch Act.

SEC. 1008. GREATER ACCOUNTABILITY FOR POLITICAL APPOINTEES.

Section 1204(c) of title 5, United States Code, is amended by adding at the end the following: “Notwithstanding the previous sentences, in the case of contumacy or failure by an individual to obey a subpoena issued under subsection (b)(2)(A) or section 1214(b) with respect to an investigation into any violation of section 7323 or 7324, the Board may issue an order requiring that individual to appear at any designated place to testify or to produce documentary or other evidence.”.

SEC. 1009. INVESTIGATING FORMER POLITICAL EMPLOYEES.

Notwithstanding any other provision of law, the Office of Special Counsel may continue an investigation of a violation of section 7323 or 7324 of title 5, United States Code, of an individual who is a former employee but only if such investigation commenced while the individual was an employee. In this section, the term “employee” has the meaning given that term in section 7322(1) of such title.
SEC. 1010. GAO REVIEW OF REIMBURSABLE POLITICAL EVENTS.

Not later than 60 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on reimbursable political events held at the White House or on the White House grounds during the period beginning on January 1, 1997, and ending on the date of enactment of this Act. Such report shall include the following:

(1) Whether, during such period, the requirements in annual appropriations Acts with respect to reimbursable political events have been followed, including the requirements under the heading “Executive Residence At the White House—Reimbursable Expenses” in division D of Public Law 116–6.

(2) An assessment of what constitutes a political event during such period.

(3) Whether an event that was not classified as a political event during such period should have been classified as such an event.

(4) A review of any payment made by a political entity under the terms of such requirements.

(5) Recommendations for Congress on—

(A) a definition for the term “political event”; and
(B) how to assess whether administrations are following such requirements and how to hold administrations accountable if such requirements are not followed.

Subtitle B—Strengthening Ethics Enforcement and Penalties for Federal Executive Employees

SEC. 1011. ETHICS PLEDGE.

Every appointee in every executive agency appointed on or after January 20, 2021, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

“'I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conducting consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including
by using confidential information acquired and relationships established for the benefit of future clients.

“Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

“(1) Lobbyist Gift Ban.—I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

“(2) Revolving Door Ban; All Appointees Entering Government.—I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

“(3) Revolving Door Ban; Lobbyists and Registered Agents Entering Government.—If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 et seq., or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 et seq., within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not
for a period of 2 years after the date of my appoint-
ment:

“(A) participate in any particular matter
on which I lobbied, or engaged in registrable ac-
tivity under FARA, within the 2 years before
the date of my appointment;

“(B) participate in the specific issue area
in which that particular matter falls; or

“(C) seek or accept employment with any
executive agency with respect to which I lob-
bied, or engaged in registrable activity under
FARA, within the 2 years before the date of my
appointment.

“(4) Revolving Door Ban; Appointees Leaving
Government.—If, upon my departure from the Gov-
ernment, I am covered by the post-employment re-
strictions on communicating with employees of my
former executive agency set forth in section 207(c)
of title 18, United States Code, and its imple-
menting regulations, I agree that I will abide by
those restrictions for a period of 2 years following
the end of my appointment. I will abide by these
same restrictions with respect to communicating
with the senior White House staff.
“(5) Revolving Door Ban; Senior and Very Senior Appointees Leaving Government.— If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections’ implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by—

“(A) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or

“(B) engaging in any such lobbying activities.

“(6) Revolving Door Ban; Appointees Leaving Government to Lobby.—In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for
the remainder of the Administration or 2 years fol-
lowing the end of my appointment, whichever is
later.

“(7) Golden Parachute Ban.—I have not ac-
cepted and will not accept, including after entering
Government, any salary or other cash payment from
my former employer the eligibility for and payment
of which is limited to individuals accepting a position
in the United States Government. I also have not ac-
cepted and will not accept any non-cash benefit from
my former employer that is provided in lieu of such
a prohibited cash payment.

“(8) Employment Qualification Commitment.—
I agree that any hiring or other employment deci-
sions I make will be based on the candidate’s quali-
fications, competence, and experience.

“(9) Assent to Enforcement.—I acknowledge
that title XVI of the Protecting Our Democracy Act,
which I have read before signing this document, de-
fines certain of the terms applicable to the foregoing
obligations and sets forth the methods for enforcing
them. I expressly accept the provisions of that title
as a part of this agreement and as binding on me.
I understand that the terms of this pledge are in ad-
dition to any statutory or other legal restrictions ap-
applicable to me by virtue of Federal Government serv-

ice.”.

SEC. 1012. DEFINITIONS.

For purposes of this title and the pledge set forth
in section 1101 of this title:

(1) “Executive agency” shall include each “ex-
cutive agency” as defined by section 105 of title 5,
United States Code, and shall include the Executive
Office of the President; provided, however, that “ex-
cutive agency” shall include the United States
Postal Service and Postal Regulatory Commission,
but shall exclude the Government Accountability Of-

(2) “Appointee” shall include every full-time,
non-career Presidential or Vice-Presidential ap-
pointee, non-career appointee in the Senior Execu-
tive Service (or other SES-type system), and ap-
pointee to a position that has been excepted from
the competitive service by reason of being of a con-
fidential or policymaking character (Schedule C and
other positions excepted under comparable criteria)
in an executive agency. It does not include any per-
son appointed as a member of the Senior Foreign
Service or solely as a uniformed service commis-

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(3) "Gift"—

(A) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(B) shall include gifts that are solicited or accepted indirectly, as defined in section 2635.203(f) of title 5, Code of Federal Regulations; and

(C) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) and (3), and (j) through (l) of title 5, Code of Federal Regulations.

(4) “Covered executive branch official” and “lobbyist” shall have the definitions set forth in section 1602 of title 2, United States Code.

(5) “Registered lobbyist or lobbying organization” shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, “registered lobbyist” shall include each of the lobbyists identified therein.

(6) “Lobby” and “lobbied” shall mean to act or have acted as a registered lobbyist.
(7) “Lobbying activities” shall have the definition set forth in section 1602 of title 2, United States Code.

(8) “Materially assist” means to provide substantive assistance but does not include providing background or general education on a matter of law or policy based upon an individual’s subject matter expertise, nor any conduct or assistance permitted under section 207(j) of title 18, United States Code.

(9) “Particular matter” shall have the same meaning as set forth in section 207 of title 18, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.

(10) “Particular matter involving specific parties” shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one’s official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.

(11) “Former employer” is any person for whom the appointee has within the 2 years prior to
the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that “former employer” does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, any United States territory or possession, or any international organization in which the United States is a member state.

(12) “Former client” is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to speeches or similar appearances. It does not include clients of the appointee’s former employer to whom the appointee did not personally provide services.

(13) “Directly and substantially related to my former employer or former clients” shall mean matters in which the appointee’s former employer or a former client is a party or represents a party.

(14) “Participate” means to participate personally and substantially.

(15) “Government official” means any employee of the executive branch.
(16) “Administration” means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this title.

(17) “Pledge” means the ethics pledge set forth in section 1011 of this title.

(18) “Senior White House staff” means any person appointed by the President to a position under sections 105(a)(2)(A) or (B) of title 3, United States Code, or by the Vice President to a position under sections 106(a)(1)(A) or (B) of title 3.

(19) All references to provisions of law and regulations shall refer to such provisions as are in effect on January 20, 2021.

SEC. 1013. WAIVER.

(a) The Director of the Office of Management and Budget (OMB), in consultation with the Counsel to the President, may grant to any current or former appointee a written waiver of any restrictions contained in the pledge signed by such appointee if, and to the extent that, the Director of OMB certifies in writing—

(1) that the literal application of the restriction is inconsistent with the purposes of the restriction; or
(2) that it is in the public interest to grant the waiver. Any such written waiver should reflect the basis for the waiver and, in the case of a waiver of the restrictions set forth in paragraphs (3)(B) and (C) of the pledge, a discussion of the findings with respect to the factors set forth in subsection (b) of this section.

(b) A waiver shall take effect when the certification is signed by the Director of OMB and shall be made public within 10 days thereafter.

(c) The public interest shall include, but not be limited to, exigent circumstances relating to national security, the economy, public health, or the environment. In determining whether it is in the public interest to grant a waiver of the restrictions contained in paragraphs (3)(B) and (C) of the pledge, the responsible official may consider the following factors—

(1) the government’s need for the individual’s services, including the existence of special circumstances related to national security, the economy, public health, or the environment;

(2) the uniqueness of the individual’s qualifications to meet the government’s needs;

(3) the scope and nature of the individual’s prior lobbying activities, including whether such ac-
tivities were de minimis or rendered on behalf of a nonprofit organization; and

(4) the extent to which the purposes of the restriction may be satisfied through other limitations on the individual’s services, such as those required by paragraph (3)(A) of the pledge.

SEC. 1014. ADMINISTRATION.

(a) The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish such rules or procedures (conforming as nearly as practicable to the agency’s general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate to ensure—

(1) that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee;

(2) that compliance with paragraph (3) of the pledge is addressed in a written ethics agreement with each appointee to whom it applies, which agreement shall also be approved by the Counsel to the President prior to the appointee commencing work;

(3) that spousal employment issues and other conflicts not expressly addressed by the pledge are addressed in ethics agreements with appointees or,
where no such agreements are required, through ethics counseling; and

(4) that the agency generally complies with this title.

