

117TH CONGRESS
1ST SESSION

H. R. 5314

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2021

Mr. SCHIFF (for himself, Mr. HOYER, Mr. NADLER, Mrs. CAROLYN B. MALONEY of New York, Ms. LOFGREN, Mr. NEAL, Mr. YARMUTH, Mr. MEEKS, Ms. DELAURO, Mr. DEFazio, Mr. COHEN, Mr. CONNOLLY, Ms. DEAN, Ms. ESHOO, Mr. JEFFRIES, Mr. LIEU, Mr. RASKIN, Mr. SWALWELL, Ms. SPEIER, Ms. PORTER, Ms. SCANLON, Ms. ADAMS, Mr. AGUILAR, Mr. AUCHINCLOSS, Ms. BARRAGÁN, Ms. BASS, Mrs. BEATTY, Mr. BERA, Mr. BEYER, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Ms. BOURDEAUX, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. BROWNLEY, Mr. CARBAJAL, Mr. CARSON, Ms. CASTOR of Florida, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. COOPER, Mr. CORREA, Mr. COURTNEY, Mr. DANNY K. DAVIS of Illinois, Mrs. DEMINGS, Mr. DESAULNIER, Mr. DEUTCH, Mrs. DINGELL, Mr. ESPAILLAT, Mr. EVANS, Mrs. FLETCHER, Mr. GALLEG0, Mr. GARAMENDI, Ms. GARCIA of Texas, Mr. GRIJALVA, Mr. HIGGINS of New York, Mr. HIMES, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JACOBS of California, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Mr. JONES, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. KIM of New Jersey, Mr. LAMB, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Ms. LEE of California, Mr. LEVIN of Michigan, Mr. LOWENTHAL, Mr. LYNCH, Mr. MALINOWSKI, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Mrs. MCBATH, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCNERNEY, Ms. MENG, Mr. MORELLE, Mr. MOULTON, Mr. NEGUSE, Ms. NORTON, Ms. OCASIO-CORTEZ, Mr. PAYNE, Mr. PHILLIPS, Ms. PINGREE, Mr. POCAN, Mr. PRICE of North Carolina, Mr. QUIGLEY, Ms. ROSS, Ms. ROYBAL-ALLARD, Mr. RUIZ, Mr. RUSH, Mr. SARBANES, Ms. SCHAKOWSKY, Ms. SEWELL, Ms. SHERRILL, Mr. SOTO, Ms. STANSBURY, Ms. STRICKLAND, Mr. TAKANO, Mr. THOMPSON of California, Ms. TLAIB, Mrs. TORRES of California, Mr. TORRES of New York, Mr. TRONE, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILD, Ms. WILSON of Florida, and Ms. WILLIAMS of Georgia) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the

Committees on the Judiciary, the Budget, Transportation and Infrastructure, Rules, Foreign Affairs, Ways and Means, Intelligence (Permanent Select), and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Our Democ-

5 racy Act”.

6 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF** 7 **CONTENTS.**

8 (a) DIVISIONS.—This Act is organized into divisions

9 as follows:

10 (1) Division A—Preventing Abuses of Presi-

11 dential Power.

12 (2) Division B—Restoring Checks and Bal-

13 ances, Accountability, and Transparency.

14 (3) Division C—Defending Elections Against

15 Foreign Interference.

1 (4) Division D—Severability.

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

Sec. 1. Short title.

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

DIVISION A—PREVENTING ABUSES OF PRESIDENTIAL POWER

TITLE I—ABUSE OF THE PARDON POWER PREVENTION

Sec. 101. Short title.

Sec. 102. Congressional oversight relating to certain pardons.

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

Sec. 104. Prohibition on presidential self-pardon.

TITLE II—ENSURING NO PRESIDENT IS ABOVE THE LAW

Sec. 201. Short title.

Sec. 202. Tolling of statute of limitations.

TITLE III—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.

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.

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.

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

- Sec. 521. Requirement to respond to requests for information from the Government Accountability Office 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.

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. Emergency and overseas contingency operations designations by Congress in statute.

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.

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.

Sec. 902. Clarification of Federal Vacancies Reform Act of 1998.

TITLE X—STRENGTHENING HATCH ACT ENFORCEMENT AND PENALTIES

Sec. 1001. Short title.

Sec. 1002. Strengthening Hatch Act enforcement and penalties against political appointees.

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—DEFENDING ELECTIONS AGAINST FOREIGN INTERFERENCE

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.

DIVISION D—SEVERABILITY

TITLE XV—SEVERABILITY

Sec. 1501. Severability.

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

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

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

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

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

17 (1) all materials obtained or produced by the
 18 prosecution team, including the Attorney General

1 and any United States Attorney, and all materials
2 obtained or prepared by any investigative agency of
3 the United States Government, relating to the of-
4 fense for which the individual was so pardoned; and

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

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

11 (c) DEFINITIONS.—In this section:

12 (1) The term “appropriate congressional com-
13 mittees” means—

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

17 (B) if an investigation relates to intel-
18 ligence or counterintelligence matters, the Per-
19 manent Select Committee on Intelligence of the
20 House of Representatives and the Select Com-
21 mittee on Intelligence of the Senate.

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

23 (A) an offense against the United States
24 that arises from an investigation in which the

1 President, or a relative of the President, is a
2 target or subject;

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

5 (C) an offense under section 1001, 1505,
6 1512, or 1621 of title 18, United States Code,
7 provided that the offense occurred in relation to
8 a Congressional proceeding or investigation.

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

11 (4) The term “relative” has the meaning given
12 that term in section 3110(a) of title 5, United
13 States Code.

14 **SEC. 103. BRIBERY IN CONNECTION WITH PARDONS AND**
15 **COMMUTATIONS.**

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

18 (1) in subsection (a)—

19 (A) in paragraph (1), by inserting “, in-
20 cluding the President and the Vice President of
21 the United States,” after “or an officer or em-
22 ployee or person”; and

23 (B) in paragraph (3), by inserting before
24 the period at the end the following: “, including
25 any pardon, commutation, or reprieve, or an

1 offer of any such pardon, commutation, or re-
 2 prieve”; and

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

8 **SEC. 104. PROHIBITION ON PRESIDENTIAL SELF-PARDON.**

9 The President’s grant of a pardon to himself or her-
 10 self is void and of no effect, and shall not deprive the
 11 courts of jurisdiction, or operate to confer on the Presi-
 12 dent any legal immunity from investigation or prosecution.

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

15 **SEC. 201. SHORT TITLE.**

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

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

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

23 “(c) OFFENSES COMMITTED BY THE PRESIDENT OR
 24 VICE PRESIDENT DURING OR PRIOR TO TENURE IN OF-
 25 FICE.—In the case of any person serving as President or

1 Vice President of the United States, the duration of that
 2 person’s tenure in office shall not be considered for pur-
 3 poses of any statute of limitations applicable to any Fed-
 4 eral criminal offense committed by that person (including
 5 any offenses committed during any period of time pre-
 6 ceding such tenure in office).”.

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

12 **TITLE III—ENFORCEMENT OF** 13 **THE FOREIGN AND DOMESTIC** 14 **EMOLUMENTS CLAUSES OF** 15 **THE CONSTITUTION**

16 **SEC. 301. SHORT TITLE.**

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

19 **SEC. 302. DEFINITIONS.**

20 In this title:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **SEC. 306. ENFORCEMENT AUTHORITY OF THE DIRECTOR**
12 **OF THE OFFICE OF GOVERNMENT ETHICS.**

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

16 (1) by striking “(a) The Director” and insert-
17 ing “(a)(1) The Director”; and

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

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

1 “(A) issue administrative fines to individuals
2 for violations;

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

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

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

10 (1) by striking “and” at the end of paragraph
11 (14);

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

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

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

21 “(A) requirements for reporting and disclo-
22 sure;

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

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

5 **SEC. 307. JURISDICTION OF THE OFFICE OF SPECIAL**
 6 **COUNSEL.**

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

9 (1) in subsection (a)—

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

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

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

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

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

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

1 after. If the Special Counsel investigates any violation pur-
 2 suant to subsection (a)(6), the Special Counsel shall re-
 3 port not later than 7 days after the completion of such
 4 investigation to the Director of the Office of Government
 5 Ethics and to Congress on the results of such investiga-
 6 tion.”.

7 **DIVISION B—RESTORING**
 8 **CHECKS AND BALANCES, AC-**
 9 **COUNTABILITY, AND TRANS-**
 10 **PARENCY**

11 **TITLE IV—ENFORCEMENT OF**
 12 **CONGRESSIONAL SUBPOENAS**

13 **SEC. 401. SHORT TITLE.**

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

16 **SEC. 402. FINDINGS.**

17 The Congress finds as follows:

18 (1) As the Supreme Court has repeatedly af-
 19 firmed, including in its July 9, 2020, holding in
 20 Trump v. Mazars, Congress’s “power of inquiry—
 21 with process to enforce it—is an essential and ap-
 22 propriate auxiliary to the legislative function”.
 23 Congress’s power to obtain information, including
 24 through the issuance of subpoenas and the enforce-

1 ment of such subpoenas, is “broad and indispen-
2 sable”.

3 (2) Congress “suffers a concrete and particular-
4 ized injury when denied the opportunity to obtain in-
5 formation necessary” to the exercise of its constitu-
6 tional functions, as the U.S. Court of Appeals for
7 the District of Columbia Circuit correctly recognized
8 in its August 7, 2020, en banc decision in Com-
9 mittee on the Judiciary of the U.S. House of Rep-
10 resentatives v. McGahn.

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

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

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

1 **“§ 1365a. Congressional actions against subpoena re-**
2 **cipients**

3 “(a) CAUSE OF ACTION.—The United States House
4 of Representatives, the United States Senate, or a com-
5 mittee or subcommittee thereof, may bring a civil action
6 against the recipient of a subpoena issued by a congres-
7 sional committee or subcommittee to enforce compliance
8 with the subpoena.

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

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

13 “(2) Notwithstanding section 1657(a), it shall
14 be the duty of every court of the United States to
15 expedite to the greatest possible extent the disposi-
16 tion of any such action and appeal. Upon a showing
17 by the plaintiff of undue delay, other irreparable
18 harm, or good cause, a court to which an appeal of
19 the action may be taken shall issue any necessary
20 and appropriate writs and orders to ensure compli-
21 ance with this paragraph.

22 “(3) If a three-judge court is expressly re-
23 quested by the plaintiff in the initial pleading, the
24 action shall be heard by a three-judge court con-
25 vened pursuant to section 2284, and shall be review-
26 able only by appeal directly to the Supreme Court of

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

5 “(4) The initial pleading must be accompanied
6 by certification that the party bringing the action
7 has in good faith conferred or attempted to confer
8 with the recipient of the subpoena to secure compli-
9 ance with the subpoena without court action.

10 “(c) PENALTIES.—

11 “(1) CASES INVOLVING GOVERNMENT AGEN-
12 CIES.—

13 “(A) IN GENERAL.—The court may impose
14 monetary penalties directly against each head of
15 a Government agency and the head of each
16 component thereof held to have knowingly failed
17 to comply with any part of a congressional sub-
18 poena, unless—

19 “(i) the President instructed the offi-
20 cial not to comply; and

21 “(ii) the President, or the head of the
22 agency or component thereof, submits to
23 the court a letter confirming such instruc-
24 tion and the basis for such instruction.

1 “(B) PROHIBITION ON USE OF GOVERN-
2 MENT FUNDS.—No appropriated funds, funds
3 provided from any accounts in the Treasury,
4 funds derived from the collection of fees, or
5 other Government funds shall be used to pay
6 any monetary penalty imposed by the court
7 pursuant to this paragraph.

8 “(2) LEGAL FEES.—In addition to any other
9 penalties or sanctions, the court shall require that
10 any defendant, other than a Government agency,
11 held to have willfully failed to comply with any part
12 of a congressional subpoena, pay a penalty in an
13 amount equal to that party’s legal fees, including at-
14 torney’s fees, litigation expenses, and other costs. If
15 such defendant is an officer or employee of a Gov-
16 ernment agency, such fees may be paid from funds
17 appropriated to pay the salary of the defendant.

18 “(d) WAIVER.—Any ground for noncompliance as-
19 serted by the recipient of a congressional subpoena shall
20 be deemed to have been waived as to any particular infor-
21 mation withheld from production if the court finds that
22 the recipient failed in a timely manner to comply with the
23 applicable requirements of section 105(b) of the Revised
24 Statutes of the United States with respect to such infor-
25 mation.

1 “(e) RULES OF PROCEDURE.—The Supreme Court
2 and the Judicial Conference of the United States shall
3 prescribe rules of procedure to ensure the expeditious
4 treatment of actions described in subsection (a). Such
5 rules shall be prescribed and submitted to the Congress
6 pursuant to sections 2072, 2073, and 2074. This shall in-
7 clude procedures for expeditiously considering any asser-
8 tion of constitutional or Federal statutory privilege made
9 in connection with testimony by any recipient of a sub-
10 poena from a congressional committee or subcommittee.
11 The Supreme Court shall transmit such rules to Congress
12 within 6 months after the effective date of this section and
13 then pursuant to section 2074 thereafter.

14 “(f) DEFINITION.—For purposes of this section, the
15 term ‘Government agency’ means any office or entity de-
16 scribed in section 105 and 106 of title 3, an executive de-
17 partment listed in section 101 of title 5, an independent
18 establishment, commission, board, bureau, division, or of-
19 fice in the executive branch, or other agency or instrumen-
20 tality of the Federal Government, including wholly or part-
21 ly owned Government corporations.”.

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

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

1 **SEC. 404. COMPLIANCE WITH CONGRESSIONAL SUB-**
2 **POENAS.**

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

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

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

8 “(a) SUBPOENA BY CONGRESSIONAL COMMITTEE.—
9 Any recipient of any subpoena from a congressional com-
10 mittee or subcommittee shall appear and testify, produce,
11 or otherwise disclose information in a manner consistent
12 with the subpoena and this section.

13 “(b) FAILURE TO PRODUCE INFORMATION.—

14 “(1) GROUNDS FOR WITHHOLDING INFORMA-
15 TION.—Unless required by the Constitution or by
16 Federal statute, no claim of privilege or protection
17 from disclosure shall be a ground for withholding in-
18 formation responsive to the subpoena or required by
19 this section.

20 “(2) IDENTIFICATION OF INFORMATION WITH-
21 HELD.—In the case of information that is withheld,
22 in whole or in part, by the subpoena recipient, the
23 subpoena recipient shall, without delay provide a log
24 containing the following:

1 “(A) An express assertion and description
2 of the ground asserted for withholding the in-
3 formation.

4 “(B) The type of information.

5 “(C) The general subject matter.

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

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

9 “(F) The custodian of the information.

10 “(G) Any other descriptive information
11 that may be produced or disclosed regarding
12 the information that will enable the congres-
13 sional committee or subcommittee issuing the
14 subpoena to assess the ground asserted for
15 withholding the information.

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

20 (b) CLERICAL AMENDMENT.—The table of contents
21 for chapter 7 of title II of the Revised Statutes of the
22 United States is amended by adding at the end the fol-
23 lowing:

“105. Response to congressional subpoenas.”.

1 **SEC. 405. RULE OF CONSTRUCTION.**

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

8 **TITLE V—REASSERTING CON-**
9 **GRESSIONAL POWER OF THE**
10 **PURSE**

11 **SEC. 500. SHORT TITLE.**

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

14 **Subtitle A—Strengthening Con-**
15 **gressional Control and Review**
16 **To Prevent Impoundment**

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

18 (a) IN GENERAL.—The Impoundment Control Act of
19 1974 (2 U.S.C. 681 et seq.) is amended by adding at the
20 end the following:

21 “PRUDENT OBLIGATION OF BUDGET AUTHORITY AND
22 SPECIFIC REQUIREMENTS FOR EXPIRING BUDGET
23 AUTHORITY

24 “SEC. 1018. (a) SPECIAL MESSAGE REQUIRE-
25 MENT.—With respect to budget authority proposed to be
26 rescinded or that is set to be reserved or proposed to be

1 deferred in a special message transmitted under section
2 1012 or 1013, such budget authority—

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

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

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

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

20 “(2) to make available all amounts for obliga-
21 tion, without precondition or limitation (including
22 footnotes) that shall be met prior to obligation, not
23 later than 90 days before the expiration of the pe-
24 riod of availability of such appropriation, including,
25 if applicable, 90 days before the expiration of an ini-

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

9 (a) IN GENERAL.—The Impoundment Control Act of
10 1974 (2 U.S.C. 681 et seq.), as amended by section
11 501(a), is further amended by adding at the end the fol-
12 lowing:

“(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

1 44, United States Code), not later than 2 business
2 days after the date of approval of such apportion-
3 ment, and shall place on such website each docu-
4 ment apportioning an appropriation, pursuant to
5 such section 1513(b), including any associated foot-
6 notes, already approved for the fiscal year, and shall
7 report the date of completion of such requirements
8 to the Committees on the Budget and Appropria-
9 tions of the House of Representatives and Senate.