(b) With respect to the Executive Office of the President, the duties set forth in subsection (a) shall be the responsibility of the Counsel to the President.

(c) The Director of the Office of Government Ethics shall—

(1) ensure that the pledge and a copy of this title are made available for use by agencies in fulfilling their duties under subsection (a);

(2) in consultation with the Attorney General or the Counsel to the President, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and

(3) in consultation with the Attorney General and the Counsel to the President, adopt such rules or procedures as are necessary or appropriate—

(A) to carry out the foregoing responsibilities;

(B) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;
(C) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.206 of title 5, Code of Federal Regulations;

(D) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by the employees’ official actions do not affect the integrity of the Government’s programs and operations; and

(E) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph (6) of the pledge is honored by every employee of the executive branch;

(4) in consultation with the Director of OMB, report to the President on whether full compliance is being achieved with existing laws and regulations governing executive branch procurement lobbying disclosure. This report shall include recommendations on steps the executive branch can take to expand, to the fullest extent practicable, disclosure of both executive branch procurement lobbying and of lobbying for Presidential pardons. These rec-
ommendations shall include both immediate actions
the executive branch can take and, if necessary, recc-
ommendations for legislation; and

(5) provide an annual public report on the ad-
ministration of the pledge and this title.

(d) The Director of the Office of Government Ethics
shall, in consultation with the Attorney General, the Coun-
sel to the President, and the Director of the Office of Per-
sonnel Management, report to the President on steps the
executive branch can take to expand to the fullest extent
practicable the revolving door ban set forth in paragraph
(5) of the pledge to all executive branch employees who
are involved in the procurement process such that they
may not for 2 years after leaving Government service
lobby any Government official regarding a Government
contract that was under their official responsibility in the
last 2 years of their Government service. This report shall
include both immediate actions the executive branch can
take and, if necessary, recommendations for legislation.

(e) All pledges signed by appointees, and all waiver
certifications with respect thereto, shall be filed with the
head of the appointee’s agency for permanent retention
in the appointee’s official personnel folder or equivalent
folder.
SEC. 1015. ENFORCEMENT.

(a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States pursuant to this section by any legally available means, including debarment proceedings within any affected executive agency or judicial civil proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from lobbying any officer or employee of that agency for up to 5 years in addition to the time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which procedures shall include (but not be limited to) providing for fact-finding and investigation of possible violations of this title and for referrals to the Attorney General for consideration pursuant to subsection (c) of this section.

(c) The Attorney General is authorized—

(1) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and
(2) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee in any United States District Court with jurisdiction to consider the matter.

(d) In any such civil action, the Attorney General is authorized to request any and all relief authorized by law, including but not limited to:

(1) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee in breach of the commitments in the pledge he or she signed; and

(2) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former employee arising out of any breach or attempted breach of the pledge signed by the former employee.

SEC. 1016. GENERAL PROVISIONS.

(a) If any provision of this title or the application of such provision is held to be invalid, the remainder of
this title and other dissimilar applications of such provi-
sion shall not be affected.

(b) Nothing in this title shall be construed to impair
or otherwise affect—

(1) the authority granted by law to an executive
department or agency, or the head thereof; or

(2) the functions of the Director of the Office
of Management and Budget relating to budgetary,
administrative, or legislative proposals.

(c) This title shall be implemented consistent with ap-
plicable law and subject to the availability of appropria-
tions.

(d) This title is not intended to, and does not, create
any right or benefit, substantive or procedural, enforceable
at law or in equity by any party against the United States,
its departments, agencies, or entities, its officers, employ-
ees, or agents, or any other person.

**TITLE XI—PROMOTING EFFI-
CIENT PRESIDENTIAL TRANS-
ITIONS**

**SEC. 1101. SHORT TITLE.**

This title may be cited as the “Efficient Transition
Act of 2021”.

SEC. 1102. ASCERTAINMENT OF SUCCESSFUL CANDIDATES IN GENERAL ELECTIONS FOR PURPOSES OF PRESIDENTIAL TRANSITION.

(a) In General.—Section 3(c) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) by striking “The terms” and inserting “(1) The terms”; and

(2) by adding at the end the following:

“(2) The Administrator shall make the ascertainment under paragraph (1) as soon as practicable after the general elections.

“(3) If the Administrator does not make such ascertainment within 5 days after such elections, each eligible candidate for President and Vice President shall be treated as if they are the apparent successful candidate for purposes of this Act until the Administrator makes the ascertainment or until the House of Representatives and the Senate certify the results of the elections, whichever occurs first.”.

(b) Regulations.—Not later than 270 days after the date of enactment of this Act, the Administrator of General Services shall promulgate regulations that establish standards and procedures to be followed by the Administrator in making any future determination regarding ascertainment under section 3(c) of the Presidential Transition Act of 1963, as amended by subsection (a).
TITLE XII—PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY

SEC. 1201. PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY.

(a) Definitions.—In this section—

(1) The term “covered candidate” means a candidate of a major party in a general election for the office of President or Vice President.

(2) The term “major party” has the meaning given the term in section 9002 of the Internal Revenue Code of 1986.

(3) The term “income tax return” means, with respect to an individual, any return (as such term is defined in section 6103(b)(1) of the Internal Revenue Code of 1986, except that such term shall not include declarations of estimated tax) of—

(A) such individual, other than information returns issued to persons other than such individual; or

(B) of any corporation, partnership, or trust in which such individual holds, directly or indirectly, a significant interest as the sole or principal owner or the sole or principal beneficial owner (as such terms are defined in regu-
lations prescribed by the Secretary of the Treasury or his delegate).

(4) The term “Secretary” means the Secretary of the Treasury or the delegate of the Secretary.

(b) Disclosure.—

(1) In general.—

(A) Candidates for president and vice president.—Not later than the date that is 15 days after the date on which an individual becomes a covered candidate, the individual shall submit to the Federal Election Commission a copy of the individual’s income tax returns for the 10 most recent taxable years for which a return has been filed with the Internal Revenue Service.

(B) President and vice president.—With respect to an individual who is the President or Vice President, not later than the due date for the return of tax for each taxable year, such individual shall submit to the Federal Election Commission a copy of the individual’s income tax returns for the taxable year and for the 9 preceding taxable years.

(C) Transition rule for sitting presidents and vice presidents.—Not later than
the date that is 30 days after the date of enactment of this section, an individual who is the President or Vice President on such date of enactment shall submit to the Federal Election Commission a copy of the income tax returns for the 10 most recent taxable years for which a return has been filed with the Internal Revenue Service.

(2) Failure to disclose.—If any requirement under paragraph (1) to submit an income tax return is not met, the chairman of the Federal Election Commission shall submit to the Secretary a written request that the Secretary provide the Federal Election Commission with the income tax return.

(3) Publicly available.—The chairman of the Federal Election Commission shall make publicly available each income tax return submitted under paragraph (1) in the same manner as a return provided under section 6103(l)(23) of the Internal Revenue Code of 1986 (as added by this section).

(4) Treatment as a report filed under the Federal Election Campaign Act of 1971.—Section 304(a)(11) of the Federal Election Cam-
campaign Act of 1971 (52 U.S.C. 30104(a)(11)) is amended by adding at the end the following:

“(E) An income tax return filed under the Protecting Our Democracy Act of 2021 shall be filed in electronic form accessible by computers and shall be treated as a report filed under and required by this Act for purposes of subparagraphs (B) and (C), except that if it would require considerable, extensive, and significant time for the Commission to make redactions to such a return, as required under section 1201(b)(3) of the Protecting Our Democracy Act of 2021 or subparagraph (B)(ii) of section 6103(l)(23) of the Internal Revenue Code of 1986, the Commission may make the return available for public inspection more than 48 hours after receipt by the Commission, but in no event later than 30 days after receipt by the Commission.”.

(c) Disclosure of Returns of Presidents and Vice Presidents and Certain Candidates for President and Vice President.—

(1) In general.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(23) Disclosure of return information of presidents and vice presidents and cer-
TAIN CANDIDATES FOR PRESIDENT AND VICE PRESIDENT.—

“(A) IN GENERAL.—Upon written request by the chairman of the Federal Election Commission under section 1201(b)(2) of the Protecting Our Democracy Act, not later than the date that is 15 days after the date of such request, the Secretary shall provide copies of any return which is so requested to officers and employees of the Federal Election Commission whose official duties include disclosure or redaction of such return under this paragraph.

“(B) DISCLOSURE TO THE PUBLIC.—

“(I) IN GENERAL.—The chairman of the Federal Election Commission shall make publicly available any return which is provided under subparagraph (A).

“(ii) REDACTION OF CERTAIN INFORMATION.—Before making publicly available under clause (I) any return, the chairman of the Federal Election Commission shall redact such information as the Federal Election Commission and the Secretary jointly determine is necessary for pro-
etecting against identity theft, such as social security numbers.”.

(2) Conforming Amendments.—Section 6103(p)(4) of such Code is amended—

(A) in the matter preceding subparagraph (A) by striking “or (22)” and inserting “(22), or (23)”; and

(B) in subparagraph (F)(ii) by striking “or (22)” and inserting “(22), or (23)”.