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

18 “(3) SPECIAL PROCESS FOR TRANSMITTING
19 CLASSIFIED DOCUMENTATION TO THE CONGRESS.—
20 The Office of Management and Budget or the appli-
21 cable department or agency shall make available
22 classified documentation relating to apportionment
23 to appropriate congressional committees on a sched-
24 ule to be determined by each such committee.

1 “(4) DEPARTMENT AND AGENCY REPORT.—

2 Each department or agency shall notify the Commit-
3 tees on the Budget and Appropriations of the House
4 of Representatives and the Senate and any other ap-
5 propriate congressional committees if—

6 “(A) an apportionment is not made in the
7 required time period provided in section
8 1513(b) of title 31, United States Code;

9 “(B) an approved apportionment received
10 by the department or agency conditions the
11 availability of an appropriation on further ac-
12 tion; or

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

18 and such notification shall contain information iden-
19 tifying the bureau, account name, appropriation
20 name, and Treasury Appropriation Fund Symbol or
21 fund account.

22 “(b) APPROVING OFFICIALS.—

23 “(1) DELEGATION OF AUTHORITY.—Not later
24 than 15 days after the date of enactment of this sec-
25 tion, any delegation of apportionment authority pur-

1 suant to section 1513(b) of title 31, United States
2 Code that is in effect as of such date shall be sub-
3 mitted for publication in the Federal Register. Any
4 delegation of such apportionment authority after the
5 date of enactment of this section shall, on the date
6 of such delegation, be submitted for publication in
7 the Federal Register. The Office of Management
8 and Budget shall publish such delegations in a for-
9 mat that qualifies such publications as an Open
10 Government Data Asset (as defined in section 3502
11 of title 44, United States Code) on a public internet
12 website, which shall be continuously updated with
13 the position of each Federal officer or employee to
14 whom apportionment authority has been delegated.

15 “(2) REPORT TO CONGRESS.—Not later than 5
16 days after any change in the position of the approv-
17 ing official with respect to such delegated apportion-
18 ment authority for any account is made, the Office
19 shall submit a report to the Congress explaining why
20 such change was made.”.

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

“1019. Reporting.”.

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

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

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

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

8 “(c) REVIEW.—

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

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

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

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

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

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

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

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

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

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

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

5 “SUITS BY COMPTROLLER GENERAL

6 “SEC. 1016. If, under this chapter, budget authority
7 is required to be made available for obligation and such
8 budget authority is not made available for obligation or
9 information, documentation, views, or access are required
10 to be produced and such information, documentation,
11 views, or access are not produced, the Comptroller General
12 is expressly empowered, through attorneys of their own
13 selection, to bring a civil action in the United States Dis-
14 trict Court for the District of Columbia to require such
15 budget authority to be made available for obligation or
16 such information, documentation, views, or access to be
17 produced, and such court is expressly empowered to enter
18 in such civil action, against any department, agency, offi-
19 cer, or employee of the United States, any decree, judg-
20 ment, or order which may be necessary or appropriate to
21 make such budget authority available for obligation or
22 compel production of such information, documentation,
23 views, or access. No civil action shall be brought by the
24 Comptroller General to require budget authority be made
25 available under this section until the expiration of 15 cal-
26 endar days following the date on which an explanatory

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

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

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

15 “PENALTIES FOR FAILURE TO COMPLY

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

22 “(b) REPORTING VIOLATIONS.—

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

1 partment, agency, or office of the United States vio-
2 lated this part, the President or the head of the rel-
3 evant department or agency as the case may be,
4 shall report immediately to Congress all relevant
5 facts and a statement of actions taken. A copy of
6 each report shall also be transmitted to the Comp-
7 troller General and the relevant inspector general on
8 the same date the report is transmitted to the Con-
9 gress.

10 “(2) CONTENTS.—Any such report shall include
11 a summary of the facts pertaining to the violation,
12 the title and Treasury Appropriation Fund Symbol
13 of the appropriation or fund account, the amount in-
14 volved for each violation, the date on which the vio-
15 lation occurred, the position of any individuals re-
16 sponsible for the violation, a statement of the admin-
17 istrative discipline imposed and any further action
18 taken with respect to any officer or employee in-
19 volved in the violation, and a statement of any addi-
20 tional action taken to prevent recurrence of the same
21 type of violation. In the case that the Government
22 Accountability Office issues a legal decision con-
23 cluding that a department, agency, or office of the
24 United States violated this part and the relevant de-
25 partment, agency, or office does not agree that a

1 violation has occurred, the report provided to Con-
 2 gress, the Comptroller General, and relevant inspec-
 3 tor general will explain its position.

4 “(3) OPPORTUNITY TO RESPOND.—If the report
 5 identifies the position of any officer or employee as
 6 involved in the violation, such officer or employee
 7 shall be provided a reasonable opportunity to re-
 8 spond in writing, and any such response shall be ap-
 9 pended to the report.”.

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

“1020. Penalties for failure to comply.”.

15 **Subtitle B—Strengthening**
 16 **Transparency and Reporting**
 17 **PART 1—FUNDS MANAGEMENT AND REPORTING**
 18 **TO THE CONGRESS**
 19 **SEC. 511. EXPIRED BALANCE REPORTING IN THE PRESI-**
 20 **DENT’S BUDGET.**

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

23 “(40) for the budgets for each of fiscal years
 24 2023 through 2027, a report on—

1 “(A) unobligated expired balances as of the
 2 beginning of the current fiscal year and the be-
 3 ginning of each of the preceding 2 fiscal years
 4 by agency and the applicable Treasury Appro-
 5 priation Fund Symbol or fund account; and

6 “(B) an explanation of expired balances in
 7 any Treasury Appropriation Fund Symbol or
 8 fund account that exceed the lesser of 5 percent
 9 of total appropriations made available for that
 10 account or \$100,000,000.”.

11 **SEC. 512. CANCELLED BALANCE REPORTING IN THE PRESI-**
 12 **DENT’S BUDGET.**

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

16 “(41) for the budgets for each of fiscal years
 17 2023 through 2027, a report on—

18 “(A) cancelled balances (pursuant to sec-
 19 tion 1552(a)) for the preceding 3 fiscal years by
 20 agency and Treasury Appropriation Fund Sym-
 21 bol or fund account;

22 “(B) an explanation of cancelled balances
 23 in any Treasury Appropriation Fund Symbol or
 24 fund account that exceed the lesser of 5 percent

1 of total appropriations made available for that
2 account or \$100,000,000; and

3 “(C) a tabulation, by Treasury Appropria-
4 tion Fund Symbol or fund account and appro-
5 priation, of all balances of appropriations avail-
6 able for an indefinite period in an appropriation
7 account available for an indefinite period that
8 do not meet the criteria for closure under sec-
9 tion 1555, but for which either—

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

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

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

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

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

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

1 “(42) a report on—

2 “(A) any obligation or expenditure made
3 by a department or agency affected in whole or
4 in part by any lapse in appropriations of 5 con-
5 secutive days or more during the preceding fis-
6 cal year; and

7 “(B)(i) with respect to any such obligation
8 or expenditure, the amount so obligated or ex-
9 pended, the account affected, and an expla-
10 nation of which Antideficiency Act exceptions
11 permitted the department or agency, as the
12 case may be, to incur such obligation or expend-
13 iture; and

14 “(ii) an explanation of any changes in the
15 application of any Antideficiency Act exception
16 for a program, project, or activity from any ex-
17 planations previously reported on pursuant to
18 this paragraph.”.

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

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

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

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

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

12 **SEC. 515. AUTHORIZING CANCELLATIONS IN INDEFINITE**
13 **ACCOUNTS BY APPROPRIATION.**

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

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

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

1 not be available for obligation or expenditure for any pur-
 2 pose, if—

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

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

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

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

13 **PART 2—EMPOWERING CONGRESSIONAL REVIEW**
 14 **THROUGH NONPARTISAN CONGRESSIONAL**
 15 **AGENCIES AND TRANSPARENCY INITIATIVES**
 16 **SEC. 521. REQUIREMENT TO RESPOND TO REQUESTS FOR**
 17 **INFORMATION FROM THE GOVERNMENT AC-**
 18 **COUNTABILITY OFFICE FOR BUDGET AND AP-**
 19 **PROPRIATIONS LAW DECISIONS.**

20 (a) IN GENERAL.—Subchapter II of chapter 7 of title
 21 31, United States Code, is amended by adding at the end
 22 the following:

1 **“SEC. 722. REQUIREMENT TO RESPOND TO REQUESTS FOR**
2 **INFORMATION FROM THE GOVERNMENT AC-**
3 **COUNTABILITY OFFICE FOR BUDGET AND AP-**
4 **PROPRIATIONS LAW DECISIONS.**

5 “(a) If an executive agency or the District of Colum-
6 bia government receives a written request for information,
7 documentation, or views from the Government Account-
8 ability Office relating to a decision or opinion on budget
9 or appropriations law, the executive agency or the District
10 of Columbia government shall provide the requested infor-
11 mation, documentation, or views not later than 20 days
12 after receiving the written request, unless such written re-
13 quest specifically provides otherwise.

14 “(b) If an executive agency or the District of Colum-
15 bia government fails to respond to the request for informa-
16 tion, documentation, or views within the time required by
17 this section—

18 “(1) the Comptroller General shall notify, in
19 writing, the Committee on Oversight and Reform of
20 the House of Representatives, Committee on Home-
21 land Security and Governmental Affairs of the Sen-
22 ate, and any other appropriate congressional com-
23 mittee of the House of Representatives and the Sen-
24 ate of such failure; and

25 “(2) the Comptroller General is hereby ex-
26 pressly empowered, through attorneys of their own

1 selection, to bring a civil action in the United States
 2 District Court for the District of Columbia to re-
 3 quire such information, documentation, or views to
 4 be produced, and such court is expressly empowered
 5 to enter in such civil action, against any department,
 6 agency, officer, or employee of the United States,
 7 any decree, judgment, or order which may be nec-
 8 essary or appropriate to require such production.

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

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

“722. Requirement to respond to requests for information from the Government
 Accountability Office for budget and appropriations law deci-
 sions.”.

16 **SEC. 522. REPORTING REQUIREMENTS FOR ANTIDEFICIEN-**
 17 **CY ACT VIOLATIONS.**

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

20 (1) by striking “If” and inserting “(a) If the
 21 Government Accountability Office, an executive
 22 agency, or the District of Columbia government de-
 23 termines that”; and

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

1 “(b) Any such report shall include a summary of the
2 facts pertaining to the violation, the title and Treasury
3 Appropriation Fund Symbol of the appropriation or fund
4 account, the amount involved for each violation, the date
5 on which the violation occurred, the position of any officer
6 or employee responsible for the violation, a statement of
7 the administrative discipline imposed and any further ac-
8 tion taken with respect to any officer or employee involved
9 in the violation, a statement of any additional action taken
10 to prevent recurrence of the same type of violation, a
11 statement of any determination that the violation was not
12 knowing and willful that has been made by the executive
13 agency or District of Columbia government, and any writ-
14 ten response by any officer or employee identified by posi-
15 tion as involved in the violation. In the case that the Gov-
16 ernment Accountability Office issues a legal decision con-
17 cluding that section 1341(a) or 1342 was violated and the
18 executive agency or District of Columbia government, as
19 applicable, does not agree that a violation has occurred,
20 the report provided to the President, the Congress, and
21 the Comptroller General will explain its position.”.

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

24 (1) in subsection (b), by striking “If” and in-
25 serting “If the Government Accountability Office, an

1 executive agency, or the District of Columbia gov-
2 ernment determines that”; and

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

4 “(c) Any such report shall include a summary of the
5 facts pertaining to the violation, the title and Treasury
6 Appropriation Fund Symbol of the appropriation or fund
7 account, the amount involved for each violation, the date
8 on which the violation occurred, the position of any officer
9 or employee responsible for the violation, a statement of
10 the administrative discipline imposed and any further ac-
11 tion taken with respect to any officer or employee involved
12 in the violation, a statement of any additional action taken
13 to prevent recurrence of the same type of violation, a
14 statement of any determination that the violation was not
15 knowing and willful that has been made by the executive
16 agency or District of Columbia government, and any writ-
17 ten response by any officer or employee identified by posi-
18 tion as involved in the violation. In the case that the Gov-
19 ernment Accountability Office issues a legal decision con-
20 cluding that subsection (a) was violated and the executive
21 agency or District of Columbia government, as applicable,
22 does not agree that a violation has occurred, the report
23 provided to the President, the Congress, and the Comp-
24 troller General will explain its position.”.

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

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

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

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

9 “(b)(1) If an executive agency or the District of Co-
10 lumbia government reports, under section 1351, a viola-
11 tion of section 1341(a) or 1342, the Attorney General
12 shall promptly review such report and investigate to the
13 extent necessary to determine whether there are reason-
14 able grounds to believe that the responsible officer or em-
15 ployee knowingly and willfully violated such section
16 1341(a) or 1342, as applicable. If the Attorney General
17 determines that there are such reasonable grounds, the
18 Attorney General diligently shall investigate a criminal
19 violation under this section.

20 “(2) The Attorney General shall submit to Congress
21 and the Comptroller General on or before March 31 of
22 each calendar year an annual report detailing separately
23 for each executive agency and the District of Columbia
24 government—

1 “(A) the number of reports under section 1351
2 transmitted to the President during the preceding
3 calendar year;

4 “(B) the number of reports reviewed in accord-
5 ance with paragraph (1) during the preceding cal-
6 endar year;

7 “(C) without identification of any individual of-
8 ficer or employee of the United States Government
9 or of the District of Columbia government, a de-
10 scription of each investigation undertaken in accord-
11 ance with paragraph (1) during the preceding cal-
12 endar year and an explanation of the status of any
13 such investigation; and

14 “(D) without identification of any individual of-
15 ficer or employee of the United States Government
16 or of the District of Columbia government, an expla-
17 nation of any update to the status of any review or
18 investigation previously reported pursuant to this
19 subsection.”.

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

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

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

1 “(b)(1) If an executive agency or the District of Co-
2 lumbia government reports, under section 1517(b), a vio-
3 lation of section 1517(a), the Attorney General shall
4 promptly review such report and investigate to the extent
5 necessary to determine whether there are reasonable
6 grounds to believe that the responsible officer or employee
7 knowingly and willfully violated such section 1517(a). If
8 the Attorney General determines that there are such rea-
9 sonable grounds, the Attorney General diligently shall in-
10 vestigate a criminal violation under this section.

11 “(2) The Attorney General shall submit to Congress
12 and the Comptroller General on or before March 31 of
13 each calendar year an annual report detailing separately
14 for each executive agency and the District of Columbia
15 government—

16 “(A) the number of reports under section
17 1517(b) transmitted to the President during the pre-
18 ceding calendar year;

19 “(B) the number of reports reviewed in accord-
20 ance with paragraph (1) during the preceding cal-
21 endar year;

22 “(C) without identification of any individual of-
23 ficer or employee of the United States Government
24 or of the District of Columbia government, a de-
25 scription of each investigation undertaken in accord-

1 ance with paragraph (1) during the preceding cal-
 2 endar year and an explanation of the status of any
 3 such investigation; and

4 “(D) without identification of any individual of-
 5 ficer or employee of the United States Government
 6 or of the District of Columbia government, an expla-
 7 nation of any update to the status of any review or
 8 investigation previously reported pursuant to this
 9 subsection.”.