(3) Effective Date.—The amendments made by this subsection shall apply to disclosures made on or after the date of enactment of this Act.

DIVISION C—MISCELLANEOUS

TITLE XIII—REPORTING FOREIGN INTERFERENCE IN ELECTIONS

SEC. 1301. FEDERAL CAMPAIGN REPORTING OF FOREIGN CONTACTS.

(a) Initial Notice.—

(1) In General.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104) is amended by adding at the end the following new subsection:

“(j) Disclosure of Reportable Foreign Contacts.—
“(1) Committee obligation to notify.—

Not later than 1 week after a reportable foreign contact, each political committee shall notify the Federal Bureau of Investigation and the Commission of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact. The Federal Bureau of Investigation, not later than 1 week after receiving a notification from a political committee under this paragraph, shall submit to the political committee, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate written or electronic confirmation of receipt of the notification.

“(2) Individual obligation to notify.—

Not later than 3 days after a reportable foreign contact—

“(A) each candidate and each immediate family member of a candidate shall notify the treasurer or other designated official of the principal campaign committee of such candidate of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact; and
“(B) each official, employee, or agent of a political committee shall notify the treasurer or other designated official of the committee of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

“(3) REPORTABLE FOREIGN CONTACT.—In this subsection:

“(A) IN GENERAL.—The term ‘reportable foreign contact’ means any direct or indirect contact or communication that—

“(I) is between—

“(I) a candidate, an immediate family member of the candidate, a political committee, or any official, employee, or agent of such committee; and

“(II) an individual that the person described in subclause (I) knows, has reason to know, or reasonably believes is a covered foreign national; and

“(ii) the person described in clause (I)(I) knows, has reason to know, or reasonably believes involves—
“(I) an offer or other proposal for a contribution, donation, expenditure, disbursement, or solicitation described in section 319; or

“(II) coordination or collaboration with, an offer or provision of information or services to or from, or persistent and repeated contact with, a covered foreign national in connection with an election.

“(B) Exceptions.—

“(I) CONTACTS IN OFFICIAL CAPACITY AS ELECTED OFFICIAL.—The term ‘reportable foreign contact’ shall not include any contact or communication with a covered foreign national by an elected official or an employee of an elected official solely in an official capacity as such an official or employee.

“(ii) CONTACTS FOR PURPOSES OF ENABLING OBSERVATION OF ELECTIONS BY INTERNATIONAL OBSERVERS.—The term ‘reportable foreign contact’ shall not include any contact or communication with a covered foreign national by any person
which is made for purposes of enabling the
observation of elections in the United
States by a foreign national or the obser-
vation of elections outside of the United
States by a candidate, political committee,
or any official, employee, or agent of such
committee.

“(iii) EXCEPTIONS NOT APPLICABLE
IF CONTACTS OR COMMUNICATIONS IN-
VOLVE PROHIBITED DISBURSEMENTS.—A
contact or communication by an elected of-
official or an employee of an elected official
shall not be considered to be made solely
in an official capacity for purposes of
clause (I), and a contact or communication
shall not be considered to be made for pur-
poses of enabling the observation of elec-
tions for purposes of clause (ii), if the con-
tact or communication involves a contribu-
tion, donation, expenditure, disbursement,
or solicitation described in section 319.

“(C) COVERED FOREIGN NATIONAL DE-
FINED.—
“(I) IN GENERAL.—In this paragraph, the term ‘covered foreign national’ means—

“(I) a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)) that is a government of a foreign country or a foreign political party;

“(II) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal described in subclause (I) or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal described in subclause (I); or

“(III) any person included in the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control
of the Department of the Treasury 
pursuant to authorities relating to the 
imposition of sanctions relating to the 
conduct of a foreign principal de- 
scribed in subclause (I).

“(ii) CLARIFICATION REGARDING AP-
PLICATION TO CITIZENS OF THE UNITED 
STATES.—In the case of a citizen of the 
United States, subclause (II) of clause (I) 
applies only to the extent that the person 
involved acts within the scope of that per-
son’s status as the agent of a foreign prin-
cipal described in subclause (I) of clause 
(I).

“(4) IMMEDIATE FAMILY MEMBER.—In this 
subsection, the term ‘immediate family member’ 
means, with respect to a candidate, a parent, parent-
in-law, spouse, adult child, or sibling.”.

(2) EFFECTIVE DATE.—The amendment made 
by paragraph (1) shall apply with respect to report-
able foreign contacts which occur on or after the 
date of the enactment of this Act.

(b) INFORMATION INCLUDED ON REPORT.—

(1) IN GENERAL.—Section 304(b) of such Act 
(52 U.S.C. 30104(b)) is amended—
(A) by striking “and” at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(9) for any reportable foreign contact (as defined in subsection (j)(3))—

“(A) the date, time, and location of the contact;

“(B) the date and time of when a designated official of the committee was notified of the contact;

“(C) the identity of individuals involved; and

“(D) a description of the contact, including the nature of any contribution, donation, expenditure, disbursement, or solicitation involved and the nature of any activity described in subsection (j)(3)(A)(ii)(II) involved.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to reports filed on or after the expiration of the 60-day period which begins on the date of the enactment of this Act.
SEC. 1302. FEDERAL CAMPAIGN FOREIGN CONTACT REPORTING COMPLIANCE SYSTEM.

(a) In General.—Section 302 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30102) is amended by adding at the end the following new subsection:

“(j) Reportable Foreign Contacts Compliance Policy.—

“(1) Reporting.—Each political committee shall establish a policy that requires all officials, employees, and agents of such committee to notify the treasurer or other appropriate designated official of the committee of any reportable foreign contact (as defined in section 304(j)) not later than 3 days after such contact was made.

“(2) Retention and Preservation of Records.—Each political committee shall establish a policy that provides for the retention and preservation of records and information related to reportable foreign contacts (as so defined) for a period of not less than 3 years.

“(3) Certification.—

“(A) In General.—Upon filing its statement of organization under section 303(a), and with each report filed under section 304(a), the treasurer of each political committee (other
than an authorized committee) shall certify that—

“(I) the committee has in place policies that meet the requirements of paragraphs (1) and (2);

“(ii) the committee has designated an official to monitor compliance with such policies; and

“(iii) not later than 1 week after the beginning of any formal or informal affiliation with the committee, all officials, employees, and agents of such committee will—

“(I) receive notice of such policies;

“(II) be informed of the prohibitions under section 319; and

“(III) sign a certification affirming their understanding of such policies and prohibitions.

“(B) AUTHORIZED COMMITTEES.—With respect to an authorized committee, the candidate shall make the certification required under subparagraph (A).”.

(b) EFFECTIVE DATE.—
(1) In general.—The amendment made by subsection (a) shall apply with respect to political committees which file a statement of organization under section 303(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30103(a)) on or after the date of the enactment of this Act.

(2) Transition rule for existing committees.—Not later than 30 days after the date of the enactment of this Act, each political committee under the Federal Election Campaign Act of 1971 shall file a certification with the Federal Election Commission that the committee is in compliance with the requirements of section 302(j) of such Act (as added by subsection (a)).

SEC. 1303. CRIMINAL PENALTIES.

Section 309(d)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by adding at the end the following new subparagraphs:

“(E) Any person who knowingly and willfully commits a violation of subsection (j) or (b)(9) of section 304 or section 302(j) shall be fined not more than $500,000, imprisoned not more than 5 years, or both.

“(F) Any person who knowingly and willfully conceals or destroys any materials relating to a reportable foreign contact (as defined in section 304(j)) shall be fined not
more than $1,000,000, imprisoned not more than 5 years, or both.”.

SEC. 1304. REPORT TO CONGRESSIONAL INTELLIGENCE COMMITTEES.

(a) In General.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees a report relating to notifications received by the Federal Bureau of Investigation under section 304(j)(1) of the Federal Election Campaign Act of 1971 (as added by section 1301(a) of this Act).

(b) Elements.—Each report under subsection (a) shall include, at a minimum, the following with respect to notifications described in subsection (a):

(1) The number of such notifications received from political committees during the year covered by the report.

(2) A description of protocols and procedures developed by the Federal Bureau of Investigation relating to receipt and maintenance of records relating to such notifications.

(3) With respect to such notifications received during the year covered by the report, a description
of any subsequent actions taken by the Director resulting from the receipt of such notifications.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1305. RULE OF CONSTRUCTION.

Nothing in this title or the amendments made by this title shall be construed—

(1) to impede legitimate journalistic activities;

or

(2) to impose any additional limitation on the right to express political views or to participate in public discourse of any individual who—

(A) resides in the United States;

(B) is not a citizen of the United States or a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

(C) is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).
TITLE XIV—ELIMINATING FOREIGN INTERFERENCE IN ELECTIONS

SEC. 1401. CLARIFICATION OF APPLICATION OF FOREIGN MONEY BAN.