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

11 **LAW OPINIONS OF THE DEPARTMENT OF JUSTICE**

12 **OFFICE OF LEGAL COUNSEL.**

13 (a) SCHEDULE OF PUBLICATION FOR FINAL OLC
 14 OPINIONS.—Each final opinion issued by the Office of
 15 Legal Counsel of the Department of Justice relating to
 16 section 1301(a), 1341, 1342, 1501, 1502, 1512, 1513,
 17 1515, 1517, or 3302(b) of title 31, United States Code,
 18 any provision of the Balanced Budget and Emergency
 19 Deficit Control Act of 1985, the Federal Credit Reform
 20 Act of 1990, the Impoundment Control Act of 1974, an
 21 appropriation Act, continuing resolution, or another provi-
 22 sion of law providing or governing appropriations or budg-
 23 et authority shall be made available on its public website
 24 in a manner that is searchable, sortable, and downloadable
 25 in its entirety as soon as is practicable, but—

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

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

7 (3) not later than 2 years after the date of en-
 8 actment of this Act for an opinion issued on or after
 9 January 20, 1981, and before or on January 19,
 10 1993;

11 (4) not later than 3 years after the date of en-
 12 actment of this Act for an opinion issued on or after
 13 January 20, 1969, and before or on January 19,
 14 1981; and

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

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

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

21 (A) information contained in the opinion
 22 was—

23 (i) specifically authorized to be kept
 24 secret, under criteria established by an Ex-

1 executive order, in the interest of national
2 defense or foreign policy;

3 (ii) properly classified, including all
4 procedural and marking requirements, pur-
5 suant to such Executive order;

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

10 (iv) put through declassification re-
11 view within the past two years;

12 (B) information contained in the opinion
13 relates to the appointment of a specific indi-
14 vidual not confirmed to Federal office;

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

19 (i) requires that the material be with-
20 held in such a manner as to leave no dis-
21 cretion on the issue; or

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

1 (D) information in the opinion includes
2 trade secrets and commercial or financial infor-
3 mation obtained from a person and privileged
4 or confidential whose disclosure would likely
5 cause substantial harm to the competitive posi-
6 tion of the person from whom the information
7 was obtained;

8 (E) the President, in his or her sole and
9 nondelegable determination, formally and per-
10 sonally claims in writing that executive privilege
11 prevents the release of the information and dis-
12 closure would cause specific identifiable harm to
13 an interest protected by an exception or the dis-
14 closure is prohibited by law; or

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

19 (2) DETERMINATION TO WITHHOLD.—Any de-
20 termination under this subsection to withhold infor-
21 mation contained in a final OLC opinion shall be
22 made by the Attorney General or a designee of the
23 Attorney General. The determination shall be—

24 (A) in writing;

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

4 (C) sufficiently detailed as to inform the
5 public of what kind of information is being
6 withheld and the reason therefore; and

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

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

20 (4) NO LIMITATION ON FREEDOM OF INFORMA-
21 TION.—Nothing in this subsection shall be construed
22 as limiting the availability of information under sec-
23 tion 552 of title 5, United States Code, or construed
24 as an exemption under paragraph (3) of subsection
25 (b) of such section.

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

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

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

25 (1) with respect to each opinion—

1 (A) contains an electronic copy of the opin-
2 ion, including any transmittal letter associated
3 with the opinion, in an open format that is plat-
4 form independent and that is available to the
5 public without restrictions;

6 (B) provides the public the ability to re-
7 trieve an opinion, to the extent practicable,
8 through searches based on—

9 (i) the title of the opinion;

10 (ii) the date of publication or revision;

11 or

12 (iii) the full text of the opinion;

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

17 (D) provides a permanent means of access-
18 ing the opinion electronically;

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

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

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

3 (d) DEFINITIONS.—In this section:

4 (1) OLC OPINION.—The term “OLC opinion”
5 means views on a matter of legal interpretation com-
6 municated by the Office of Legal Counsel of the De-
7 partment of Justice to any other office or agency, or
8 person in an office or agency, in the Executive
9 Branch, including any office in the Department of
10 Justice, the White House, or the Executive Office of
11 the President, and rendered in accordance with sec-
12 tions 511–513 of title 28, United States Code.
13 Where the communication of the legal interpretation
14 takes place verbally, a memorialization of that com-
15 munication qualifies as an “OLC opinion”.

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

18 (A) the Attorney General, Assistant Attor-
19 ney General for the Office of Legal Counsel, or
20 a Deputy Assistant General for the Office of
21 Legal Counsel, has determined is final;

22 (B) government officials or government
23 contractors are relying on or have relied on;

24 (C) is or has been relied upon to formulate
25 legal guidance; or

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

3 **Subtitle C—Strengthening Con-**
4 **gressional Role in and Over-**
5 **sight of Emergency Declarations**
6 **and Designations**

7 **SEC. 531. IMPROVING CHECKS AND BALANCES ON THE USE**
8 **OF THE NATIONAL EMERGENCIES ACT.**

9 (a) REQUIREMENTS RELATING TO DECLARATION
10 AND RENEWAL OF NATIONAL EMERGENCIES.—Title II of
11 the National Emergencies Act (50 U.S.C. 1621 et seq.)
12 is amended by striking sections 201 and 202 and inserting
13 the following:

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

15 “(a) AUTHORITY TO DECLARE NATIONAL EMER-
16 GENCIES.—With respect to Acts of Congress authorizing
17 the exercise, during the period of a national emergency,
18 of any special or extraordinary power, the President is au-
19 thorized to declare such a national emergency by procla-
20 mation. Such proclamation shall immediately be trans-
21 mitted to Congress and published in the Federal Register.

22 “(b) SPECIFICATION OF PROVISIONS OF LAW TO BE
23 EXERCISED AND REPORTING.—No powers or authorities
24 made available by statute for use during the period of a
25 national emergency shall be exercised unless and until the

1 President specifies the provisions of law under which the
2 President proposes that the President or other officers will
3 act in—

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

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

9 “(c) PROHIBITION ON SUBSEQUENT ACTIONS IF
10 EMERGENCIES NOT APPROVED.—

11 “(1) SUBSEQUENT DECLARATIONS.—If a joint
12 resolution of approval is not enacted under section
13 203 with respect to a national emergency before the
14 expiration of the period described in section 202(a),
15 or with respect to a national emergency proposed to
16 be renewed under section 202(b), the President may
17 not, during the remainder of the term of office of
18 that President, declare a subsequent national emer-
19 gency under subsection (a) with respect to the same
20 circumstances.

21 “(2) EXERCISE OF AUTHORITIES.—If a joint
22 resolution of approval is not enacted under section
23 203 with respect to a power or authority specified by
24 the President under subsection (b) with respect to a
25 national emergency, the President may not, during

1 the remainder of the term of office of that Presi-
2 dent, exercise that power or authority with respect
3 to that emergency.

4 “(d) EFFECT OF FUTURE LAWS.—No law enacted
5 after the date of the enactment of the Congressional
6 Power of the Purse Act shall supersede this title unless
7 it does so in specific terms, referring to this title, and de-
8 claring that the new law supersedes the provisions of this
9 title.

10 **“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-**
11 **GENCIES.**

12 “(a) TEMPORARY EFFECTIVE PERIODS.—

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

24 “(2) EXERCISE OF POWERS AND AUTHORI-
25 TIES.—Unless the declaration of national emergency

1 has been terminated pursuant to Presidential order
2 or Act of Congress, any emergency power or author-
3 ity made available under a provision of law specified
4 pursuant to section 201(b) may be exercised pursu-
5 ant to a declaration of a national emergency for 20
6 session days, in the case of the Senate, and 20 legis-
7 lative days, in the case of the House, from the
8 issuance of the proclamation or Executive order (not
9 counting the day on which such proclamation or Ex-
10 ecutive order was issued). That power or authority
11 may not be exercised after that period expires unless
12 there is enacted into law a joint resolution of ap-
13 proval under section 203 approving—

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

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

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

1 claring the emergency or the enactment of a previous re-
2 newal pursuant to this subsection, unless—

3 “(1) the President publishes in the Federal
4 Register and transmits to Congress an Executive
5 order renewing the emergency; and

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

10 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

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

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

18 “(C) the date specified in an Act of Con-
19 gress terminating the emergency; or

20 “(D) the date specified in a proclamation
21 of the President terminating the emergency.

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

1 “(A) any powers or authorities exercised
2 by reason of the emergency shall cease to be ex-
3 ercised;

4 “(B) any amounts reprogrammed, repur-
5 posed, or transferred under any provision of law
6 with respect to the emergency that remain un-
7 obligated on that date shall be returned and
8 made available for the purpose for which such
9 amounts were appropriated; and

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

13 **“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMER-**
14 **GENCIES.**

15 “(a) JOINT RESOLUTION OF APPROVAL DEFINED.—
16 In this section, the term ‘joint resolution of approval’
17 means a joint resolution that does not have a preamble
18 and that contains only the following provisions after its
19 resolving clause:

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

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

23 “(B) Executive orders issued under section
24 201(b)(2); or

1 “(C) Executive orders issued under section
2 202(b).

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

8 “(b) PROCEDURES FOR CONSIDERATION OF JOINT
9 RESOLUTIONS OF APPROVAL.—

10 “(1) INTRODUCTION.—After the President
11 transmits to Congress a proclamation declaring a
12 national emergency under section 201(a), or an Ex-
13 ecutive order specifying emergency powers or au-
14 thorities under section 201(b)(2) or renewing a na-
15 tional emergency under section 202(b), a joint reso-
16 lution of approval may be introduced in either House
17 of Congress by any member of that House.

18 “(2) COMMITTEE REFERRAL IN THE SENATE.—
19 In the Senate, a joint resolution of approval shall be
20 referred to the appropriate committee.

21 “(3) CONSIDERATION IN SENATE.—In the Sen-
22 ate, the following shall apply:

23 “(A) COMMITTEE REFERRAL.—A joint res-
24 olution of approval shall be referred to the ap-
25 propriate committee or committees.

1 “(B) REPORTING AND DISCHARGE.—If the
2 committee to which a joint resolution of ap-
3 proval has been referred has not reported it at
4 the end of 10 calendar days after its introduc-
5 tion, that committee shall be discharged from
6 further consideration of the resolution and it
7 shall be placed on the calendar.

8 “(C) PROCEEDING TO CONSIDERATION.—
9 Notwithstanding Rule XXII of the Standing
10 Rules of the Senate, when a committee to which
11 a joint resolution of approval is referred has re-
12 ported the resolution, or when that committee is
13 discharged under subparagraph (B) from fur-
14 ther consideration of the resolution, it is at any
15 time thereafter in order to move to proceed to
16 the consideration of the joint resolution, and all
17 points of order against the joint resolution (and
18 against the motion to proceed to the consider-
19 ation of the joint resolution) are waived. The
20 motion to proceed shall be debatable for 4
21 hours evenly divided between proponents and
22 opponents of the joint resolution of approval.
23 The motion is not subject to amendment, or to
24 a motion to postpone, or to a motion to proceed
25 to the consideration of other business. A motion

1 to reconsider the vote by which the motion is
2 agreed to or disagreed to shall not be in order.
3 If a motion to proceed to the consideration of
4 a joint resolution of approval is agreed to, the
5 joint resolution shall remain the unfinished
6 business of the Senate until disposed of.

7 “(D) FLOOR CONSIDERATION.—There
8 shall be 10 hours of consideration on a joint
9 resolution of approval, to be divided evenly be-
10 tween the proponents and opponents of the
11 joint resolution. Of that 10 hours, there shall be
12 a total of 2 hours of debate on any debatable
13 motions in connection with the joint resolution,
14 to be divided evenly between the proponents
15 and opponents of the joint resolution.

16 “(E) AMENDMENTS.—No amendments
17 shall be in order with respect to a joint resolu-
18 tion of approval in the Senate.

19 “(F) MOTION TO RECONSIDER VOTE ON
20 PASSAGE.—A motion to reconsider a vote on
21 passage of a joint resolution of approval shall
22 not be in order.

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

1 “(4) CONSIDERATION IN HOUSE OF REP-
2 RESENTATIVES.—In the House of Representatives,
3 the following shall apply:

4 “(A) REPORTING AND DISCHARGE.—If any
5 committee to which a joint resolution of ap-
6 proval has been referred has not reported it to
7 the House within seven legislative days after
8 the date of referral such committee shall be dis-
9 charged from further consideration of the joint
10 resolution.

11 “(B)(i) PROCEEDING TO CONSIDER-
12 ATION.—Beginning on the third legislative day
13 after each committee to which a joint resolution
14 of approval has been referred reports it to the
15 House or has been discharged from further con-
16 sideration thereof, it shall be in order to move
17 to proceed to consider the joint resolution of ap-
18 proval in the House. All points of order against
19 the motion are waived. Such a motion shall not
20 be in order after the House has disposed of a
21 motion to proceed on the joint resolution of ap-
22 proval. The previous question shall be consid-
23 ered as ordered on the motion to its adoption
24 without intervening motion. The motion shall
25 not be debatable. A motion to reconsider the

1 vote by which the motion is disposed of shall
2 not be in order.

3 “(ii) MOTION.—A motion to proceed to the
4 consideration of a joint resolution of approval of
5 an Executive order described in subsection
6 (a)(1) or a list described in subsection (a)(2)
7 shall not be in order prior to the enactment of
8 a joint resolution of approval of the proclama-
9 tion described in subsection (a)(1) that is the
10 subject of such Executive order or list.

11 “(C) CONSIDERATION.—The joint resolu-
12 tion of approval shall be considered as read. All
13 points of order against the joint resolution of
14 approval and against its consideration are
15 waived. The previous question shall be consid-
16 ered as ordered on the joint resolution of ap-
17 proval to final passage without intervening mo-
18 tion except two hours of debate equally divided
19 and controlled by the sponsor of the joint reso-
20 lution of approval (or a designee) and an oppo-
21 nent. A motion to reconsider the vote on pas-
22 sage of the joint resolution of approval shall not
23 be in order.

24 “(5) COORDINATION WITH ACTION BY OTHER
25 HOUSE.—

1 “(A) IN GENERAL.—If, before the passage
2 by one House of a joint resolution of approval
3 of that House, that House receives from the
4 other House a joint resolution of approval with
5 regard to the same proclamation or Executive
6 order, then the following procedures shall apply:

7 “(i) The joint resolution of approval
8 of the other House shall not be referred to
9 a committee.

10 “(ii) With respect to a joint resolution
11 of approval of the House receiving the
12 joint resolution—

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

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

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

1 “(B) TREATMENT OF LEGISLATION OF
2 OTHER HOUSE.—If one House fails to introduce
3 a joint resolution of approval under this section,
4 the joint resolution of approval of the other
5 House shall be entitled to expedited floor proce-
6 dures under this section.

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

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

16 “(c) RULE OF CONSTRUCTION.—The enactment of a
17 joint resolution of approval under this section shall not
18 be interpreted to serve as a grant or modification by Con-
19 gress of statutory authority for the emergency powers of
20 the President.

21 “(d) RULES OF THE HOUSE AND SENATE.—This sec-
22 tion is enacted by Congress—

23 “(1) as an exercise of the rulemaking power of
24 the Senate and the House of Representatives, re-
25 spectively, and as such is deemed a part of the rules

1 of each House, respectively, but applicable only with
 2 respect to the procedure to be followed in the House
 3 in the case of joint resolutions described in this sec-
 4 tion, and supersedes other rules only to the extent
 5 that it is inconsistent with such other rules; and

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

11 **“SEC. 204. EXCLUSION OF CERTAIN NATIONAL EMER-**
 12 **GENCIES INVOKING INTERNATIONAL EMER-**
 13 **GENCY ECONOMIC POWERS ACT.**

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

20 “(b) NATIONAL EMERGENCY DESCRIBED.—

21 “(1) IN GENERAL.—A national emergency de-
 22 scribed in this subsection is a national emergency
 23 pursuant to which the President proposes to exercise
 24 emergency powers or authorities made available
 25 under the International Emergency Economic Pow-

1 ers Act (50 U.S.C. 1701 et seq.), supplemented as
2 necessary by a provision of law specified in para-
3 graph (2).

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

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

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

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

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

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

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

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

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

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

23 “(4) In the case of a renewal of a national
24 emergency, a summary of the actions the President
25 or other officers have taken in the preceding one-

1 year period, including any reprogramming or trans-
2 fer of funds, to address the emergency.