(a) Clarification of Treatment of Provision of Certain Information as Contribution or Donation of a Thing of Value.—Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121) is amended by adding at the end the following new subsection:

“(c) Clarification of Treatment of Provision of Certain Information as Contribution or Donation of a Thing of Value.—For purposes of this section, a ‘contribution or donation of money or other thing of value’ includes the provision of opposition research, polling, or other non-public information relating to a candidate for election for a Federal, State, or local office for the purpose of influencing the election, regardless of whether such research, polling, or information has monetary value, except that nothing in this subsection shall be construed to treat the mere provision of an opinion about a candidate as a thing of value for purposes of this section.”.
(b) Clarification of Application of Foreign Money Ban to All Contributions and Donations of Things of Value and to All Solicitations of Contributions and Donations of Things of Value.—Section 319(a) of such Act (52 U.S.C. 30121(a)) is amended—

(1) in paragraph (1)(A), by striking “promise to make a contribution or donation” and inserting “promise to make such a contribution or donation”;

(2) in paragraph (1)(B), by striking “donation” and inserting “donation of money or other thing of value, or to make an express or implied promise to make such a contribution or donation,”; and

(3) by amending paragraph (2) to read as follows:

“(2) a person to solicit, accept, or receive (directly or indirectly) a contribution or donation described in subparagraph (A) or (B) of paragraph (1), or to solicit, accept, or receive (directly or indirectly) an express or implied promise to make such a contribution or donation, from a foreign national.”.

(e) Enhanced Penalty for Certain Violations.—
(1) IN GENERAL.—Section 309(d)(1) of such Act (52 U.S.C. 30109(d)(1)), as amended by section 1303, is further amended by adding at the end the following new subparagraph:

“(G)(I) Any person who knowingly and willfully commits a violation of section 319 which involves a foreign national which is a government of a foreign country or a foreign political party, or which involves a thing of value consisting of the provision of opposition research, polling, or other non-public information relating to a candidate for election for a Federal, State, or local office for the purpose of influencing the election, shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

“(ii) In clause (I), each of the terms ‘government of a foreign country’ and ‘foreign political party’ has the meaning given such term in section 1 of the Foreign Agents Registration Act of 1938, as Amended (22 U.S.C. 611).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to violations committed on or after the date of the enactment of this Act.
SEC. 1402. REQUIRING ACKNOWLEDGMENT OF FOREIGN MONEY BAN BY POLITICAL COMMITTEES.

(a) Provision of Information by Federal Election Commission.—Section 303 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30103) is amended by adding at the end the following new subsection:

“(e) Acknowledgment of Foreign Money Ban.—

“(1) Notification by Commission.—Not later than 30 days after a political committee files its statement of organization under subsection (a), and biennially thereafter until the committee terminates, the Commission shall provide the committee with a written explanation of section 319.

“(2) Acknowledgment by Committee.—

“(A) In general.—Not later than 30 days after receiving the written explanation of section 319 under paragraph (1), the committee shall transmit to the Commission a signed certification that the committee has received such written explanation and has provided a copy of the explanation to all members, employees, contractors, and volunteers of the committee.

“(B) Person responsible for signature.—The certification required under sub-paragraph (A) shall be signed—
“(I) in the case of an authorized committee of a candidate, by the candidate; or
“(ii) in the case of any other political committee, by the treasurer of the committee.”.

(b) **Effective Date; Transition for Existing Committees.**—

(1) **In General.**—The amendment made by subsection (a) shall apply with respect to political committees which file statements of organization under section 303 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30103) on or after the date of the enactment of this Act.

(2) **Transition for Existing Committees.**—

(A) **Notification by Federal Election Commission.**—Not later than 90 days after the date of the enactment of this Act, the Federal Election Commission shall provide each political committee under such Act with the written explanation of section 319 of such Act, as required under section 303(e)(1) of such Act (as added by subsection (a)).

(B) **Acknowledgment by Committee.**—
Not later than 30 days after receiving the written explanation under subparagraph (A), each
political committee under such Act shall trans-
mit to the Federal Election Commission the
signed certification, as required under section
303(e)(2) of such Act (as added by subsection
(a)).

SEC. 1403. PROHIBITION ON CONTRIBUTIONS AND DONA-
TIONS BY FOREIGN NATIONALS IN CONN EC-
TIONS WITH BALLOT INITIATIVES AND
REFERENDA.

(a) IN GENERAL.—Section 319(a)(1)(A) of the Fed-
eral Election Campaign Act of 1971 (52 U.S.C.
30121(a)(1)(A)) is amended by striking “State, or local
election” and inserting the following: “State, or local elec-
tion, including a State or local ballot initiative or ref-
endum”.

(b) EFFECTIVE DATE.—The amendment made by
this section shall apply with respect to elections held in
2022 or any succeeding year.
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.

(a) Prohibition; Disclosure.—Section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114) is amended by adding at the end the following new subsection:

“(d) Prohibiting Compensation of Spouses; Disclosure of Payments to Spouses and Family Members.—

“(1) Prohibiting compensation of spouses.—Notwithstanding any other provision of this Act, no authorized committee of a candidate or any other political committee established, maintained, or controlled by a candidate or an individual holding Federal office (other than a political committee of a political party) shall directly or indirectly compensate the spouse of the candidate or individual (as the case may be) for services provided to or on behalf of the committee.
“(2) Disclosure of payments to spouses and immediate family members.—In addition to any other information included in a report submitted under section 304 by a committee described in paragraph (1), the committee shall include in the report a separate statement of any payments, including direct or indirect compensation, made to the spouse or any immediate family member of the candidate or individual involved during the period covered by the report.

“(3) Immediate family member defined.—In this subsection, the term ‘immediate family member’ means the son, daughter, son-in-law, daughter-in-law, mother, father, brother, sister, brother-in-law, sister-in-law, or grandchild of the candidate or individual involved.”.

(b) Conforming Amendment.—Section 313(a)(1) of such Act (52 U.S.C. 30114(a)(1)) is amended by striking “for otherwise” and inserting “subject to subsection (d), for otherwise”.

SEC. 1502. IMPOSITION OF PENALTY AGAINST CANDIDATE OR OFFICEHOLDER.

(a) In General.—Section 309 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109) is amended by adding at the end the following new subsection:
“(e) In the case of a violation of section 313(d) committed by a committee described in such section, if the candidate or individual involved knew of the violation, any penalty imposed under this section shall be imposed on the candidate or individual and not on the committee.”

(b) **Prohibiting Reimbursement by Committee.**—Section 313(d) of such Act (52 U.S.C. 30114(d)), as added by section 1501(a), is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) **Prohibiting Reimbursement by Committee of Penalty Paid by Candidate for Violations.**—A committee described in paragraph (1) may not make any payment to reimburse the candidate or individual involved for any penalty imposed for a violation of this subsection which is required to be paid by the candidate or individual under section 309(e).”

**SEC. 1503. EFFECTIVE DATE.**

The amendments made by this title shall apply with respect to compensation and payments made on or after the date of enactment of this Act.
TITLE XVI—PROTECTING ELECTION OFFICIALS FROM DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

SEC. 1601. SHORT TITLE.

This title may be cited as the “Election Officials Protection Act”.

SEC. 1602. REQUIRING STATES TO MAINTAIN LIST OF ELECTION OFFICIALS PROTECTED FROM DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) REQUIREMENT.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended by inserting after section 303 the following new section:

“SEC. 303A. MAINTENANCE OF LIST OF ELECTION OFFICIALS PROTECTED FROM DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.

“(a) IN GENERAL.—The office of the chief State election official of a State shall establish a program under which the office shall maintain a list of election officials whose personally identifiable information is protected from disclosure and kept confidential under the Election Officials Protection Act.

“(b) ELIGIBILITY FOR PARTICIPATION IN PROGRAM.—
“(1) CONTENTS OF APPLICATION.—An election official is eligible to be a program participant in the program established under this section if the official submits to the office of the chief State election official an application, at such time and in such form as the official may require, which contains the following information and assurances:

“(A) Documentation showing that the applicant is to commence service as an election official in the State or is currently serving as an election official in the State.

“(B) A sworn statement that the applicant fears for his or her safety or the safety of his or her family, or the safety of the minor or incapacitated person on whose behalf the application is made, due to his or her service as an election official.

“(C) Any police, court, or other government agency records or files that show any complaints of alleged threats or acts of violence against the applicant.

“(D) The signature of the applicant and of any individual or representative of any office designated in writing who assisted in the prepa-
ration of the application, and the date on which
the applicant signed the application.

“(E) Such other information and assur-
ances as the chief State election official may re-
quire.

“(2) Period of participation.—Upon filing
a properly completed application under this sub-
section, the chief State election official shall certify
the applicant as a program participant for a period
of 4 years following the date of filing, unless the ap-
plicant’s participation in the program is terminated
before that date as provided under subsection (d).

“(c) Additional notice to program participants.—The office of the chief State election official shall
provide each program participant a notice in clear and
conspicuous font that contains all of the following infor-
mation:

“(1) The program participant may create a rev-
ocable living trust and place his or her real property
into the trust to protect his or her residential street
address from disclosure in real property trans-
actions.

“(2) The program participant may obtain a
change of his or her legal name to protect his or her
anonymity.
“(3) A list of contact information for entities that the program participant may contact to receive information on, or receive legal services for, the creation of a trust to hold real property or obtaining a name change, including county bar associations, legal aid societies, State and local agencies, or other nonprofit organizations that may be able to assist program participants.

“(d) TERMINATION OF PARTICIPATION.—

“(1) GROUNDS FOR TERMINATION.—The chief State election official may terminate a program participant’s participation in the program for any of the following reasons:

“(A) The program participant submits to the chief State election official written notification of withdrawal, in which case the participation shall be terminated on the date of receipt of the notification.

“(B) The program participant’s certification term has expired and the participant did not complete an application for renewal of the certification.

“(C) The chief State election official determines that false information was used in the application process to qualify as a program par-
participant or that participation in the program is being used as a subterfuge to avoid detection of illegal or criminal activity or apprehension by law enforcement.

“(D) The program participant fails to disclose a change in the participant’s status as an election official.

“(2) APPEAL.—Except in the case of a termination on the grounds described in subparagraph (A) of paragraph (1), the chief State election official shall send written notification of the intended termination to the program participant. The program participant shall have 30 business days in which to appeal the termination under procedures developed by the chief State election official.

“(3) NOTIFICATION OF LOCAL OFFICES.—The chief State election official shall notify in writing the appropriate local election officials, county clerks, and local recording offices of the program participant’s termination of participation in the program. Upon receipt of this termination notification, such officials, clerks, and offices—

“(A) shall transmit to the chief State election official all appropriate administrative
records pertaining to the program participant; and

“(B) shall no longer be responsible for maintaining the confidentiality of the program participant’s record.

“(4) TREATMENT OF RECORDS.—

“(A) CONFIDENTIALITY.—Upon termination of a program participant’s certification, the chief State election official shall retain records as follows:

“(I) Except as provided in subparagraph (B), any records or documents pertaining to a program participant shall be held confidential.

“(ii) All records or documents pertaining to a program participant shall be retained for a period of three years after termination of certification and then destroyed without further notice.

“(B) EXCEPTION FOR TERMINATION BASED ON FALSE INFORMATION OR SUBTERFUGE.—In the case of a termination on the grounds described in subparagraph (C) of paragraph (1), the chief State election official may
disclose information contained in the participant’s application.

“(e) DEFINITIONS.—

“(1) ELECTION OFFICIAL.—In this section, an ‘election official’ with respect to a State is any individual, including a volunteer, who is authorized by the State to carry out duties relating to the administration of elections for Federal office held in the State.

“(2) MEMBER OF THE IMMEDIATE FAMILY.—In this section, the term ‘member of the immediate family’ means, with respect to an individual, a spouse, domestic partner, child, stepchild, parent, or any blood relative of an individual who lives in the same residence as the individual.

“(3) PERSONALLY IDENTIFIABLE INFORMATION.—The term ‘personally identifiable information’ means, with respect to any individual—

“(A) a home address, including a primary residence or vacation home address;

“(B) a home, personal mobile, or direct telephone line to a private office or residence;

“(C) a personal email address;
“(D) a social security number, driver’s license number, or voter registration information that includes a home address;

“(E) a bank account or credit or debit card information;

“(F) property tax records or any property ownership records, including a secondary residence and any investment property at which the individual resides for part of a year;

“(G) birth and marriage records;

“(H) vehicle registration information;

“(I) the identification of children of the individual under the age of 18;

“(J) the date of birth;

“(K) directions to a home of the individual or a member of the immediate family of the individual;

“(L) a photograph of any vehicle including the license plate or of a home including an address of the individual or member of the immediate family of the individual;

“(M) the name and location of a school or day care facility attended by a child of the individual or by a child of a member of the immediate family of the individual; or
“(N) the name and location of an employer
of the individual or a member of the immediate
family of the individual.”.

(b) CONFORMING AMENDMENT RELATING TO EN-
FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
is amended by striking “and 303” and inserting “303, and
303A”.

(c) CLERICAL AMENDMENT.—The table of contents
of such Act is amended by inserting after the item relating
to section 303 the following:

“Sec. 303A. Maintenance of list of election officials protected from disclosure
of personally identifiable information.”.

(d) EFFECTIVE DATE.—The amendments made by
this section shall take effect September 1, 2022.

SEC. 1603. PROHIBITING PERSONS FROM MAKING INFOR-
MATION ON PROGRAM PARTICIPANTS AVAIL-
ABLE.

(a) REQUIREMENTS FOR PERSONS RECEIVING RE-
QUESTS FROM PROGRAM PARTICIPANTS.—If any person,
including a business or association and a local government
or other public entity, receives a written request from an
individual who is a program participant under the pro-
gram established by a State under section 303A of the
Help America Vote Act of 2002 (hereafter referred to as
a “program participant”) or the agent of a program par-
participant to not disclose the participant’s personally identifiable information—

(1) such person may not knowingly post or publicly display the participant’s personally identifiable information on the Internet, including on any website or subsidiary website controlled by such person;

(2) such person may not knowingly transfer for consideration the participant’s personally identifiable information to any other person, including a business or association, through any medium;

(3) if the participant or the agent of the participant includes information in the written request to indicate that the disclosure of the participant’s personally identifiable information would cause or threaten to cause imminent great bodily harm to the participant or a member of the immediate family of the participant, such person may not knowingly transfer without consideration the participant’s personally identifiable information to any other person, including a business or association, through any medium; and

(4) if, prior to receiving the request, such person publicly displayed the participant’s personally identifiable information on the Internet on any
website or subsidiary website controlled by such per-
son, such person shall remove the information from
such websites not later than 72 hours after receiving
the request.

(b) Enforcement.—

(1) Action for injunctive or declaratory
relief.—A program participant who is aggrieved
by a violation of subsection (a) or subsection (b)
may bring an action seeking injunctive or declar-
atory relief in any court of competent jurisdiction. If
the court grants injunctive or declaratory relief, the
person responsible for the violation shall be required
to pay the participant’s costs and reasonable attor-
ney’s fees.

(2) Action for damages.—

(A) In general.—A program participant
who is aggrieved by a violation of subsection (a)
or subsection (b) may bring an action for dam-
ages in any court of competent jurisdiction.

(B) Damages.—A prevailing plaintiff in
an action described in subparagraph (A) shall,
for each violation, be awarded damages in an
amount determined by the court, except that
such amount—
(i) may not exceed 3 times the actual
   damages to the plaintiff; and
(ii) may not be less than $10,000.

(c) Definitions.—In this section, the terms “member of the immediate family” and “personally identifiable information” have the meaning given such terms in section 303A of the Help America Vote Act of 2002.

(d) Severability.—If any provision of this section, or the application of a provision of this section to any person or circumstance, is held to be unconstitutional, the remainder of this section, and the application of the provisions of this section to any person or circumstance, shall not be affected by the holding.

TITLE XVII—CYBERSECURITY GUIDANCE FOR CAMPAIGNS

SEC. 1701. ISSUANCE OF CYBERSECURITY GUIDANCE AND BEST PRACTICES FOR CAMPAIGNS BY FEDERAL ELECTION COMMISSION.

(a) In General.—Section 311 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30111) is amended by adding at the end the following new subsection:

“(g) Issuance of Cybersecurity Guidance and Best Practices.—

“(1) Issuance.—In consultation with the Directory of the National Institute of Standards and
Technology, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and such other offices of the government as the Commission considers appropriate, the Commission shall issue—

“(A) guidance for political committees and vendors on cybersecurity risks, including threats to the databases of such committees; and

“(B) best practices for political committees to protect their databases from such threats.

“(2) UPDATES.—The Commission shall regularly issue updated versions of the guidance and best practices described in paragraph (1).”.

(b) DEADLINE.—The Federal Election Commission shall issue the first guidance and best practices under section 311(g) of the Federal Election Campaign Act of 1971, as added by subsection (a), not later than 6 months after the date of the enactment of this Act.
TITLE XVIII—DETERMINATION OF NUMBER OF EMPLOYEES WITH SECURITY CLEARANCES

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.

For purposes of any Rule or regulation of the House of Representatives which limits the number of employees of the office of a Member of the House (including a Delegate or Resident Commissioner to the Congress) who are permitted to have security clearances, an employee of the office who has a valid security clearance which the employee obtained prior to becoming an employee of the Member’s office shall not be included in the determination of the number of employees of the office who have security clearances.

SEC. 1802. EXERCISE OF RULEMAKING AUTHORITY.

This title is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House of Representatives, and it supersedes other rules only to the extent that it is inconsistent with such rules; and
(2) with full recognition of the constitutional
right of the House of Representatives to change the
rules (so far as relating to the procedure of the
House) at any time, in the same manner, and to the
same extent as in the case of any other rule of the
House.

TITLE XIX—HONEST ADS

SEC. 1901. SHORT TITLE.

This title may be cited as the “Honest Ads Act”.

SEC. 1902. PURPOSE.

The purpose of this title is to enhance the integrity
of American democracy and national security by improving
disclosure requirements for online political advertisements
in order to uphold the Supreme Court’s well-established
standard that the electorate bears the right to be fully in-
formed.

SEC. 1903. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the dramatic increase in digital political ad-
vertisements, and the growing centrality of online
platforms in the lives of Americans, requires the
Congress and the Federal Election Commission to
take meaningful action to ensure that laws and reg-
ulations provide the accountability and transparency
that is fundamental to our democracy;
(2) free and fair elections require both transparency and accountability which give the public a right to know the true sources of funding for political advertisements in order to make informed political choices and hold elected officials accountable; and

(3) transparency of funding for political advertisements is essential to enforce other campaign finance laws, including the prohibition on campaign spending by foreign nationals.