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

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

15 (c) EXCLUSION OF IMPOSITION OF DUTIES AND IM-
16 PORT QUOTAS FROM PRESIDENTIAL AUTHORITIES
17 UNDER INTERNATIONAL EMERGENCY ECONOMIC POW-
18 ERS ACT.—Section 203 of the International Emergency
19 Economic Powers Act (50 U.S.C. 1702) is amended—

20 (1) by redesignating subsection (c) as sub-
21 section (d); and

22 (2) by inserting after subsection (b) the fol-
23 lowing:

24 “(c)(1) The authority granted to the President by
25 this section does not include the authority to impose duties

1 or tariff-rate quotas or (subject to paragraph (2)) other
2 quotas on articles entering the United States.

3 “(2) The limitation under paragraph (1) does not
4 prohibit the President from excluding all articles imported
5 from a country from entering the United States.”.

6 (d) CONFORMING AMENDMENTS.—

7 (1) NATIONAL EMERGENCIES ACT.—Title III of
8 the National Emergencies Act (50 U.S.C. 1631) is
9 repealed.

10 (2) INTERNATIONAL EMERGENCY ECONOMIC
11 POWERS ACT.—Section 207 of the International
12 Emergency Economic Powers Act (50 U.S.C. 1706)
13 is amended—

14 (A) in subsection (b), by striking “concur-
15 rent resolution” and inserting “joint resolution”
16 each place it appears; and

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

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

22 (e) EFFECTIVE DATE; APPLICABILITY.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), this section and the amendments made by
25 this section shall take effect upon enactment and

1 apply with respect to national emergencies declared
2 under section 201 of the National Emergencies Act
3 on or after that date.

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

14 **SEC. 532. NATIONAL EMERGENCIES ACT DECLARATION**
15 **SPENDING REPORTING IN THE PRESIDENT’S**
16 **BUDGET.**

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

20 “(44)(A) a report on the proposed, planned,
21 and actual obligations and expenditures of funds (for
22 the prior fiscal year, the current fiscal year, and the
23 fiscal years for which the budget is submitted) at-
24 tributable to the exercise of powers and authorities
25 made available by statute for each national emer-

1 agency declared by the President, currently active or
2 in effect during the applicable fiscal years.

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

8 “(i) a description of each such program,
9 project, and activity;

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

12 “(iii) the purpose and progress of such ob-
13 ligations and expenditures toward addressing
14 the applicable national emergency.

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

19 “(i) the amount of such transfer, re-
20 programming, or repurposing;

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

23 “(iii) a description of programs, projects,
24 and activities affected by such transfer, re-

1 programming, or repurposing, including by a
2 reduction in funding.”.

3 **SEC. 533. DISCLOSURE TO CONGRESS OF PRESIDENTIAL**
4 **EMERGENCY ACTION DOCUMENTS.**

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

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

16 (c) DEFINITIONS.—In this section:

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

22 (A) the Committee on Homeland Security
23 and Governmental Affairs, the Committee on
24 the Judiciary, and the Select Committee on In-
25 telligence of the Senate;

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

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

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

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

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

22 (i) is designated as a presidential
23 emergency action document; or

24 (ii) is designed to implement a presi-
25 dential decision or transmit a presidential

1 request when an emergency disrupts nor-
 2 mal governmental or legislative processes.

3 **SEC. 534. EMERGENCY AND OVERSEAS CONTINGENCY OP-**
 4 **ERATIONS DESIGNATIONS BY CONGRESS IN**
 5 **STATUTE.**

6 Section 251(b)(2)(A) of the Balanced Budget and
 7 Emergency Deficit Control Act of 1985 (2 U.S.C.
 8 901(b)(2)(A)) is amended—

9 (1) in clause (i), by striking “and the President
 10 subsequently so designates”; and

11 (2) in clause (ii), by striking “and the President
 12 subsequently so designates”.

13 **TITLE VI—SECURITY FROM PO-**
 14 **LITICAL INTERFERENCE IN**
 15 **JUSTICE**

16 **SEC. 601. SHORT TITLE.**

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

19 **SEC. 602. DEFINITIONS.**

20 In this title:

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

24 (2) **COVERED COMMUNICATION.**—

1 (A) IN GENERAL.—The term “covered
2 communication” means any communication re-
3 lating to any contemplated or ongoing investiga-
4 tion or litigation conducted by the Department
5 of Justice in any civil or criminal matter (re-
6 gardless of whether a civil action or criminal in-
7 dictment or information has been filed).

8 (B) EXCEPTIONS.—The term does not in-
9 clude a communication that is any of the fol-
10 lowing:

11 (i) A communication that involves
12 contact between the President, the Vice
13 President, the Counsel to the President, or
14 the Principal Deputy Counsel to the Presi-
15 dent, and the Attorney General, the Dep-
16 uty Attorney General, or the Associate At-
17 torney General, except to the extent that
18 the communication concerns a con-
19 templated or ongoing investigation or liti-
20 gation in which a target or subject is one
21 of the following:

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

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

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

15 (ii) A communication that involves
16 contact between an officer or employee of
17 the Department of Justice and an officer
18 or employee of the Executive Office of the
19 President on a particular matter, if any of
20 the President, the Vice President, the
21 Counsel to the President, or the Principal
22 Deputy Counsel to the President, and if
23 any of the Attorney General, the Deputy
24 Attorney General, or the Associate Attor-
25 ney General have designated a subordinate

1 to carry on such contact, and the person so
2 designating monitors all subsequent com-
3 munications and the person designated
4 keeps the designating person informed of
5 each such communication, except to the ex-
6 tent that the communication concerns a
7 contemplated or ongoing investigation or
8 litigation in which a target or subject is
9 one of the following:

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

14 (II) Any individual working in
15 the Executive Office of the President
16 who is compensated at a rate of pay
17 at or above level II of the Executive
18 Schedule under section 5313 of title
19 5, United States Code.

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

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

3 (iii) A communication that involves
4 contact from or to the Deputy Counsel to
5 the President for National Security Af-
6 fairs, the staff of the National Security
7 Council, and the staff of the Homeland Se-
8 curity Council that relates to a national se-
9 curity matter, except to the extent that the
10 communication concerns a pending adver-
11 sary case in litigation that may have na-
12 tional security implications.

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

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

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

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

7 (B) stands in loco parentis.

8 **SEC. 603. COMMUNICATIONS LOGS.**

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

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

13 (1) the name and title of each officer or em-
14 ployee of the Department of Justice or the Executive
15 Office of the President who participated in the cov-
16 ered communication;

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

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

20 (c) OVERSIGHT.—

21 (1) PERIODIC DISCLOSURE OF LOGS.—Not later
22 than January 30 and July 30 of each year, the At-
23 torney General shall submit to the Office of the In-
24 spector General of the Department of Justice a re-

1 port containing the communications log for the 6-
2 month period preceding that January or July.

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

6 (A) review each communications log re-
7 ceived under paragraph (1)(A); and

8 (B) notify the Committee on the Judiciary
9 of the House of Representatives and the Com-
10 mittee on the Judiciary of the Senate if the In-
11 spector General determines that a covered com-
12 munication described in the communications
13 log—

14 (i) is inappropriate from a law en-
15 forcement perspective; or

16 (ii) raises concerns about improper
17 political interference.

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

1 **SEC. 604. RULE OF CONSTRUCTION.**

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

5 **TITLE VII—PROTECTING IN-**
6 **SPECTOR GENERAL INDE-**
7 **PENDENCE**

8 **Subtitle A—Requiring Cause for**
9 **Removal**

10 **SEC. 701. SHORT TITLE.**

11 This subtitle may be cited as the “Inspector General
12 Independence Act”.

13 **SEC. 702. AMENDMENT.**

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

16 (1) in section 3(b)—

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

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

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

24 “(2) The President may remove an Inspector General
25 only for any of the following grounds (and the documenta-

1 tion of any such ground shall be included in the commu-
2 nication required pursuant to paragraph (1)):

3 “(A) Documented permanent incapacity.

4 “(B) Documented neglect of duty.

5 “(C) Documented malfeasance.

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

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

10 “(F) Documented gross mismanagement.

11 “(G) Documented gross waste of funds.

12 “(H) Documented abuse of authority.

13 “(I) Documented inefficiency.”; and

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

20 “(A) Documented permanent incapacity.

21 “(B) Documented neglect of duty.

22 “(C) Documented malfeasance.

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

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

3 “(F) Documented gross mismanagement.

4 “(G) Documented gross waste of funds.

5 “(H) Documented abuse of authority.

6 “(I) Documented inefficiency.”.

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

8 (a) REASONS FOR REMOVAL OR TRANSFER.—Section
9 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.),
10 as amended by section 702, is further amended—

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

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

16 “(3) If there is an open or completed inquiry
17 into an Inspector General that relates to the removal
18 or transfer of the Inspector General under para-
19 graph (1), the written communication required
20 under that paragraph shall—

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

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

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

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

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

10 “(3) If there is an open or completed inquiry
 11 into an Inspector General that relates to the removal
 12 or transfer of the Inspector General under para-
 13 graph (2), the written communication required
 14 under that paragraph shall—

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

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

19 **Subtitle B—Inspectors General of** 20 **Intelligence Community**

21 **SEC. 711. INDEPENDENCE OF INSPECTORS GENERAL OF** 22 **THE INTELLIGENCE COMMUNITY.**

23 (a) IN GENERAL.—The National Security Act of
 24 1947 (50 U.S.C. 3001 et seq.) is amended by adding at
 25 the end the following new title:

1 **“TITLE XII—MATTERS REGARD-**
2 **ING INSPECTORS GENERAL**
3 **OF ELEMENTS OF THE INTEL-**
4 **LIGENCE COMMUNITY**

5 **“Subtitle A—Inspectors General**

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

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

11 “(1) Documented permanent incapacity.

12 “(2) Documented neglect of duty.

13 “(3) Documented malfeasance.

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

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

18 “(6) Documented gross mismanagement.

19 “(7) Documented gross waste of funds.

20 “(8) Documented abuse of authority.

21 “(9) Documented inefficiency.

22 “(b) ADMINISTRATIVE LEAVE.—A covered Inspector
23 General may be placed on administrative leave only by the
24 head official. The head official may place a covered Inspec-

1 tor General on administrative leave only for any of the
2 grounds specified in subsection (a).

3 “(c) NOTIFICATION.—The head official may not re-
4 move a covered Inspector General under subsection (a) or
5 place a covered Inspector General on administrative leave
6 under subsection (b) unless—

7 “(1) the head official transmits in writing to
8 the appropriate congressional committees a notifica-
9 tion of such removal or placement, including an ex-
10 planation of the documented grounds specified in
11 subsection (a) for such removal or placement; and

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

15 “(d) REPORT.—Not later than 30 days after the date
16 on which the head official notifies a covered Inspector
17 General of being removed under subsection (a) or placed
18 on administrative leave under subsection (b), the office of
19 that Inspector General shall submit to the appropriate
20 congressional committees a report containing—

21 “(1) a description of the facts and circum-
22 stances of any pending complaint, investigation, in-
23 spection, audit, or other review or inquiry, including
24 any information, allegation, or complaint reported to
25 the Attorney General in accordance with section 535

1 of title 28, United States Code, that the Inspector
2 General was working on as of the date of such re-
3 moval or placement; and

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

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

10 “(f) DEFINITIONS.—In this section:

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

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

17 “(A) the congressional intelligence commit-
18 tees; and

19 “(B) the Committee on Oversight and Re-
20 form of the House of Representatives and the
21 Committee on Homeland Security and Govern-
22 mental Affairs of the Senate.

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

1 “(A) with respect to the position of a cov-
2 ered Inspector General that requires appoint-
3 ment by the President, by and with the advice
4 and consent of the Senate, the President; and

5 “(B) with respect to the position of a cov-
6 ered Inspector General that requires appoint-
7 ment by a head of a department or agency of
8 the Federal Government, the head of such de-
9 partment or agency.”.

10 (b) DEFINITION.—Section 3 of such Act (50 U.S.C.
11 3003) is amended by adding at the end the following new
12 paragraph:

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

15 “(A) The Inspector General of the Intel-
16 ligence Community.

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

19 “(C) The Inspector General of the Defense
20 Intelligence Agency.

21 “(D) The Inspector General of the Na-
22 tional Reconnaissance Office.

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

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

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

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

 “SUBTITLE A—INSPECTORS GENERAL

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

7 **SEC. 712. AUTHORITY OF INSPECTORS GENERAL OF THE**
8 **INTELLIGENCE COMMUNITY TO DETERMINE**
9 **MATTERS OF URGENT CONCERN.**

10 (a) DETERMINATION.—

11 (1) IN GENERAL.—Title XII of the National Se-
12 curity Act of 1947, as added by section 711, is
13 amended by inserting after section 1201 the fol-
14 lowing new section:

15 **“SEC. 1203. DETERMINATION OF MATTERS OF URGENT**
16 **CONCERN.**

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

22 “(b) FOREIGN INTERFERENCE IN ELECTIONS.—In
23 addition to any other matter which is considered an urgent

1 concern pursuant to section 103H(k)(5)(G), section
 2 17(d)(5)(G) of the Central Intelligence Agency Act of
 3 1949 (50 U.S.C. 3517(d)(5)(G)), or other applicable pro-
 4 vision of law, the term ‘urgent concern’ includes a serious
 5 or flagrant problem, abuse, violation of law or Executive
 6 order, or deficiency relating to foreign interference in elec-
 7 tions in the United States.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
 9 tions at the beginning of the National Security Act
 10 of 1947 is amended by inserting after the item relat-
 11 ing to section 1201, as added by section 711, the
 12 following new item:

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

13 (b) CONFORMING AMENDMENTS.—

14 (1) INTELLIGENCE COMMUNITY.—Section
 15 103H(k)(5)(G) of the National Security Act of 1947
 16 (50 U.S.C. 3033(k)(5)(G)) is amended by striking
 17 “In this paragraph” and inserting “In accordance
 18 with section 1203, in this paragraph”.

19 (2) CENTRAL INTELLIGENCE AGENCY.—Section
 20 17(d)(5)(G) of the Central Intelligence Agency Act
 21 of 1949 (50 U.S.C. 3517(d)(5)(G)) is amended by
 22 striking “In this paragraph” and inserting “In ac-
 23 cordance with section 1203 of the National Security
 24 Act of 1947, in this paragraph”.

1 (c) REPORTS ON UNRESOLVED DIFFERENCES.—

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

5 “(C) With respect to each report submitted pursuant
6 to subparagraph (A)(i), the Inspector General shall in-
7 clude in the report, at a minimum—

8 “(i) a general description of the unresolved dif-
9 ferences, the particular duties or responsibilities of
10 the Inspector General involved, and, if such dif-
11 ferences relate to a complaint or information under
12 paragraph (5), a description of the complaint or in-
13 formation and the entities or individuals identified in
14 the complaint or information; and

15 “(ii) to the extent such differences can be at-
16 tributed not only to the Director but also to any
17 other official, department, agency, or office within
18 the executive branch, or a component thereof, the ti-
19 tles of such official, department, agency, or office.”.

20 (d) CLARIFICATION OF ROLE OF DIRECTOR OF NA-
21 TIONAL INTELLIGENCE.—Section 102A(f)(1) of such Act
22 (50 U.S.C. 3024(f)(1)) is amended—

23 (1) by redesignating subparagraph (B) as sub-
24 paragraph (C); and

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

3 “(B) The authority of the Director of National
 4 Intelligence under subparagraph (A) includes coordi-
 5 nating and supervising activities undertaken by ele-
 6 ments of the intelligence community for the purpose
 7 of protecting the United States from any foreign in-
 8 terference in elections in the United States.”.

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

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

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

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

22 “(6) The provisions of title XII of the National Secu-
 23 rity Act of 1947 shall apply to the Inspector General with
 24 respect to the removal of the Inspector General and any

1 other matter relating to the Inspector General as specifi-
 2 cally provided for in such title.”.

3 (c) OTHER ELEMENTS.—

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

8 **“SEC. 1205. COORDINATION WITH OTHER PROVISIONS OF**
 9 **LAW.**

10 “No provision of law that is inconsistent with any
 11 provision of this title shall be considered to supersede, re-
 12 peal, or otherwise modify a provision of this title unless
 13 such other provision of law specifically cites a provision
 14 of this title in order to supersede, repeal, or otherwise
 15 modify that provision of this title.”.