SEC. 1904. EXPANSION OF DEFINITION OF PUBLIC COMMUNICATION.

(a) IN GENERAL.—Paragraph (22) of section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(22)) is amended by striking “or satellite communication” and inserting “satellite, paid internet, or paid digital communication”.

(b) TREATMENT OF CONTRIBUTIONS AND EXPENDITURES.—Section 301 of such Act (52 U.S.C. 30101) is amended—

(1) in paragraph (8)(B)(v), by striking “on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising” and inserting “in any public communication”; and
(2) in paragraph (9)(B)—

(A) by amending clause (i) to read as fol-

low:

“(i) any news story, commentary, or
editorial distributed through the facilities
of any broadcasting station or any print,
online, or digital newspaper, magazine,
blog, publication, or periodical, unless such
broadcasting, print, online, or digital facili-
ties are owned or controlled by any polit-
ical party, political committee, or can-
didate;”; and

(B) in clause (iv), by striking “on broad-
casting stations, or in newspapers, magazines,
or similar types of general public political ad-
vertising” and inserting “in any public commu-
nication”.

(c) DISCLOSURE AND DISCLAIMER STATEMENTS.—

Subsection (a) of section 318 of such Act (52 U.S.C.
30120) is amended—

(1) by striking “financing any communication
through any broadcasting station, newspaper, maga-
zine, outdoor advertising facility, mailing, or any
other type of general public political advertising”
and inserting “financing any public communication”; and

(2) by striking “solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising” and inserting “solicits any contribution through any public communication”.

SEC. 1905. EXPANSION OF DEFINITION OF ELECTIONEERING COMMUNICATION.

(a) Expansion to Online Communications.—

(1) Application to Qualified Internet and Digital Communications.—

(A) In General.—Subparagraph (A) of section 304(f)(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(f)(3)(A)) is amended by striking “or satellite communication” each place it appears in clauses (i) and (ii) and inserting “satellite, or qualified internet or digital communication”.

(B) Qualified Internet or Digital Communication.—Paragraph (3) of section 304(f) of such Act (52 U.S.C. 30104(f)) is amended by adding at the end the following new subparagraph:
“(D) QUALIFIED INTERNET OR DIGITAL
COMMUNICATION.—The term ‘qualified internet
or digital communication’ means any commu-
ication which is placed or promoted for a fee
on an online platform (as defined in subsection
(k)(3)).”.

(2) NONAPPLICATION OF RELEVANT ELEC-
TORATE TO ONLINE COMMUNICATIONS.—Section
304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
30104(f)(3)(A)(i)(III)) is amended by inserting “any
broadcast, cable, or satellite” before “communica-
tion”.

(3) NEWS EXEMPTION.—Section
304(f)(3)(B)(i) of such Act (52 U.S.C.
30104(f)(3)(B)(i)) is amended to read as follows:

“(i) a communication appearing in a
news story, commentary, or editorial dis-
tributed through the facilities of any
broadcasting station or any online or dig-
ital newspaper, magazine, blog, publica-
tion, or periodical, unless such broad-
casting, online, or digital facilities are
owned or controlled by any political party,
political committee, or candidate;”.
(b) Effective Date.—The amendments made by this section shall apply with respect to communications made on or after January 1, 2022.

SEC. 1906. APPLICATION OF DISCLAIMER STATEMENTS TO ONLINE COMMUNICATIONS.

(a) Clear and Conspicuous Manner Requirement.—Subsection (a) of section 318 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120(a)) is amended—

(1) by striking “shall clearly state” each place it appears in paragraphs (1), (2), and (3) and inserting “shall state in a clear and conspicuous manner”; and

(2) by adding at the end the following flush sentence: “For purposes of this section, a communication does not make a statement in a clear and conspicuous manner if it is difficult to read or hear or if the placement is easily overlooked.”.

(b) Special Rules for Qualified Internet or Digital Communications.—

(1) In General.—Section 318 of such Act (52 U.S.C. 30120) is amended by adding at the end the following new subsection:

“(e) Special Rules for Qualified Internet or Digital Communications.—
“(1) **Special rules with respect to statements.**—In the case of any qualified internet or digital communication (as defined in section 304(f)(3)(D)) which is disseminated through a medium in which the provision of all of the information specified in this section is not possible, the communication shall, in a clear and conspicuous manner—

“(A) state the name of the person who paid for the communication; and

“(B) provide a means for the recipient of the communication to obtain the remainder of the information required under this section with minimal effort and without receiving or viewing any additional material other than such required information.

“(2) **Safe harbor for determining clear and conspicuous manner.**—A statement in qualified internet or digital communication (as defined in section 304(f)(3)(D)) shall be considered to be made in a clear and conspicuous manner as provided in subsection (a) if the communication meets the following requirements:

“(A) **Text or graphic communications.**—In the case of a text or graphic communication, the statement—
“(i) appears in letters at least as large as the majority of the text in the communication; and

“(ii) meets the requirements of paragraphs (2) and (3) of subsection (c).

“(B) AUDIO COMMUNICATIONS.—In the case of an audio communication, the statement is spoken in a clearly audible and intelligible manner at the beginning or end of the communication and lasts at least 3 seconds.

“(C) VIDEO COMMUNICATIONS.—In the case of a video communication which also includes audio, the statement—

“(i) is included at either the beginning or the end of the communication; and

“(ii) is made both in—

“(I) a written format that meets the requirements of subparagraph (A) and appears for at least 4 seconds; and

“(II) an audible format that meets the requirements of subparagraph (B).

“(D) OTHER COMMUNICATIONS.—In the case of any other type of communication, the
statement is at least as clear and conspicuous as the statement specified in subparagraph (A), (B), or (C).”.

(2) NONAPPLICATION OF CERTAIN EXCEPTIONS.—The exceptions provided in section 110.11(f)(1)(i) and (ii) of title 11, Code of Federal Regulations, or any successor to such rules, shall have no application to qualified internet or digital communications (as defined in section 304(f)(3)(D) of the Federal Election Campaign Act of 1971).

(c) MODIFICATION OF ADDITIONAL REQUIREMENTS FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such Act (52 U.S.C. 30120(d)) is amended—

(1) in paragraph (1)(A)—

(A) by striking “which is transmitted through radio” and inserting “which is in an audio format”; and

(B) by striking “BY RADIO” in the heading and inserting “AUDIO FORMAT”; and

(2) in paragraph (1)(B)—

(A) by striking “which is transmitted through television” and inserting “which is in video format”; and

(B) by striking “BY TELEVISION” in the heading and inserting “VIDEO FORMAT”; and
(3) in paragraph (2)—

(A) by striking “transmitted through radio or television” and inserting “made in audio or video format”; and

(B) by striking “through television” in the second sentence and inserting “in video format”.

SEC. 1907. POLITICAL RECORD REQUIREMENTS FOR ONLINE PLATFORMS.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104), as amended by section 1301(a)(1), is further amended by adding at the end the following new subsection:

“(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISEMENTS.—

“(1) IN GENERAL.—

“(A) REQUIREMENTS FOR ONLINE PLATFORMS.—An online platform shall maintain, and make available for online public inspection in machine readable format, a complete record of any request to purchase on such online platform a qualified political advertisement which is made by a person whose aggregate requests to purchase qualified political advertisements on
such online platform during the calendar year exceeds $500.

“(B) Requirements for advertisers.—Any person who requests to purchase a qualified political advertisement on an online platform shall provide the online platform with such information as is necessary for the online platform to comply with the requirements of subparagraph (A).

“(2) Contents of record.—A record maintained under paragraph (1)(A) shall contain—

“(A) a digital copy of the qualified political advertisement;

“(B) a description of the audience targeted by the advertisement, the number of views generated from the advertisement, and the date and time that the advertisement is first displayed and last displayed; and

“(C) information regarding—

“(i) the average rate charged for the advertisement;

“(ii) the name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, the election to which the advertisement—
ment refers, or the national legislative
issue to which the advertisement refers (as
applicable);

“(iii) in the case of a request made
by, or on behalf of, a candidate, the name
of the candidate, the authorized committee
of the candidate, and the treasurer of such
committee; and

“(iv) in the case of any request not
described in clause (iii), the name of the
person purchasing the advertisement, the
name and address of a contact person for
such person, and a list of the chief execu-
tive officers or members of the executive
committee or of the board of directors of
such person, and, if the person purchasing
the advertisement is acting as the agent of
a foreign principal under the Foreign
Agents Registration Act of 1938, as
amended (22 U.S.C. 611 et seq.), a state-
ment that the person is acting as the agent
of a foreign principal and the identification
of the foreign principal involved.

“(3) ONLINE PLATFORM.—For purposes of this
subsection, the term ‘online platform’ means any
public-facing website, web application, or digital application (including a social network, ad network, or search engine) which—

“(A) sells qualified political advertisements; and

“(B) has 50,000,000 or more unique monthly United States visitors or users for a majority of months during the preceding 12 months.

“(4) QUALIFIED POLITICAL ADVERTISEMENT.—

For purposes of this subsection, the term ‘qualified political advertisement’ means any advertisement (including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships) that—

“(A) is made by or on behalf of a candidate; or

“(B) communicates a message relating to any political matter of national importance, including—

“(i) a candidate;

“(ii) any election to Federal office; or

“(iii) a national legislative issue of public importance.
“(5) TIME TO MAINTAIN FILE.—The information required under this subsection shall be made available as soon as possible and shall be retained by the online platform for a period of not less than 4 years.

“(6) SAFE HARBOR FOR PLATFORMS MAKING BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE SUBJECT TO RECORD MAINTENANCE REQUIREMENTS.—In accordance with rules established by the Commission, if an online platform shows that the platform used best efforts to determine whether or not a request to purchase a qualified political advertisement was subject to the requirements of this subsection, the online platform shall not be considered to be in violation of such requirements.

“(7) PENALTIES.—For penalties for failure by online platforms, and persons requesting to purchase a qualified political advertisement on online platforms, to comply with the requirements of this subsection, see section 309.”.

(b) RULEMAKING.—Not later than 120 days after the date of the enactment of this Act, the Federal Election Commission shall establish rules—

(1) requiring common data formats for the record required to be maintained under section
304(k) of the Federal Election Campaign Act of 1971 (as added by subsection (a)) so that all online platforms submit and maintain data online in a common, machine-readable and publicly accessible format;

(2) establishing search interface requirements relating to such record, including searches by candidate name, issue, purchaser, and date; and

(3) establishing the criteria for the safe harbor exception provided under paragraph (6) of section 304(k) of such Act (as added by subsection (a)).

(c) REPORTING.—Not later than 2 years after the date of the enactment of this Act, and biannually thereafter, the Chairman of the Federal Election Commission shall submit a report to Congress on—

(1) matters relating to compliance with and the enforcement of the requirements of section 304(k) of the Federal Election Campaign Act of 1971, as added by subsection (a);

(2) recommendations for any modifications to such section to assist in carrying out its purposes; and

(3) identifying ways to bring transparency and accountability to political advertisements distributed online for free.
SEC. 1908. PREVENTING CONTRIBUTIONS, EXPENDITURES, INDEPENDENT EXPENDITURES, AND DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS BY FOREIGN NATIONALS IN THE FORM OF ONLINE ADVERTISING.

Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121), as amended by section 1401(a), is further amended by adding at the end the following new subsection:

“(d) Responsibilities of Broadcast Stations, Providers of Cable and Satellite Television, and Online Platforms.—

“(1) Responsibilities described.—Each television or radio broadcast station, provider of cable or satellite television, or online platform (as defined in section 304(k)(3)) shall make reasonable efforts to ensure that communications described in section 318(a) and made available by such station, provider, or platform are not purchased by a foreign national, directly or indirectly. For purposes of the previous sentence, a station, provider, or online platform shall not be considered to have made reasonable efforts under this paragraph in the case of the availability of a communication unless the station, provider, or online platform directly inquires from the individual or entity making such purchase whether the pur-
chase is to be made by a foreign national, directly or indirectly.

“(2) Special rules for disbursement paid with credit card.—For purposes of paragraph (1), a television or radio broadcast station, provider of cable or satellite television, or online platform shall be considered to have made reasonable efforts under such paragraph in the case of a purchase of the availability of a communication which is made with a credit card if—

“(A) the individual or entity making such purchase is required, at the time of making such purchase, to disclose the credit verification value of such credit card; and

“(B) the billing address associated with such credit card is located in the United States or, in the case of a purchase made by an individual who is a United States citizen living outside of the United States, the individual provides the television or radio broadcast station, provider of cable or satellite television, or online platform with the United States mailing address the individual uses for voter registration purposes.”.
SEC. 1909. INDEPENDENT STUDY ON MEDIA LITERACY AND ONLINE POLITICAL CONTENT CONSUMPTION.

(a) Independent Study.—Not later than 30 days after the date of enactment of this Act, the Federal Election Commission shall commission an independent study and report on media literacy with respect to online political content consumption among voting-age Americans.

(b) Elements.—The study and report under subsection (a) shall include the following:

(1) An evaluation of media literacy skills, such as the ability to evaluate sources, synthesize multiple accounts into a coherent understanding of an issue, understand the context of communications, and responsibly create and share information, among voting-age Americans.

(2) An analysis of the effects of media literacy education and particular media literacy skills on the ability to critically consume online political content, including political advertising.

(3) Recommendations for improving voting-age Americans’ ability to critically consume online political content, including political advertising.

(c) Deadline.—Not later than 270 days after the date of enactment of this Act, the entity conducting the study and report under subsection (a) shall submit the report to the Commission.
(d) Submission to Congress.—Not later than 30 days after receiving the report under subsection (e), the Commission shall submit the report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, together with such comments on the report as the Commission considers appropriate.

(e) Definition of Media Literacy.—The term “media literacy” means the ability to—

(1) access relevant and accurate information through media;

(2) critically analyze media content and the influences of media;

(3) evaluate the comprehensiveness, relevance, credibility, authority, and accuracy of information;

(4) make educated decisions based on information obtained from media and digital sources;

(5) operate various forms of technology and digital tools; and

(6) reflect on how the use of media and technology may affect private and public life.
TITLE XX—PROHIBITING USE OF DEEPFAKES IN ELECTION CAMPAIGNS

SEC. 2001. PROHIBITION ON DISTRIBUTION OF MATERIALLY DECEPTIVE AUDIO OR VISUAL MEDIA PRIOR TO ELECTION.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is amended by adding at the end the following new section:

"SEC. 325. PROHIBITION ON DISTRIBUTION OF MATERIALLY DECEPTIVE MEDIA PRIOR TO ELECTION.

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), a person, political committee, or other entity shall not, within 60 days of a election for Federal office at which a candidate for elective office will appear on the ballot, distribute, with actual malice, materially deceptive audio or visual media of the candidate with the intent to injure the candidate’s reputation or to deceive a voter into voting for or against the candidate.

"(b) EXCEPTION.—

"(1) REQUIRED LANGUAGE.—The prohibition in subsection (a) does not apply if the audio or visual media includes—
“(A) a disclosure stating: “This ______ has been manipulated.”; and
“(B) filled in the blank in the disclosure under subparagraph (A), the term ‘image’, ‘video’, or ‘audio’, as most accurately describes the media.

“(2) VISUAL MEDIA.—For visual media, the text of the disclosure shall appear in a size that is easily readable by the average viewer and no smaller than the largest font size of other text appearing in the visual media. If the visual media does not include any other text, the disclosure shall appear in a size that is easily readable by the average viewer. For visual media that is video, the disclosure shall appear for the duration of the video.

“(3) AUDIO-ONLY MEDIA.—If the media consists of audio only, the disclosure shall be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than 2 minutes in length, interspersed within the audio at intervals of not greater than 2 minutes each.

“(c) INAPPLICABILITY TO CERTAIN ENTITIES.—This section does not apply to the following:
“(1) A radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, that broadcasts materially deceptive audio or visual media prohibited by this section as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona fide news events, if the broadcast clearly acknowledges through content or a disclosure, in a manner that can be easily heard or read by the average listener or viewer, that there are questions about the authenticity of the materially deceptive audio or visual media.

“(2) A radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, when it is paid to broadcast materially deceptive audio or visual media.

“(3) An internet website, or a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest, and that publishes materially deceptive audio or visual media prohibited by this section, if the publication clearly states that the materially deceptive audio or visual media does
not accurately represent the speech or conduct of the
candidate.

“(4) Materially deceptive audio or visual media
that constitutes satire or parody.

“(d) CIVIL ACTION.—

“(1) INJUNCTIVE OR OTHER EQUITABLE RELIEF.—A candidate for elective office whose voice or
likeness appears in a materially deceptive audio or
visual media distributed in violation of this section
may seek injunctive or other equitable relief prohib-
iting the distribution of audio or visual media in vio-
lation of this section. An action under this para-
graph shall be entitled to precedence in accordance
with the Federal Rules of Civil Procedure.

“(2) DAMAGES.—A candidate for elective office
whose voice or likeness appears in a materially de-
ceptive audio or visual media distributed in violation
of this section may bring an action for general or
special damages against the person, committee, or
other entity that distributed the materially deceptive
audio or visual media. The court may also award a
prevailing party reasonable attorney’s fees and costs.
This paragraph shall not be construed to limit or
preclude a plaintiff from securing or recovering any
other available remedy.
“(3) Burden of Proof.—In any civil action alleging a violation of this section, the plaintiff shall bear the burden of establishing the violation through clear and convincing evidence.

“(e) Rule of Construction.—This section shall not be construed to alter or negate any rights, obligations, or immunities of an interactive service provider under section 230 of title 47, United States Code.

“(f) Materially Deceptive Audio or Visual Media Defined.—In this section, the term ‘materially deceptive audio or visual media’ means an image or an audio or video recording of a candidate’s appearance, speech, or conduct that has been intentionally manipulated in a manner such that both of the following conditions are met:

“(1) The image or audio or video recording would falsely appear to a reasonable person to be authentic.