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

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

21 **Subtitle C—Congressional** 22 **Notification**

23 **SEC. 721. SHORT TITLE.**

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

1 **SEC. 722. CHANGE IN STATUS OF INSPECTOR GENERAL OF-**
2 **FICES.**

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

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

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

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

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

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

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

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

22 (c) EXCEPTION TO REQUIREMENT TO SUBMIT COM-
23 MUNICATION RELATING TO CERTAIN CHANGES IN STA-
24 TUS.—

25 (1) COMMUNICATION RELATING TO CHANGE IN
26 STATUS OF INSPECTOR GENERAL OF OFFICE.—Sec-

1 tion 3(b) of the Inspector General Act of 1978 (5
2 U.S.C. App.), as amended by section 702(1), is fur-
3 ther amended—

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

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

8 “(4) If an Inspector General is placed on paid
9 or unpaid non-duty status, the President may sub-
10 mit the communication described in paragraph (1)
11 to Congress later than 30 days before the Inspector
12 General is placed on paid or unpaid non-duty status,
13 but in any case not later than the date on which the
14 placement takes effect, if—

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

18 “(i) pose a threat to the Inspector
19 General or others;

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

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

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

1 “(i) a specification of which clause the
2 President relied on to make the determina-
3 tion under subparagraph (A);

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

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

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

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

19 “(A) determines that not placing the In-
20 spector General on paid or unpaid non-duty sta-
21 tus would—

22 “(i) pose a threat to the Inspector
23 General or others;

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

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

3 “(B) on or before the date on which the
4 placement takes effect, submits to the Com-
5 mittee in the House of Representatives and the
6 Committee in the Senate that has jurisdiction
7 over the Inspector General involved, the Com-
8 mittee on Oversight and Reform of the House
9 of Representatives, and the Committee on
10 Homeland Security and Governmental Affairs
11 of the Senate, a written communication that
12 contains the following information—

13 “(i) a specification of which clause
14 under subparagraph (A) the President re-
15 lied on to make the determination under
16 such subparagraph;

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

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

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

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

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

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

14 “(4) If an Inspector General is placed on paid
15 or unpaid non-duty status, the head of a designated
16 Federal entity may submit the communication de-
17 scribed in paragraph (2) to Congress later than 30
18 days before the Inspector General is placed on paid
19 or unpaid non-duty status, but in any case not later
20 than the date on which the placement takes effect,
21 if—

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

1 “(i) pose a threat to the Inspector
2 General or others;

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

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

7 “(B) in the communication, the head in-
8 cludes—

9 “(i) a specification of which clause
10 under subparagraph (A) the head relied on
11 to make the determination under such sub-
12 paragraph;

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

16 “(iii) if the head relied on an inquiry
17 to make such determination, an identifica-
18 tion of each entity that is conducting, or
19 that conducted, such inquiry; and

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

23 “(5) The head may not place an Inspector Gen-
24 eral on paid or unpaid non-duty status during the
25 30-day period preceding the date on which the In-

1 spector General is removed or transferred under
2 paragraph (2) unless the head—

3 “(A) determines that not placing the In-
4 spector General on paid or unpaid non-duty sta-
5 tus would—

6 “(i) pose a threat to the Inspector
7 General or others;

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

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

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

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

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

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

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

11 (d) APPLICATION.—The amendments made by this
 12 section shall apply with respect to removals, transfers, and
 13 changes of status occurring on or after the date that is
 14 30 days after the date of the enactment of this Act.

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

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

20 **“§ 3349e. Presidential explanation of failure to nomi-**
 21 **nate an Inspector General**

22 “If the President fails to make a formal nomination
 23 for a vacant Inspector General position that requires a for-
 24 mal nomination by the President to be filled within the
 25 period beginning on the date on which the vacancy oc-

1 curred and ending on the day that is 210 days after that
 2 date, the President shall communicate, within 30 days
 3 after the end of such period, to Congress in writing—

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

6 “(2) a target date for making a formal nomina-
 7 tion.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 for chapter 33 of title 5, United States Code, is amended
 10 by inserting after the item relating to 3349d the following
 11 new item:

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

12 (c) EFFECTIVE DATE.—The amendment made by
 13 subsection (a) shall take effect on the date of the enact-
 14 ment of this Act and shall apply to any vacancy first oc-
 15 ccurring on or after that date.

16 **TITLE VIII—PROTECTING** 17 **WHISTLEBLOWERS**

18 **Subtitle A—Whistleblower** 19 **Protection Improvement**

20 **SEC. 801. SHORT TITLE.**

21 This title may be cited as the “Whistleblower Protec-
 22 tion Improvement Act of 2021”.

23 **SEC. 802. ADDITIONAL WHISTLEBLOWER PROTECTIONS.**

24 (a) INVESTIGATIONS AS PERSONNEL ACTIONS.—

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

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

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

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

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

10 “(I) the commencement, expansion, or
11 extension of an investigation, but not in-
12 cluding any investigation that is ministerial
13 or nondiscretionary (including a ministerial
14 or nondiscretionary investigation described
15 in section 1213) or any investigation that
16 is conducted by an Inspector General of an
17 entity of the Government of an employee
18 not employed by the office of that Inspec-
19 tor General; and

20 “(II) a referral to an Inspector Gen-
21 eral of an entity of the Government, except
22 for a referral that is ministerial or nondis-
23 cretionary; and”.

24 (2) APPLICATION.—The amendment made by
25 paragraph (1) shall apply to any investigation

1 opened, or referral made, as described under clause
2 (xii) of section 2302(a)(2)(A) of title 5, United
3 States Code, as added by such paragraph, on or
4 after the date of enactment of this Act.

5 (b) RIGHT TO PETITION CONGRESS.—

6 (1) IN GENERAL.—Section 2302(b)(9) of title
7 5, United States Code, is amended—

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

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

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

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

15 (2) APPLICATION.—The amendment made by
16 paragraph (1) shall apply to the exercise of any
17 right described in section 2302(b)(9)(E) of title 5,
18 United States Code, as added by paragraph (1), oc-
19 ccurring on or after the date of enactment of this
20 Act.

21 (c) PROHIBITION ON DISCLOSURE OF WHISTLE-
22 BLOWER IDENTITY.—

23 (1) IN GENERAL.—Section 2302 of title 5,
24 United States Code, is amended by adding at the
25 end the following:

1 “(g)(1) No employee of an agency may willfully com-
2 municate or transmit to any individual who is not an offi-
3 cer or employee of the Government the identity of, or per-
4 sonally identifiable information about, any other employee
5 because that other employee has made, or is suspected to
6 have made, a disclosure protected by subsection (b)(8),
7 unless—

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

12 “(B) the communication or transmission is
13 made in accordance with the provisions of section
14 552a;

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

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

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

23 “(A) the President;

24 “(B) a Member of Congress;

25 “(C) a member of the uniformed services;

1 “(D) an employee as that term is defined in
2 section 2105, including an employee of the United
3 States Postal Service, the Postal Regulatory Com-
4 mission, or the Department of Veterans Affairs (in-
5 cluding any employee appointed pursuant to chapter
6 73 or 74 of title 38); and

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

9 (2) APPLICATION.—The amendment made by
10 paragraph (1) shall apply to any transmission or
11 communication described in subsection (g) of section
12 2302 of title 5, United States Code, as added by
13 paragraph (1), made on or after the date of enact-
14 ment of this Act.

15 (d) RIGHT TO PETITION CONGRESS.—

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

18 **“§ 7211. Employees’ right to petition or furnish infor-**
19 **mation or respond to Congress**

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

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

1 “(2) furnish information, documents, or testi-
2 mony to either House of Congress, any Member of
3 Congress, or any committee or subcommittee of the
4 Congress; or

5 “(3) respond to any request for information,
6 documents, or testimony from either House of Con-
7 gress or any Committee or subcommittee of Con-
8 gress.

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

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

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

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

3 “(1) specifically prohibited from disclosure by
4 any other provision of Federal law; or

5 “(2) specifically required by Executive order to
6 be kept secret in the interest of national defense or
7 the conduct of foreign affairs, unless disclosure is
8 otherwise authorized by law.

9 “(d) DEFINITION OF OFFICER OR EMPLOYEE OF
10 THE FEDERAL GOVERNMENT.—For purposes of this sec-
11 tion, the term ‘officer or employee of the Federal Govern-
12 ment’ includes—

13 “(1) the President;

14 “(2) a Member of Congress;

15 “(3) a member of the uniformed services;

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

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

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

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions for subchapter II of chapter 72 of title 5,
24 United States Code, is amended by striking the item
25 related to section 7211 and inserting the following:

“7211. Employees’ right to petition or furnish information or respond to Congress.”.

1 **SEC. 803. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**
2 **TIONS.**

3 (a) DISCLOSURES RELATING TO OFFICERS OR EM-
4 PLOYEES OF AN OFFICE OF INSPECTOR GENERAL.—Sec-
5 tion 1213(c) of title 5, United States Code, is amended
6 by adding at the end the following:

7 “(3) If the information transmitted under this sub-
8 section disclosed a violation of law, rule, or regulation, or
9 gross waste, gross mismanagement, abuse of authority, or
10 a substantial and specific danger to public health or safe-
11 ty, by any officer or employee of an Office of Inspector
12 General, the Special Counsel may refer the matter to the
13 Council of the Inspectors General on Integrity and Effi-
14 ciency, which shall comply with the standards and proce-
15 dures applicable to investigations and reports under sub-
16 section (c).”.

17 (b) RETALIATORY REFERRALS TO INSPECTORS GEN-
18 ERAL.—Section 1214(d) of title 5, United States Code,
19 is amended by adding at the end the following:

20 “(3) In any case in which the Special Counsel deter-
21 mines that a referral to an Inspector General of an entity
22 of the Federal Government was in retaliation for a dislo-
23 sure or protected activity described in section 2302(b)(8)
24 or in retaliation for exercising a right described in section

1 2302(b)(9)(A)(i), the Special Counsel shall transmit that
 2 finding in writing to the Inspector General within seven
 3 days of making the finding. The Inspector General shall
 4 consider that finding and make a determination on wheth-
 5 er to initiate an investigation or continue an investigation
 6 based on the referral that the Special Counsel found to
 7 be retaliatory.”.

8 (c) ENSURING TIMELY RELIEF.—

9 (1) INDIVIDUAL RIGHT OF ACTION.—Section
 10 1221 of title 5, United States Code, is amended by
 11 striking “section 2302(b)(8) or section
 12 2302(b)(9)(A)(i), (B), (C), or (D),” each place it ap-
 13 pears and inserting “section 2302(b)(8), section
 14 2302(b)(9)(A)(i), (B), (C), (D), or (E), section
 15 2302(b)(13), or section 2302(g),”.

16 (2) STAYS.—Section 1221(c)(2) of title 5,
 17 United States Code, is amended to read as follows:
 18 “(2) Any stay requested under paragraph (1) shall
 19 be granted within 10 calendar days (excluding Saturdays,
 20 Sundays, and legal holidays) after the date the request
 21 is made, if the Board determines—

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

1 “(B) the Board otherwise determines that such
2 a stay would be appropriate.”.

3 (3) APPEAL OF STAY.—Section 1221(c) of title
4 5, United States Code, is amended by adding at the
5 end the following:

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

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

18 (A) IN GENERAL.—Section 1221(i) of title
19 5, United States Code, is amended—

20 (i) by striking “(i) Subsections” and
21 inserting “(i)(1) Subsections”; and

22 (ii) by adding at the end the fol-
23 lowing:

24 “(2)(A) If, in the case of an employee, former em-
25 ployee, or applicant for employment who seeks corrective

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

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

22 “(C) In any such action brought before a United
23 States district court under subparagraph (A), the court—

24 “(i) shall apply the standards set forth in sub-
25 section (e); and

1 “(ii) may award any relief which the court con-
2 siders appropriate, including any relief described in
3 subsection (g).”.

4 (B) APPLICATION.—

5 (i) The amendments made by sub-
6 paragraph (A) shall apply to any corrective
7 action duly submitted to the Merit Systems
8 Protection Board, during the five-year pe-
9 riod preceding the date of enactment of
10 this Act, by an employee, former employee,
11 or applicant for employment based on an
12 alleged prohibited personnel practice de-
13 scribed in section 2302(b)(8),
14 2302(b)(9)(A)(i), (B), (C), or (D), or
15 2302(b)(13) of title 5, United States Code,
16 with respect to which no final order or de-
17 cision has been issued by the Board.

18 (ii) In the case of an individual de-
19 scribed in clause (i) whose duly submitted
20 claim to the Board was made not later
21 than 180 days before the date of enact-
22 ment of this Act, such individual may only
23 bring an action before a United States dis-
24 trict court as described in section
25 1221(i)(2) of title 5, United States Code,

1 (as added by subparagraph (A)) if that in-
2 dividual—

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

8 (II) brings such action not later
9 than 20 days after providing such no-
10 tice.

11 (d) RECIPIENTS OF WHISTLEBLOWER DISCLO-
12 SURES.—Section 2302(b)(8)(B) of title 5, United States
13 Code, is amended by striking “or to the Inspector General
14 of an agency or another employee designated by the head
15 of the agency to receive such disclosures” and inserting
16 “the Inspector General of an agency, a supervisor in the
17 employee’s direct chain of command up to and including
18 the head of the employing agency, or to an employee des-
19 ignated by any of the aforementioned individuals for the
20 purpose of receiving such disclosures”.

21 (e) ATTORNEY FEES.—

22 (1) IN GENERAL.—Section 7703(a) of title 5,
23 United States Code, is amended by adding at the
24 end the following:

1 “(3) If an employee, former employee, or appli-
2 cant for employment is the prevailing party under a
3 proceeding brought under this section, the employee,
4 former employee, or applicant for employment shall
5 be entitled to attorney fees for all representation
6 carried out pursuant to this section. In such an ac-
7 tion for attorney fees, the agency responsible for
8 taking the personnel action shall be the respondent
9 and shall be responsible for paying the fees.”.

10 (2) APPLICATION.—In addition to any pro-
11 ceeding brought by an employee, former employee,
12 or applicant for employment on or after the date of
13 enactment of this Act to a Federal court under sec-
14 tion 7703 of title 5, United States Code, the amend-
15 ment made by paragraph (1) shall apply to any pro-
16 ceeding brought by an employee, former employee,
17 or applicant for employment under such section be-
18 fore the date of enactment of this Act with respect
19 to which the applicable Federal court has not issued
20 a final decision.

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

23 (1) IN GENERAL.—Section 2302(a)(2)(A) of
24 title 5, United States Code, is amended in the mat-
25 ter following clause (xiii)—

(A) by inserting “subsection (b)(9)(A)(i), (B), (C), (D), or (E), subsection (b)(13), or subsection (g),” after “subsection (b)(8),”; and

(B) by inserting after “title 31” the following: “, a commissioned officer or applicant for employment in the Public Health Service, an officer or applicant for employment in the commissioned officer corps of the National Oceanic and Atmospheric Administration, and a noncareer appointee in the Senior Executive Service”.

(2) CONFORMING AMENDMENTS.—Section 261 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071) is amended—

(A) in subsection (a)—

(i) by striking paragraph (8); and

(ii) by redesignating paragraphs (9) through (26) as paragraphs (8) through (25), respectively; and

(B) in subsection (b), by striking the second sentence.

(3) APPLICATION.—

(A) IN GENERAL.—With respect to an officer or applicant for employment in the commis-

1 sioned officer corps of the National Oceanic and
2 Atmospheric Administration, the amendments
3 made by paragraphs (1) and (2) shall apply to
4 any personnel action taken against such officer
5 or applicant on or after the date of enactment
6 of the National Oceanic and Atmospheric Ad-
7 ministration Commissioned Officer Corps
8 Amendments Act of 2020 (Public Law 116–
9 259) for making any disclosure protected under
10 section 2302(8) of title 5, United States Code.

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

17 (g) RELIEF.—

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

1 (2) APPLICATION.—In addition to any appeal
2 made on or after the date of enactment of this Act
3 to the Merit Systems Protection Board under section
4 7701 of title 5, United States Code, the amendment
5 made by paragraph (1) shall apply to any appeal
6 made under such section before the date of enact-
7 ment of this Act with respect to which the Board
8 has not issued a final decision.

9 **SEC. 804. CLASSIFYING CERTAIN FURLOUGHS AS ADVERSE**
10 **PERSONNEL ACTIONS.**

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

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

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

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

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

21 (b) APPLICATION.—The amendment made by sub-
22 section (a) shall apply to any furlough covered by such
23 section 7512(5) or (6) (as amended by such subsection)
24 occurring on or after the date of enactment of this Act.

1 **SEC. 805. CODIFICATION OF PROTECTIONS FOR DISCLO-**
2 **SURES OF CENSORSHIP RELATED TO RE-**
3 **SEARCH, ANALYSIS, OR TECHNICAL INFOR-**
4 **MATION.**

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

8 “(h)(1) In this subsection—

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

11 “(B) the term ‘censorship related to research,
12 analysis, or technical information’ means any effort
13 to distort, misrepresent, or suppress research, anal-
14 ysis, or technical information; and

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

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

21 “(i) shall come within the protections of sub-
22 section (b)(8)(A) if—

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

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

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

7 “(II) such disclosure is not specifically pro-
8 hibited by law or such information is not spe-
9 cifically required by Executive order to be kept
10 classified in the interest of national defense or
11 the conduct of foreign affairs; and

12 “(ii) shall come within the protections of sub-
13 section (b)(8)(B) if—

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

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

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

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

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

5 “(3) A disclosure shall not be excluded from para-
6 graph (2) for any reason described under subsection (f)(1)
7 or (2).

8 “(4) Nothing in this subsection shall be construed to
9 imply any limitation on the protections of employees and
10 applicants afforded by any other provision of law, includ-
11 ing protections with respect to any disclosure of informa-
12 tion believed to be evidence of censorship related to re-
13 search, analysis, or technical information.”.

14 (b) REPEAL.—

15 (1) IN GENERAL.—Section 110 of the Whistle-
16 blower Protection Enhancement Act of 2012 (Public
17 Law 112–199) is hereby repealed.

18 (2) RULE OF CONSTRUCTION.—Nothing in this
19 section shall be construed to limit or otherwise affect
20 any action under such section 110 commenced be-
21 fore the date of enactment of this Act or any protec-
22 tions afforded by such section with respect to such
23 action.

1 **SEC. 806. TITLE 5 TECHNICAL AND CONFORMING AMEND-**
2 **MENTS.**

3 Title 5, United States Code, is amended—

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

7 (2) in section 1214—

8 (A) in subsections (a) and (b), by striking
9 “section 2302(b)(8) or section 2302(b)(9)(A)(i),
10 (B), (C), or (D)” each place it appears and in-
11 serting “section 2302(b)(8), section
12 2302(b)(9)(A)(i), (B), (C), (D), or (E), section
13 2302(b)(13), or section 2302(g)”;

14 (B) in subsection (i), by striking “section
15 2302(b)(8) or subparagraph (A)(i), (B), (C), or
16 (D) of section 2302(b)(9)” and inserting “sec-
17 tion 2302(b)(8), subparagraph (A)(i), (B), (C),
18 (D), or (E) of section 2302(b)(9), section
19 2302(b)(13), or section 2302(g)”;

20 (3) in section 1215(a)(3)(B), by striking “sec-
21 tion 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or
22 (D)” each place it appears and inserting “section
23 2302(b)(8), section 2302(b)(9)(A)(i), (B), (C), (D),
24 or (E), section 2302(b)(13), or section 2302(g)”;

25 (4) in section 2302—

26 (A) in subsection (a)—

1 (i) in paragraph (1), by inserting “or
2 (g)” after “subsection (b)”; and

3 (ii) in paragraph (2)(C)(i), by striking
4 “subsection (b)(8) or section
5 2302(b)(9)(A)(i), (B), (C), or (D)” and in-
6 serting “section 2302(b)(8), section
7 2302(b)(9)(A)(i), (B), (C), (D), or (E),
8 section 2302(b)(13), or section 2302(g)”;
9 and

10 (B) in subsection (c)(1)(B), by striking
11 “paragraph (8) or subparagraph (A)(i), (B),
12 (C), or (D) of paragraph (9) of subsection (b)”
13 and inserting “paragraph (8), subparagraph
14 (A)(i), (B), (C), or (D) of paragraph (9), or
15 paragraph (13) of subsection (b) or subsection
16 (g)”;

17 (5) in section 7515(a)(2), by striking “para-
18 graph (8), (9), or (14) of section 2302(b)” and in-
19 serting “paragraph (8), (9), (13), or (14) of section
20 2302(b) or section 2302(g)”;

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

23 (7) in section 7703(b)(1)(B), by striking “sec-
24 tion 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or
25 (D)” and inserting “section 2302(b)(8), section

1 2302(b)(9)(A)(i), (B), (C), (D), or (E), section
2 2302(b)(13), or section 2302(g)”.

3 **Subtitle B—Whistleblowers of the**
4 **Intelligence Community**

5 **SEC. 811. LIMITATION ON SHARING OF INTELLIGENCE**
6 **COMMUNITY WHISTLEBLOWER COMPLAINTS**
7 **WITH PERSONS NAMED IN SUCH COM-**
8 **PLAINTS.**

9 (a) IN GENERAL.—Title XII of the National Security
10 Act of 1947, as added by section 711, is further amended
11 by inserting after section 1205, as added by section
12 713(c), the following new subtitle:

13 **“Subtitle B—Protections for**
14 **Whistleblowers**

15 **“SEC. 1223. LIMITATION ON SHARING OF INTELLIGENCE**
16 **COMMUNITY WHISTLEBLOWER COMPLAINTS**
17 **WITH PERSONS NAMED IN SUCH COM-**
18 **PLAINTS.**

19 “(a) IN GENERAL.—It shall be unlawful for any em-
20 ployee or officer of the Federal Government to knowingly
21 and willfully share any whistleblower disclosure informa-
22 tion with any individual named as a subject of the whistle-
23 blower disclosure and alleged in the disclosure to have en-
24 gaged in misconduct, unless—

1 “(1) the whistleblower consented, in writing, to
2 such sharing before the sharing occurs;

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

5 “(A) determines that such sharing is nec-
6 essary to advance an investigation, audit, in-
7 spection, review, or evaluation by the Inspector
8 General; and

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

11 “(3) an attorney for the Government—

12 “(A) determines that such sharing is nec-
13 essary to advance an investigation by the attor-
14 ney; and

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

17 “(b) WHISTLEBLOWER DISCLOSURE INFORMATION
18 DEFINED.—In this section, the term ‘whistleblower dislo-
19 sure information’ means, with respect to a whistleblower
20 disclosure—

21 “(1) the disclosure;

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

24 “(3) the identity, or other identifying informa-
25 tion, of the whistleblower who made the disclosure.”.

1 (b) TECHNICAL AND CLERICAL AMENDMENTS.—

2 (1) TRANSFER.—The National Security Act of
3 1947 (50 U.S.C. 3001 et seq.) is amended as fol-
4 lows:

5 (A) Section 1104 is—

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

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

10 (iii) redesignated as section 1221.

11 (B) Section 1106 is—

12 (i) amended by striking “section
13 1104” each place it appears and inserting
14 “section 1221”;

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

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

19 (iv) redesignated as section 1225.

20 (2) CLERICAL AMENDMENTS.—The table of sec-
21 tions at the beginning of the National Security Act
22 of 1947 is amended—

23 (A) by striking the items relating to sec-
24 tion 1104 and section 1106; and

1 (B) by inserting after the item relating to
2 section 1205 the following new items:

“SUBTITLE B—PROTECTIONS FOR WHISTLEBLOWERS

“Sec. 1221. Prohibited personnel practices in the intelligence community.

“Sec. 1223. Limitation on sharing of intelligence community whistleblower complaints with persons named in such complaints.

“Sec. 1225. Inspector General external review panel.”.

3 (c) DEFINITIONS.—Section 3 of such Act (50 U.S.C.
4 3003), as amended by section 711, is further amended by
5 adding at the end the following new paragraphs:

6 “(9) The term ‘whistleblower’ means a person
7 who makes a whistleblower disclosure.

8 “(10) The term ‘whistleblower disclosure’
9 means a disclosure that is protected under section
10 1221 of this Act or section 3001(j)(1) of the Intel-
11 ligence Reform and Terrorism Prevention Act of
12 2004 (50 U.S.C. 3341(j)).”.

13 (d) CONFORMING AMENDMENT.—Section 5331 of the
14 Damon Paul Nelson and Matthew Young Pollard Intel-
15 ligence Authorization Act for Fiscal Years 2018, 2019,
16 and 2020 (division E of Public Law 116–92; 50 U.S.C.
17 3033 note) is amended by striking “section 1104 of the
18 National Security Act of 1947 (50 U.S.C. 3234)” and in-
19 serting “section 1221 of the National Security Act of
20 1947”.

1 **SEC. 812. DISCLOSURES TO CONGRESS.**

2 (a) IN GENERAL.—Title XII of the National Security
3 Act of 1947, as added by section 711, is further amended
4 by inserting after section 1225, as designated by section
5 811(b), the following new section:

6 **“SEC. 1227. PROCEDURES REGARDING DISCLOSURES TO**
7 **CONGRESS.**

8 “(a) GUIDANCE.—

9 “(1) OBLIGATION TO PROVIDE SECURITY DI-
10 RECTION UPON REQUEST.—Upon the request of a
11 whistleblower, the head of the relevant element of
12 the intelligence community, acting through the cov-
13 ered Inspector General for that element, shall fur-
14 nish on a confidential basis to the whistleblower in-
15 formation regarding how the whistleblower may di-
16 rectly contact the congressional intelligence commit-
17 tees, in accordance with appropriate security prac-
18 tices, regarding a complaint or information of the
19 whistleblower pursuant to section 103H(k)(5)(D) or
20 other appropriate provision of law.

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

26 “(A) the identity of the whistleblower; or

1 “(B) the element at which such whistle-
2 blower is employed, detailed, or assigned as a
3 contractor employee.

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

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

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of the National Security Act of 1947 is
19 amended by inserting after the item relating to section
20 1225, as added by section 811(b), the following new item:

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

21 (c) CONFORMING AMENDMENT.—Section
22 103H(k)(5)(D)(i) of the National Security Act of 1947
23 (50 U.S.C. 3033(k)(5)(D)(i)) is amended by adding at the
24 end the following: “The employee may request information

1 pursuant to section 1227 with respect to contacting such
2 committees.”.

3 **SEC. 813. PROHIBITION AGAINST DISCLOSURE OF WHIS-**
4 **TLEBLOWER IDENTITY AS REPRISAL**
5 **AGAINST WHISTLEBLOWER DISCLOSURE BY**
6 **EMPLOYEES AND CONTRACTORS IN INTEL-**
7 **LIGENCE COMMUNITY.**

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

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

13 (2) by redesignating subparagraph (J) as sub-
14 paragraph (K); and

15 (3) by inserting after subparagraph (I) the fol-
16 lowing:

17 “(J) a knowing and willful disclosure re-
18 vealing the identity or other personally identifi-
19 able information of such employee or such con-
20 tractor employee without the express written
21 consent of such employee or such contractor
22 employee or if the Inspector General determines
23 such disclosure is necessary for the exclusive
24 purpose of investigating a complaint or infor-
25 mation received under section 8H of the Inspec-

1 tor General Act of 1978 (5 U.S.C. App. 8H);
2 or”.

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

5 “(5) EMPLOYEE.—The term ‘employee’, with
6 respect to an agency or a covered intelligence com-
7 munity element, includes an individual who has been
8 detailed to such agency or covered intelligence com-
9 munity element.”.

10 (c) PRIVATE RIGHT OF ACTION FOR UNLAWFUL DIS-
11 CLOSURE OF WHISTLEBLOWER IDENTITY.—Subsection
12 (d) of such section is amended to read as follows:

13 “(d) ENFORCEMENT.—

14 “(1) IN GENERAL.—Except as otherwise pro-
15 vided in this subsection, the President shall provide
16 for the enforcement of this section.

17 “(2) PRIVATE RIGHT OF ACTION FOR UNLAW-
18 FUL, WILLFUL DISCLOSURE OF WHISTLEBLOWER
19 IDENTITY.—In a case in which an employee of an
20 agency, or other employee or officer of the Federal
21 Government, takes a personnel action described in
22 subsection (a)(3)(J) against an employee of a cov-
23 ered intelligence community element as a reprisal in
24 violation of subsection (b) or in a case in which a
25 contractor employee takes a personnel action de-

1 scribed in such subsection against another con-
 2 tractor employee as a reprisal in violation of sub-
 3 section (c), the employee or contractor employee
 4 against whom the personnel action was taken may
 5 bring a private action for all appropriate remedies,
 6 including injunctive relief and compensatory and pu-
 7 nitive damages, against the employee or contractor
 8 employee who took the personnel action, in a Fed-
 9 eral district court of competent jurisdiction within
 10 180 days of when the employee or contractor em-
 11 ployee first learned of or should have learned of the
 12 violation.”.

13 **TITLE IX—ACCOUNTABILITY** 14 **FOR ACTING OFFICIALS**

15 **SEC. 901. SHORT TITLE.**

16 This title may be cited as the “Accountability for Act-
 17 ing Officials Act”.

18 **SEC. 902. CLARIFICATION OF FEDERAL VACANCIES RE-** 19 **FORM ACT OF 1998.**

20 (a) **ELIGIBILITY REQUIREMENTS.**—Section 3345 of
 21 title 5, United States Code, is amended as follows:

22 (1) In subsection (a)—

23 (A) in paragraph (1), by adding at the end
 24 before the semi-colon the following: “, but, and
 25 except as provided in subsection (e), only if the

1 individual serving in the position of first assist-
2 ant has occupied such position for a period of
3 at least 30 days during the 365-day period pre-
4 ceding the date of the death, resignation, or be-
5 ginning of inability to serve”; and

6 (B) by striking subparagraph (A) of para-
7 graph (3) and inserting the following:

8 “(A) the officer or employee served in a
9 position in such agency for a period of at least
10 1 year preceding the date of death, resignation,
11 or beginning of inability to serve of the applica-
12 ble officer; and”.

13 (2) By adding at the end the following:

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

22 “(e) The 30-day service requirement in subsection
23 (a)(1) shall not apply to any individual who is a first as-
24 sistant if—

1 “(1)(A) the office of such first assistant is an
2 office for which appointment is required to be made
3 by the President, by and with the advice and consent
4 of the Senate; and

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

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

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

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

21 (c) APPLICATION TO INDIVIDUALS REMOVED FROM
22 OFFICE.—Paragraph (2) of section 3345(c) of title 5,
23 United States Code, is amended by inserting after “the
24 expiration of a term of office” the following: “or removal
25 (voluntarily or involuntarily) from office”.

1 (d) VACANCY OF INSPECTOR GENERAL POSITIONS.—

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

6 “(f)(1) Notwithstanding subsection (a), if an Inspec-
7 tor General position that requires appointment by the
8 President by and with the advice and consent of the Sen-
9 ate to be filled is vacant, the first assistant of such posi-
10 tion shall perform the functions and duties of the Inspec-
11 tor General temporarily in an acting capacity subject to
12 the time limitations of section 3346.

13 “(2) Notwithstanding subsection (a), if for purposes
14 of carrying out paragraph (1) of this subsection, by reason
15 of absence, disability, or vacancy, the first assistant to the
16 position of Inspector General is not available to perform
17 the functions and duties of the Inspector General, an act-
18 ing Inspector General shall be appointed by the President
19 from among individuals serving in an office of any Inspec-
20 tor General, provided that—

21 “(A) during the 365-day period preceding the
22 date of death, resignation, or beginning of inability
23 to serve of the applicable Inspector General, the in-
24 dividual served in a position in an office of any In-
25 spector General for not less than 90 days; and

1 “(B) the rate of pay for the position of such in-
2 dividual is equal to or greater than the minimum
3 rate of pay payable for a position at GS-15 of the
4 General Schedule.”.

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

9 (e) TESTIMONY OF ACTING OFFICIALS BEFORE CON-
10 GRESS.—Section 3345 of title 5, United States Code, as
11 amended by subsection (d)(1), is further amended by add-
12 ing at the end the following:

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

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

24 (f) TIME LIMITATION FOR PRINCIPAL OFFICES.—
25 Section 3346 of title 5, United States Code, is amended—

1 (1) in subsection (a), by inserting “or as pro-
2 vided in subsection (d)” after “sickness”; and

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

4 “(d) With respect to the vacancy of the position of
5 head of any agency listed in subsection (b) of section 901
6 of title 31, or any other position that is within the Presi-
7 dent’s cabinet and to which this section applies, sub-
8 sections (a) through (c) of this section and sections
9 3348(c), 3349(b), and 3349a(b) shall be applied by sub-
10 stituting ‘120’ for ‘210’ in each instance.”.