“(2) The image or audio or video recording would cause a reasonable person to have a fundamentally different understanding or impression of the expressive content of the image or audio or video recording than that person would have if the person were hearing or seeing the unaltered, original version of the image or audio or video recording.”.
(b) Criminal Penalties.—Section 309(d)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(d)(1)), as amended by section 1303, is further amended by adding at the end the following new subparagraph:

“(G) Any person who knowingly and willfully commits a violation of section 325 shall be fined not more than $100,000, imprisoned not more than 5 years, or both.”.

(c) Effect on Defamation Action.—For purposes of an action for defamation, a violation of section 325 of the Federal Election Campaign Act of 1971, as added by subsection (a), shall constitute defamation per se.

TITLE XXI—ASSISTANCE FOR TRANSITION TO RANKED CHOICE VOTING

SEC. 2101. SHORT TITLE.

This title may be cited as the “Voter Choice Act”.

SEC. 2102. ASSISTANCE FOR TRANSITION TO RANKED CHOICE VOTING.

(a) In General.—Title V of the Help America Vote Act of 2002 (52 U.S.C. 21121 et seq.) is amended by adding at the end the following:
Subtitle B—Ranked Choice Voting Program

SEC. 511. RANKED CHOICE VOTING PROGRAM.

(a) Definition of Ranked Choice Voting System.—For purposes of this subtitle, the term ‘ranked choice voting system’ means a set of election methods which allow each voter to rank contest options in order of the voter’s preference, in which votes are counted in rounds using a series of runoff tabulations to defeat contest options with the fewest votes, and which elects a winner with a majority of final round votes in a single-winner contest and provides proportional representation in multi-winner contests.

(b) Program.—The Commission shall establish a program under which the Commission—

(1) provides technical assistance to State and local governments that are considering whether to make, or that are in the process of making, a transition to a ranked choice voting system for Federal, State, or local elections; and

(2) awards grants to States and local government to support the transition to a ranked choice voting system, including through the acquisition of voting equipment and tabulation software, appro-
priate ballot design, the development and publication of educational materials, and voter outreach.

“(c) Rules for Grants.—

“(1) Selection of Grant Recipients.—To the extent possible, the Commission shall award grants under subsection (b)(2) to areas that represent a diversity of jurisdictions with respect to geography, population characteristics, and population density.

“(2) Award Limitation.—The amount of any grant awarded under subsection (b)(2) shall not exceed 50 percent of the cost of the activities covered by the grant.


“(a) In General.—In addition to any funds authorized to be appropriated to the Commission under section 210, there are authorized to be appropriated to carry out this subtitle $40,000,000 for fiscal year 2022.

“(b) Availability of Funds.—Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.”.

(b) Conforming Amendments.—

(1) Section 202(6) of the Help America Vote Act of 2002 (52 U.S.C. 20922) is amended by strik-
ing “the Help America Vote College Program under
title V” and inserting “the programs under title V”.

(2) Title V of the Help America Vote Act of
2002 (52 U.S.C. 21121 et seq.) is amended by strik-
ing the matter preceding section 501 and inserting
the following:

“TITLE V—ELECTION
ASSISTANCE PROGRAMS

“Subtitle A—Help America Vote
College Program”.

(3) Section 503 of such Act (52 U.S.C. 21123)
is amended by striking “title” and inserting “sub-
title”.

(4) The table of sections of the Help America
Vote Act of 2002 is amended—

(A) by striking the item relating to title V
and inserting the following:

“TITLE V—ELECTION ASSISTANCE PROGRAMS

“Subtitle A—Help America Vote College Program”;

and

(B) by inserting after the item relating to
section 503 the following:

“Subtitle B—Ranked Choice Voting Program

“Sec. 511. Ranked choice voting program.
“Sec. 512. Authorization of appropriations.”.
DIVISION D—SEVERABILITY

TITLE XXII—SEVERABILITY

SEC. 2201. SEVERABILITY.

If any provision of this Act or any amendment made
by this Act, or the application of a provision of this Act
or an amendment made by this Act to any person or cir-
cumstance, is held to be unconstitutional, the remainder
of this Act, and the application of the provisions to any
person or circumstance, shall not be affected by the hold-
ing.

SEC. 2202. PROHIBITION ON USE OF FEDERAL PROPERTY

FOR POLITICAL CONVENTIONS.

(a) In general.—Chapter 29 of title 18, United
States Code, is amended by inserting after section 611 the
following:

“§ 612. Prohibition on use of Federal property for
certain political activities

“(a) A convention of a national political party held
to nominate a candidate for the office of President or Vice
President may not be held on or in any Federal property.

“(b) Any candidate or the authorized committee of
the candidate under the Federal Election Campaign Act
of 1971 which was responsible for a convention in violation
of subsection (a) shall be subject to an assessment of a
civil penalty equal to the fair market value of the cost of
the convention or $50,000, whichever is greater, or imprisoned not more than five years, or both.

“(c) In this section, the term ‘Federal property’ means any building, land, or other real property owned, leased, or occupied by any department, agency, or instrumentality of the United States, including the White House grounds and the White House (including the Old Executive Office Building, the West Wing, the East Wing, the Rose Garden, and the Executive Residence, but not including the second floor of the Executive Residence).”.

(b) Clerical Amendment.—The table of sections for such chapter is amended by inserting after the item relating to section 611 the following:

“612. Prohibition on use of Federal property for certain political activities.”.

(c) Application.—

(1) In general.—This Act and the amendments made by this Act shall apply to any convention described in section 612(a) of title 18, United States Code, as added by subsection (a), occurring on or after the date of enactment of this Act.

(2) Travel.—Nothing in this Act or the amendments made by this Act shall be construed to limit or otherwise prevent the President or Vice President from using vehicles (including aircraft) owned or leased by the Government for travel to or from any such convention.
SEC. 2203. IMPROVING ACCESS TO INFLUENTIAL VISITOR ACCESS RECORDS.

(a) DEFINITIONS.—In this section:

(1) COVERED LOCATION.—The term “covered location” means—

(A) the White House;

(B) the residence of the Vice President; and

(C) any other location at which the President or the Vice President regularly conducts official business.

(2) COVERED RECORDS.—The term “covered records” means information relating to a visit at a covered location, which shall include—

(A) the name of each visitor at the covered location;

(B) the name of each individual with whom each visitor described in subparagraph (A) met at the covered location; and

(C) the purpose of the visit.

(b) REQUIREMENT.—Except as provided in subsection (c), not later than 90 days after the date of enactment of this Act, the President shall establish and update, every 90 days thereafter, a publicly available database that contains covered records for the preceding 90-day period,
on a publicly available website in an easily searchable and
downloadable format.

(c) Exceptions.—

(1) In general.—The President shall not in-
clude in the database established under subsection
(b) any covered record—

(A) the posting of which would implicate
personal privacy or law enforcement concerns or
threaten national security;

(B) relating to a purely personal guest at
a covered location; or

(C) that reveals the social security number,
taxpayer identification number, birth date,
home address, or personal phone number of an
individual, the name of an individual who is less
than 18 years old, or a financial account num-
ber.

(2) Sensitive meetings.—With respect to a
particularly sensitive meeting at a covered location,
the President shall—

(A) include the number of visitors at the
covered location in the database established
under subsection (b);

(B) post the applicable covered records in
the database established under subsection (b)
when the President determines that release of
the covered records is no longer sensitive; and

(C) post any reasonably segregable portion
that is not covered by an exception described in
subsection (c) of any such excepted record on
the website described under subsection (b).

TITLE XXIII—PREVENTING A
PATRONAGE SYSTEM

SEC. 2301. LIMITATIONS ON EXCEPTION OF COMPETITIVE
SERVICE POSITIONS.

(a) IN GENERAL.—No position in the competitive
service (as defined under section 2102 of title 5, United
States Code) may be excepted from the competitive service
unless such position is placed—

(1) in any of the schedules A through E as de-
scribed in section 6.2 of title 5, Code of Federal
Regulations, as in effect on September 30, 2020;
and

(2) under the terms and conditions under part
6 of such title as in effect on such date.

(b) SUBSEQUENT TRANSFERS.—No position in the
excepted service (as defined under section 2103 of title
5, United States Code) may be placed in any schedule
other than a schedule described in subsection (a)(1).
DIVISION E—PROTECTING
ELECTION OFFICIALS

TITLE XXIV—DOJ TASK FORCE

SEC. 2401. ELECTION OFFICIALS SECURITY TASK FORCE.

The Attorney General shall establish a task force, to
be headed by the head of the Civil Rights Division of the
Department of Justice, for purposes of studying threats
or acts of violence against the people responsible for ensuring the integrity of Federal and State elections in the
United States, and their families, and to provide expertise
and resources for the identification, investigation, and
prosecution of the persons responsible for such threats and
acts, including by making referrals for criminal prosecu-
tions. The task force shall include representatives from the
following:

(1) The Federal Bureau of Investigation.

(2) The United States Marshals Service.


(4) State and local prosecutors and election of-
ficials.
(5) The Election Assistance Commission.

(6) Elections officials associations.

Passed the House of Representatives December 9, 2021.

Attest:

Clerk.
To protect our democracy by preventing abuses of presidential power, restoring checks and balances and accountability, and defending elections against foreign interference, and for other purposes.

AN ACT

H.R. 5314

117TH CONGRESS 1ST SESSION