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

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

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

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

25 (h) REPORTING OF VACANCIES.—

1 (1) IN GENERAL.—Section 3349 of title 5,
2 United States Code, is amended—

3 (A) in subsection (a)—

4 (i) by striking “immediately upon” in
5 each instance and inserting “not later than
6 7 days after”;

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

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

12 (iv) by adding at the end the fol-
13 lowing:

14 “(5) notification of the end of the term of serv-
15 ice of any person serving in an acting capacity and
16 the name of any subsequent person serving in an
17 acting capacity and the date the service of such sub-
18 sequent person began not later than 7 days after
19 such date.”; and

20 (B) in subsection (b), by striking “imme-
21 diately” and inserting “not later than 14 days
22 after the date of such determination”.

23 (2) TECHNICAL CORRECTIONS.—Paragraphs
24 (1) and (2) of subsection (b) of such section 3349
25 of such title are amended to read as follows:

1 “(1) the Committee on Homeland Security and
2 Governmental Affairs of the Senate;

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

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

8 “(b) Notwithstanding section 3346 (except as pro-
9 vided in paragraph (2) of this subsection) or 3348(c), with
10 respect to any vacancy that exists on a transitional inau-
11 guration day, or that arises during the 60-day period be-
12 ginning on such day, the person serving as an acting offi-
13 cer as described under section 3345 may serve in the of-
14 fice—

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

17 “(2) subject to subsection 3346(b), once a first
18 or second nomination for the office is submitted to
19 the Senate, from the date of such nomination for the
20 period that the nomination is pending in the Sen-
21 ate.”.

1 **TITLE X—STRENGTHENING**
2 **HATCH ACT ENFORCEMENT**
3 **AND PENALTIES**

4 **SEC. 1001. SHORT TITLE.**

5 This title may be cited as the “Hatch Act Account-
6 ability Act”.

7 **SEC. 1002. STRENGTHENING HATCH ACT ENFORCEMENT**
8 **AND PENALTIES AGAINST POLITICAL AP-**
9 **POINTEES.**

10 (a) INVESTIGATIONS BY OFFICE OF SPECIAL COUN-
11 SEL.—Section 1216 of title 5, United States Code, as
12 amended by section 307, is amended—

13 (1) in subsection (c), by striking “(1),”; and
14 (2) by adding at the end the following:

15 “(e)(1) In addition to the authority otherwise pro-
16 vided in this chapter, the Special Counsel—

17 “(A) shall conduct an investigation with respect
18 to any allegation concerning political activity prohib-
19 ited under subchapter III of chapter 73 (relating to
20 political activities by Federal employees); and

21 “(B) may, regardless of whether the Special
22 Counsel has received an allegation, conduct any in-
23 vestigation as the Special Counsel considers nec-
24 essary concerning political activity prohibited under
25 such subchapter.

1 “(2) With respect to any investigation under para-
2 graph (1) of this subsection, the Special Counsel may seek
3 corrective action under section 1214 and disciplinary ac-
4 tion under section 1215 in the same way as if a prohibited
5 personnel practice were involved.

6 “(f)(1) Notwithstanding subsection (b) of section
7 1215, consistent with paragraph (3) of this subsection, if
8 after an investigation under subsection (d)(1) the Special
9 Counsel determines that a political appointee has violated
10 section 7323 or 7324, the Special Counsel may present
11 a complaint to the Merit Systems Protection Board under
12 the process provided in section 1215, against such political
13 appointee.

14 “(2) Notwithstanding section 7326, a final order of
15 the Board on a complaint of a violation of section 7323
16 or 7324 by a political appointee may impose an assess-
17 ment of a civil penalty not to exceed \$50,000.

18 “(3) The Special Counsel may not present a com-
19 plaint under paragraph (1) of this subsection—

20 “(A) unless no disciplinary action or civil pen-
21 alty has been taken or assessed, respectively, against
22 the political appointee pursuant to section 7326; and

23 “(B) until on or after the date that is 90 days
24 after the date that the complaint regarding the polit-
25 ical appointee was presented to the President under

1 section 1215(b), notwithstanding whether the Presi-
2 dent submits a written statement pursuant to para-
3 graph (4) of this subsection.

4 “(4)(A) Not later than 90 days after receiving from
5 the Special Counsel a complaint recommending discipli-
6 nary action under section 1215(b) with respect to a polit-
7 ical appointee for a violation of section 7323 or 7324, the
8 President shall provide a written statement to the Special
9 Counsel on whether the President imposed the rec-
10 ommended disciplinary action, imposed another form of
11 disciplinary action and the nature of that disciplinary ac-
12 tion, or took no disciplinary action against the political
13 appointee.

14 “(B) Not later than 14 days after receiving a written
15 statement under subparagraph (A) of this paragraph—

16 “(i) the Special Counsel shall submit the writ-
17 ten statement to the Committee on Oversight and
18 Reform of the House of Representatives and the
19 Committee on Homeland Security and Governmental
20 Affairs of the Senate; and

21 “(ii) publish the written statement on the public
22 website of the Office of Special Counsel.

23 “(5) Not later than 14 days after the date that the
24 Special Counsel determines a political appointee has vio-
25 lated section 7323 or 7324, the Special Counsel shall—

1 “(A) submit a report on the investigation into
2 such political appointee, and any communications
3 sent from the Special Counsel to the President rec-
4 ommending discipline of such political appointee, to
5 the Committee on Oversight and Reform of the
6 House of Representatives and the Committee on
7 Homeland Security and Governmental Affairs of the
8 Senate; and

9 “(B) publish the report and such communica-
10 tions on the public website of the Office of Special
11 Counsel.

12 “(6) In this subsection, the term ‘political appointee’
13 means any individual, other than the President and the
14 Vice-President, employed or holding office—

15 “(A) in the Executive Office of the President,
16 the Office of the Vice President, and any other office
17 of the White House, but not including any career
18 employee; or

19 “(B) in a confidential, policy-making, policy-de-
20 termining, or policy-advocating position appointed by
21 the President, by and with the advice and consent
22 of the Senate (other than an individual in the For-
23 eign Service of the United States).”.

24 (b) CLARIFICATION ON APPLICATION OF HATCH ACT
25 TO EOP AND OVP EMPLOYEES.—Section 7322(1)(A) of

1 title 5, United States Code, is amended by inserting after
 2 “Executive agency” the following: “, including the Execu-
 3 tive Office of the President, the Office of the Vice Presi-
 4 dent, and any other office of the White House,”.

5 **TITLE XI—PROMOTING EFFI-**
 6 **CIENT PRESIDENTIAL TRAN-**
 7 **SITIONS**

8 **SEC. 1101. SHORT TITLE.**

9 This title may be cited as the “Efficient Transition
 10 Act of 2021”.

11 **SEC. 1102. ASCERTAINMENT OF SUCCESSFUL CANDIDATES**
 12 **IN GENERAL ELECTIONS FOR PURPOSES OF**
 13 **PRESIDENTIAL TRANSITION.**

14 (a) IN GENERAL.—Section 3(c) of the Presidential
 15 Transition Act of 1963 (3 U.S.C. 102 note) is amended—

16 (1) by striking “The terms” and inserting “(1)
 17 The terms”; and

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

19 “(2) The Administrator shall make the ascertainment
 20 under paragraph (1) as soon as practicable after the gen-
 21 eral elections.

22 “(3) If the Administrator does not make such ascer-
 23 tainment within 5 days after such elections, each eligible
 24 candidate for President and Vice President shall be treat-
 25 ed as if they are the apparent successful candidate for pur-

1 poses of this Act until the Administrator makes the ascer-
 2 tainment or until the House of Representatives and the
 3 Senate certify the results of the elections, whichever occurs
 4 first.”.

5 (b) REGULATIONS.—Not later than 270 days after
 6 the date of enactment of this Act, the Administrator of
 7 General Services shall promulgate regulations that estab-
 8 lish standards and procedures to be followed by the Ad-
 9 ministrator in making any future determination regarding
 10 ascertainment under section 3(c) of the Presidential Tran-
 11 sition Act of 1963, as amended by subsection (a).

12 **TITLE XII—PRESIDENTIAL AND**
 13 **VICE PRESIDENTIAL TAX**
 14 **TRANSPARENCY**

Sec. 1201. Presidential and Vice Presidential tax transparency.

15 **SEC. 1201. PRESIDENTIAL AND VICE PRESIDENTIAL TAX**
 16 **TRANSPARENCY.**

17 (a) DEFINITIONS.—In this section—

18 (1) The term “covered candidate” means a can-
 19 didate of a major party in a general election for the
 20 office of President or Vice President.

21 (2) The term “major party” has the meaning
 22 given the term in section 9002 of the Internal Rev-
 23 enue Code of 1986.

1 (3) The term “income tax return” means, with
2 respect to an individual, any return (as such term is
3 defined in section 6103(b)(1) of the Internal Rev-
4 enue Code of 1986, except that such term shall not
5 include declarations of estimated tax) of—

6 (A) such individual, other than information
7 returns issued to persons other than such indi-
8 vidual; or

9 (B) of any corporation, partnership, or
10 trust in which such individual holds, directly or
11 indirectly, a significant interest as the sole or
12 principal owner or the sole or principal bene-
13 ficial owner (as such terms are defined in regu-
14 lations prescribed by the Secretary of the
15 Treasury or his delegate).

16 (4) The term “Secretary” means the Secretary
17 of the Treasury or the delegate of the Secretary.

18 (b) DISCLOSURE.—

19 (1) IN GENERAL.—

20 (A) CANDIDATES FOR PRESIDENT AND
21 VICE PRESIDENT.—Not later than the date that
22 is 15 days after the date on which an individual
23 becomes a covered candidate, the individual
24 shall submit to the Federal Election Commis-
25 sion a copy of the individual’s income tax re-

1 turns for the 10 most recent taxable years for
2 which a return has been filed with the Internal
3 Revenue Service.

4 (B) PRESIDENT AND VICE PRESIDENT.—

5 With respect to an individual who is the Presi-
6 dent or Vice President, not later than the due
7 date for the return of tax for each taxable year,
8 such individual shall submit to the Federal
9 Election Commission a copy of the individual's
10 income tax returns for the taxable year and for
11 the 9 preceding taxable years.

12 (C) TRANSITION RULE FOR SITTING PRESI-

13 DENTS AND VICE PRESIDENTS.—Not later than
14 the date that is 30 days after the date of enact-
15 ment of this section, an individual who is the
16 President or Vice President on such date of en-
17 actment shall submit to the Federal Election
18 Commission a copy of the income tax returns
19 for the 10 most recent taxable years for which
20 a return has been filed with the Internal Rev-
21 enue Service.

22 (2) FAILURE TO DISCLOSE.—If any require-

23 ment under paragraph (1) to submit an income tax
24 return is not met, the chairman of the Federal Elec-
25 tion Commission shall submit to the Secretary a

1 written request that the Secretary provide the Fed-
2 eral Election Commission with the income tax re-
3 turn.

4 (3) PUBLICLY AVAILABLE.—The chairman of
5 the Federal Election Commission shall make publicly
6 available each income tax return submitted under
7 paragraph (1) in the same manner as a return pro-
8 vided under section 6103(l)(23) of the Internal Rev-
9 enue Code of 1986 (as added by this section).

10 (4) TREATMENT AS A REPORT UNDER THE
11 FEDERAL ELECTION CAMPAIGN ACT OF 1971.—For
12 purposes of the Federal Election Campaign Act of
13 1971, any income tax return submitted under para-
14 graph (1) or provided under section 6103(l)(23) of
15 the Internal Revenue Code of 1986 (as added by
16 this section) shall, after redaction under paragraph
17 (3) or subparagraph (B)(ii) of such section, be treat-
18 ed as a report filed under the Federal Election Cam-
19 paign Act of 1971.

20 (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND
21 VICE PRESIDENTS AND CERTAIN CANDIDATES FOR
22 PRESIDENT AND VICE PRESIDENT.—

23 (1) IN GENERAL.—Section 6103(l) of the Inter-
24 nal Revenue Code of 1986 is amended by adding at
25 the end the following new paragraph:

1 “(23) DISCLOSURE OF RETURN INFORMATION
2 OF PRESIDENTS AND VICE PRESIDENTS AND CER-
3 TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-
4 DENT.—

5 “(A) IN GENERAL.—Upon written request
6 by the chairman of the Federal Election Com-
7 mission under section 1201(b)(2) of the Pro-
8 tecting Our Democracy Act, not later than the
9 date that is 15 days after the date of such re-
10 quest, the Secretary shall provide copies of any
11 return which is so requested to officers and em-
12 ployees of the Federal Election Commission
13 whose official duties include disclosure or redac-
14 tion of such return under this paragraph.

15 “(B) DISCLOSURE TO THE PUBLIC.—

16 “(i) IN GENERAL.—The chairman of
17 the Federal Election Commission shall
18 make publicly available any return which is
19 provided under subparagraph (A).

20 “(ii) REDACTION OF CERTAIN INFOR-
21 MATION.—Before making publicly available
22 under clause (i) any return, the chairman
23 of the Federal Election Commission shall
24 redact such information as the Federal
25 Election Commission and the Secretary

1 jointly determine is necessary for pro-
 2 tecting against identity theft, such as so-
 3 cial security numbers.”.

4 (2) CONFORMING AMENDMENTS.—Section
 5 6103(p)(4) of such Code is amended—

6 (A) in the matter preceding subparagraph
 7 (A) by striking “or (22)” and inserting “(22),
 8 or (23)”; and

9 (B) in subparagraph (F)(ii) by striking “or
 10 (22)” and inserting “(22), or (23)”.

11 (3) EFFECTIVE DATE.—The amendments made
 12 by this subsection shall apply to disclosures made on
 13 or after the date of enactment of this Act.

14 **DIVISION C—DEFENDING ELEC-**
 15 **TIONS AGAINST FOREIGN IN-**
 16 **TERFERENCE**

17 **TITLE XIII—REPORTING FOR-**
 18 **EIGN INTERFERENCE IN**
 19 **ELECTIONS**

20 **SEC. 1301. FEDERAL CAMPAIGN REPORTING OF FOREIGN**
 21 **CONTACTS.**

22 (a) INITIAL NOTICE.—

23 (1) IN GENERAL.—Section 304 of the Federal
 24 Election Campaign Act of 1971 (52 U.S.C. 30104)

1 is amended by adding at the end the following new
2 subsection:

3 “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-
4 TACTS.—

5 “(1) COMMITTEE OBLIGATION TO NOTIFY.—

6 Not later than 1 week after a reportable foreign con-
7 tact, each political committee shall notify the Fed-
8 eral Bureau of Investigation and the Commission of
9 the reportable foreign contact and provide a sum-
10 mary of the circumstances with respect to such re-
11 portable foreign contact. The Federal Bureau of In-
12 vestigation, not later than 1 week after receiving a
13 notification from a political committee under this
14 paragraph, shall submit to the political committee,
15 the Permanent Select Committee on Intelligence of
16 the House of Representatives, and the Select Com-
17 mittee on Intelligence of the Senate written or elec-
18 tronic confirmation of receipt of the notification.

19 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—

20 Not later than 3 days after a reportable foreign con-
21 tact—

22 “(A) each candidate and each immediate
23 family member of a candidate shall notify the
24 treasurer or other designated official of the
25 principal campaign committee of such candidate

1 of the reportable foreign contact and provide a
2 summary of the circumstances with respect to
3 such reportable foreign contact; and

4 “(B) each official, employee, or agent of a
5 political committee shall notify the treasurer or
6 other designated official of the committee of the
7 reportable foreign contact and provide a sum-
8 mary of the circumstances with respect to such
9 reportable foreign contact.

10 “(3) REPORTABLE FOREIGN CONTACT.—In this
11 subsection:

12 “(A) IN GENERAL.—The term ‘reportable
13 foreign contact’ means any direct or indirect
14 contact or communication that—

15 “(i) is between—

16 “(I) a candidate, an immediate
17 family member of the candidate, a po-
18 litical committee, or any official, em-
19 ployee, or agent of such committee;
20 and

21 “(II) an individual that the per-
22 son described in subclause (I) knows,
23 has reason to know, or reasonably be-
24 lieves is a covered foreign national;
25 and

1 “(ii) the person described in clause
2 (i)(I) knows, has reason to know, or rea-
3 sonably believes involves—

4 “(I) an offer or other proposal
5 for a contribution, donation, expendi-
6 ture, disbursement, or solicitation de-
7 scribed in section 319; or

8 “(II) coordination or collabora-
9 tion with, an offer or provision of in-
10 formation or services to or from, or
11 persistent and repeated contact with,
12 a covered foreign national in connec-
13 tion with an election.

14 “(B) EXCEPTIONS.—

15 “(i) CONTACTS IN OFFICIAL CAPACITY
16 AS ELECTED OFFICIAL.—The term ‘report-
17 able foreign contact’ shall not include any
18 contact or communication with a covered
19 foreign national by an elected official or an
20 employee of an elected official solely in an
21 official capacity as such an official or em-
22 ployee.

23 “(ii) CONTACTS FOR PURPOSES OF
24 ENABLING OBSERVATION OF ELECTIONS
25 BY INTERNATIONAL OBSERVERS.—The

1 term ‘reportable foreign contact’ shall not
2 include any contact or communication with
3 a covered foreign national by any person
4 which is made for purposes of enabling the
5 observation of elections in the United
6 States by a foreign national or the obser-
7 vation of elections outside of the United
8 States by a candidate, political committee,
9 or any official, employee, or agent of such
10 committee.

11 “(iii) EXCEPTIONS NOT APPLICABLE
12 IF CONTACTS OR COMMUNICATIONS IN-
13 VOLVE PROHIBITED DISBURSEMENTS.—A
14 contact or communication by an elected of-
15 ficial or an employee of an elected official
16 shall not be considered to be made solely
17 in an official capacity for purposes of
18 clause (i), and a contact or communication
19 shall not be considered to be made for pur-
20 poses of enabling the observation of elec-
21 tions for purposes of clause (ii), if the con-
22 tact or communication involves a contribu-
23 tion, donation, expenditure, disbursement,
24 or solicitation described in section 319.

1 “(C) COVERED FOREIGN NATIONAL DE-
2 FINED.—

3 “(i) IN GENERAL.—In this paragraph,
4 the term ‘covered foreign national’
5 means—

6 “(I) a foreign principal (as de-
7 fined in section 1(b) of the Foreign
8 Agents Registration Act of 1938 (22
9 U.S.C. 611(b))) that is a government
10 of a foreign country or a foreign polit-
11 ical party;

12 “(II) any person who acts as an
13 agent, representative, employee, or
14 servant, or any person who acts in
15 any other capacity at the order, re-
16 quest, or under the direction or con-
17 trol, of a foreign principal described in
18 subclause (I) or of a person any of
19 whose activities are directly or indi-
20 rectly supervised, directed, controlled,
21 financed, or subsidized in whole or in
22 major part by a foreign principal de-
23 scribed in subclause (I); or

24 “(III) any person included in the
25 list of specially designated nationals

1 and blocked persons maintained by
2 the Office of Foreign Assets Control
3 of the Department of the Treasury
4 pursuant to authorities relating to the
5 imposition of sanctions relating to the
6 conduct of a foreign principal de-
7 scribed in subclause (I).

8 “(ii) CLARIFICATION REGARDING AP-
9 PPLICATION TO CITIZENS OF THE UNITED
10 STATES.—In the case of a citizen of the
11 United States, subclause (II) of clause (i)
12 applies only to the extent that the person
13 involved acts within the scope of that per-
14 son’s status as the agent of a foreign prin-
15 cipal described in subclause (I) of clause
16 (i).

17 “(4) IMMEDIATE FAMILY MEMBER.—In this
18 subsection, the term ‘immediate family member’
19 means, with respect to a candidate, a parent, parent-
20 in-law, spouse, adult child, or sibling.”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by paragraph (1) shall apply with respect to report-
23 able foreign contacts which occur on or after the
24 date of the enactment of this Act.

25 (b) INFORMATION INCLUDED ON REPORT.—

1 (1) IN GENERAL.—Section 304(b) of such Act
2 (52 U.S.C. 30104(b)) is amended—

3 (A) by striking “and” at the end of para-
4 graph (7);

5 (B) by striking the period at the end of
6 paragraph (8) and inserting “; and”; and

7 (C) by adding at the end the following new
8 paragraph:

9 “(9) for any reportable foreign contact (as de-
10 fined in subsection (j)(3))—

11 “(A) the date, time, and location of the
12 contact;

13 “(B) the date and time of when a des-
14 ignated official of the committee was notified of
15 the contact;

16 “(C) the identity of individuals involved;
17 and

18 “(D) a description of the contact, including
19 the nature of any contribution, donation, ex-
20 penditure, disbursement, or solicitation involved
21 and the nature of any activity described in sub-
22 section (j)(3)(A)(ii)(II) involved.”.

23 (2) EFFECTIVE DATE.—The amendment made
24 by paragraph (1) shall apply with respect to reports
25 filed on or after the expiration of the 60-day period

1 which begins on the date of the enactment of this
2 Act.

3 **SEC. 1302. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**
4 **PORTING COMPLIANCE SYSTEM.**

5 (a) IN GENERAL.—Section 302 of the Federal Elec-
6 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
7 by adding at the end the following new subsection:

8 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE
9 POLICY.—

10 “(1) REPORTING.—Each political committee
11 shall establish a policy that requires all officials, em-
12 ployees, and agents of such committee to notify the
13 treasurer or other appropriate designated official of
14 the committee of any reportable foreign contact (as
15 defined in section 304(j)) not later than 3 days after
16 such contact was made.

17 “(2) RETENTION AND PRESERVATION OF
18 RECORDS.—Each political committee shall establish
19 a policy that provides for the retention and preserva-
20 tion of records and information related to reportable
21 foreign contacts (as so defined) for a period of not
22 less than 3 years.

23 “(3) CERTIFICATION.—

24 “(A) IN GENERAL.—Upon filing its state-
25 ment of organization under section 303(a), and

1 with each report filed under section 304(a), the
2 treasurer of each political committee (other
3 than an authorized committee) shall certify
4 that—

5 “(i) the committee has in place poli-
6 cies that meet the requirements of para-
7 graphs (1) and (2);

8 “(ii) the committee has designated an
9 official to monitor compliance with such
10 policies; and

11 “(iii) not later than 1 week after the
12 beginning of any formal or informal affili-
13 ation with the committee, all officials, em-
14 ployees, and agents of such committee
15 will—

16 “(I) receive notice of such poli-
17 cies;

18 “(II) be informed of the prohibi-
19 tions under section 319; and

20 “(III) sign a certification affirm-
21 ing their understanding of such poli-
22 cies and prohibitions.

23 “(B) AUTHORIZED COMMITTEES.—With
24 respect to an authorized committee, the can-

1 didate shall make the certification required
2 under subparagraph (A).”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendment made by
5 subsection (a) shall apply with respect to political
6 committees which file a statement of organization
7 under section 303(a) of the Federal Election Cam-
8 paign Act of 1971 (52 U.S.C. 30103(a)) on or after
9 the date of the enactment of this Act.

10 (2) TRANSITION RULE FOR EXISTING COMMIT-
11 TEES.—Not later than 30 days after the date of the
12 enactment of this Act, each political committee
13 under the Federal Election Campaign Act of 1971
14 shall file a certification with the Federal Election
15 Commission that the committee is in compliance
16 with the requirements of section 302(j) of such Act
17 (as added by subsection (a)).

18 **SEC. 1303. CRIMINAL PENALTIES.**

19 Section 309(d)(1) of the Federal Election Campaign
20 Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-
21 ing at the end the following new subparagraphs:

22 “(E) Any person who knowingly and willfully com-
23 mits a violation of subsection (j) or (b)(9) of section 304
24 or section 302(j) shall be fined not more than \$500,000,
25 imprisoned not more than 5 years, or both.

1 “(F) Any person who knowingly and willfully conceals
2 or destroys any materials relating to a reportable foreign
3 contact (as defined in section 304(j)) shall be fined not
4 more than \$1,000,000, imprisoned not more than 5 years,
5 or both.”.

6 **SEC. 1304. REPORT TO CONGRESSIONAL INTELLIGENCE**
7 **COMMITTEES.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this Act, and annually thereafter,
10 the Director of the Federal Bureau of Investigation shall
11 submit to the congressional intelligence committees a re-
12 port relating to notifications received by the Federal Bu-
13 reau of Investigation under section 304(j)(1) of the Fed-
14 eral Election Campaign Act of 1971 (as added by section
15 1301(a) of this Act).

16 (b) ELEMENTS.—Each report under subsection (a)
17 shall include, at a minimum, the following with respect
18 to notifications described in subsection (a):

19 (1) The number of such notifications received
20 from political committees during the year covered by
21 the report.

22 (2) A description of protocols and procedures
23 developed by the Federal Bureau of Investigation re-
24 lating to receipt and maintenance of records relating
25 to such notifications.

1 (3) With respect to such notifications received
2 during the year covered by the report, a description
3 of any subsequent actions taken by the Director re-
4 sulting from the receipt of such notifications.

5 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
6 DEFINED.—In this section, the term “congressional intel-
7 ligence committees” has the meaning given that term in
8 section 3 of the National Security Act of 1947 (50 U.S.C.
9 3003).

10 **SEC. 1305. RULE OF CONSTRUCTION.**

11 Nothing in this title or the amendments made by this
12 title shall be construed—

13 (1) to impede legitimate journalistic activities;
14 or

15 (2) to impose any additional limitation on the
16 right to express political views or to participate in
17 public discourse of any individual who—

18 (A) resides in the United States;

19 (B) is not a citizen of the United States or
20 a national of the United States, as defined in
21 section 101(a)(22) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1101(a)(22)); and

23 (C) is not lawfully admitted for permanent
24 residence, as defined by section 101(a)(20) of

1 the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(20)).

3 **TITLE XIV—ELIMINATING FOR-**
4 **EIGN INTERFERENCE IN**
5 **ELECTIONS**

6 **SEC. 1401. CLARIFICATION OF APPLICATION OF FOREIGN**
7 **MONEY BAN.**

8 (a) CLARIFICATION OF TREATMENT OF PROVISION
9 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
10 TION OF A THING OF VALUE.—Section 319 of the Federal
11 Election Campaign Act of 1971 (52 U.S.C. 30121) is
12 amended by adding at the end the following new sub-
13 section:

14 “(c) CLARIFICATION OF TREATMENT OF PROVISION
15 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
16 TION OF A THING OF VALUE.—For purposes of this sec-
17 tion, a ‘contribution or donation of money or other thing
18 of value’ includes the provision of opposition research,
19 polling, or other non-public information relating to a can-
20 didate for election for a Federal, State, or local office for
21 the purpose of influencing the election, regardless of
22 whether such research, polling, or information has mone-
23 tary value, except that nothing in this subsection shall be
24 construed to treat the mere provision of an opinion about

1 a candidate as a thing of value for purposes of this sec-
2 tion.”.

3 (b) CLARIFICATION OF APPLICATION OF FOREIGN
4 MONEY BAN TO ALL CONTRIBUTIONS AND DONATIONS
5 OF THINGS OF VALUE AND TO ALL SOLICITATIONS OF
6 CONTRIBUTIONS AND DONATIONS OF THINGS OF
7 VALUE.—Section 319(a) of such Act (52 U.S.C.
8 30121(a)) is amended—

9 (1) in paragraph (1)(A), by striking “promise
10 to make a contribution or donation” and inserting
11 “promise to make such a contribution or donation”;

12 (2) in paragraph (1)(B), by striking “donation”
13 and inserting “donation of money or other thing of
14 value, or to make an express or implied promise to
15 make such a contribution or donation,”; and

16 (3) by amending paragraph (2) to read as fol-
17 lows:

18 “(2) a person to solicit, accept, or receive (di-
19 rectly or indirectly) a contribution or donation de-
20 scribed in subparagraph (A) or (B) of paragraph
21 (1), or to solicit, accept, or receive (directly or indi-
22 rectly) an express or implied promise to make such
23 a contribution or donation, from a foreign na-
24 tional.”.

1 (c) ENHANCED PENALTY FOR CERTAIN VIOLA-
2 TIONS.—

3 (1) IN GENERAL.—Section 309(d)(1) of such
4 Act (52 U.S.C. 30109(d)(1)), as amended by section
5 1303, is further amended by adding at the end the
6 following new subparagraph:

7 “(G)(i) Any person who knowingly and willfully com-
8 mits a violation of section 319 which involves a foreign
9 national which is a government of a foreign country or
10 a foreign political party, or which involves a thing of value
11 consisting of the provision of opposition research, polling,
12 or other non-public information relating to a candidate for
13 election for a Federal, State, or local office for the purpose
14 of influencing the election, shall be fined under title 18,
15 United States Code, or imprisoned for not more than 5
16 years, or both.

17 “(ii) In clause (i), each of the terms ‘government of
18 a foreign country’ and ‘foreign political party’ has the
19 meaning given such term in section 1 of the Foreign
20 Agents Registration Act of 1938, as Amended (22 U.S.C.
21 611).”.

22 (2) EFFECTIVE DATE.—The amendment made
23 by paragraph (1) shall apply with respect to viola-
24 tions committed on or after the date of the enact-
25 ment of this Act.

1 **SEC. 1402. REQUIRING ACKNOWLEDGMENT OF FOREIGN**
2 **MONEY BAN BY POLITICAL COMMITTEES.**

3 (a) PROVISION OF INFORMATION BY FEDERAL ELEC-
4 TION COMMISSION.—Section 303 of the Federal Election
5 Campaign Act of 1971 (52 U.S.C. 30103) is amended by
6 adding at the end the following new subsection:

7 “(e) ACKNOWLEDGMENT OF FOREIGN MONEY
8 BAN.—

9 “(1) NOTIFICATION BY COMMISSION.—Not later
10 than 30 days after a political committee files its
11 statement of organization under subsection (a), and
12 biennially thereafter until the committee terminates,
13 the Commission shall provide the committee with a
14 written explanation of section 319.

15 “(2) ACKNOWLEDGMENT BY COMMITTEE.—

16 “(A) IN GENERAL.—Not later than 30
17 days after receiving the written explanation of
18 section 319 under paragraph (1), the committee
19 shall transmit to the Commission a signed cer-
20 tification that the committee has received such
21 written explanation and has provided a copy of
22 the explanation to all members, employees, con-
23 tractors, and volunteers of the committee.

24 “(B) PERSON RESPONSIBLE FOR SIGNA-
25 TURE.—The certification required under sub-
26 paragraph (A) shall be signed—

1 “(i) in the case of an authorized com-
2 mittee of a candidate, by the candidate; or
3 “(ii) in the case of any other political
4 committee, by the treasurer of the com-
5 mittee.”.

6 (b) EFFECTIVE DATE; TRANSITION FOR EXISTING
7 COMMITTEES.—

8 (1) IN GENERAL.—The amendment made by
9 subsection (a) shall apply with respect to political
10 committees which file statements of organization
11 under section 303 of the Federal Election Campaign
12 Act of 1971 (52 U.S.C. 30103) on or after the date
13 of the enactment of this Act.

14 (2) TRANSITION FOR EXISTING COMMITTEES.—

15 (A) NOTIFICATION BY FEDERAL ELECTION
16 COMMISSION.—Not later than 90 days after the
17 date of the enactment of this Act, the Federal
18 Election Commission shall provide each political
19 committee under such Act with the written ex-
20 planation of section 319 of such Act, as re-
21 quired under section 303(e)(1) of such Act (as
22 added by subsection (a)).

23 (B) ACKNOWLEDGMENT BY COMMITTEE.—
24 Not later than 30 days after receiving the writ-
25 ten explanation under subparagraph (A), each

1 political committee under such Act shall trans-
2 mit to the Federal Election Commission the
3 signed certification, as required under section
4 303(e)(2) of such Act (as added by subsection
5 (a)).

6 **DIVISION D—SEVERABILITY**
7 **TITLE XV—SEVERABILITY**

8 **SEC. 1501. SEVERABILITY.**

9 If any provision of this Act or any amendment made
10 by this Act, or the application of a provision of this Act
11 or an amendment made by this Act to any person or cir-
12 cumstance, is held to be unconstitutional, the remainder
13 of this Act, and the application of the provisions to any
14 person or circumstance, shall not be affected by the hold-
15 ing.

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