

117TH CONGRESS  
1ST SESSION

# H. R. 5314

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IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 2021

Received

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## AN ACT

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

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

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

12          (3) Division C—Miscellaneous.

13          (4) Division D—Severability.

14          (5) Division E—Protecting Election Officials.

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

Sec. 1. Short title.

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

**DIVISION A—PREVENTING ABUSES OF PRESIDENTIAL POWER**

**TITLE I—ABUSE OF THE PARDON POWER PREVENTION**

Sec. 101. Short title.

Sec. 102. Congressional oversight relating to certain pardons.

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

Sec. 104. Prohibition on presidential self-pardon.

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

Sec. 201. Short title.

Sec. 202. Tolling of statute of limitations.

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

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

Sec. 205. Limitation on nondisclosure agreements.

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

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

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

Subtitle B—Accountability in Access to Classified Information

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

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

TITLE IV—ENFORCEMENT OF CONGRESSIONAL SUBPOENAS

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

TITLE V—REASSERTING CONGRESSIONAL POWER OF THE PURSE

Sec. 500. Short title.

Subtitle A—Strengthening Congressional Control and Review To Prevent  
Impoundment

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

Subtitle B—Strengthening Transparency and Reporting

PART 1—FUNDS MANAGEMENT AND REPORTING TO THE CONGRESS

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

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

- Sec. 521. Requirement to respond to requests for information from the Comptroller General for budget and appropriations law decisions.
- Sec. 522. Reporting requirements for Antideficiency Act violations.
- Sec. 523. Department of Justice reporting to Congress for Antideficiency Act violations.
- Sec. 524. Publication of budget or appropriations law opinions of the Department of Justice Office of Legal Counsel.
- Sec. 525. Treatment of requests for information from members of Congress.

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

- Sec. 531. Improving checks and balances on the use of the National Emergencies Act.
- Sec. 532. National Emergencies Act declaration spending reporting in the President’s budget.
- Sec. 533. Disclosure to Congress of presidential emergency action documents.
- Sec. 534. Congressional Designations.

TITLE VI—SECURITY FROM POLITICAL INTERFERENCE IN  
JUSTICE

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

TITLE VII—PROTECTING INSPECTOR GENERAL INDEPENDENCE

Subtitle A—Requiring Cause for Removal

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

Subtitle B—Inspectors General of Intelligence Community

- Sec. 711. Independence of Inspectors General of the Intelligence Community.
- Sec. 712. Authority of Inspectors General of the Intelligence Community to determine matters of urgent concern.
- Sec. 713. Conforming amendments and coordination with other provisions of law.

Subtitle C—Congressional Notification

- Sec. 721. Short title.

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

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

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

TITLE VIII—PROTECTING WHISTLEBLOWERS

Subtitle A—Whistleblower Protection Improvement

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

Subtitle B—Whistleblowers of the Intelligence Community

- Sec. 811. Limitation on sharing of intelligence community whistleblower complaints with persons named in such complaints.
- Sec. 812. Disclosures to Congress.
- Sec. 813. Prohibition against disclosure of whistleblower identity as reprisal against whistleblower disclosure by employees and contractors in intelligence community.

TITLE IX—ACCOUNTABILITY FOR ACTING OFFICIALS

- Sec. 901. Short title.
- Sec. 902. Clarification of Federal Vacancies Reform Act of 1998.

TITLE X—STRENGTHENING HATCH ACT ENFORCEMENT AND PENALTIES

Subtitle A—Strengthening Hatch Act Enforcement and Penalties

- Sec. 1001. Short title.
- Sec. 1002. Strengthening Hatch Act enforcement and penalties against political appointees.
- Sec. 1003. Including Executive Office of the President under limitation on nepotism in the civil service.
- Sec. 1004. Disclosure of Hatch Act investigations for certain political employees.
- Sec. 1005. Clarification on candidates visiting Federal property.
- Sec. 1006. Applying Hatch Act to president and vice president while on Federal property.
- Sec. 1007. Granting the Office of Special Counsel rulemaking authority.
- Sec. 1008. Greater accountability for political appointees.
- Sec. 1009. Investigating former Political employees.
- Sec. 1010. GAO review of reimbursable political events.

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

- Sec. 1011. Ethics pledge.
- Sec. 1012. Definitions.

- Sec. 1013. Waiver.
- Sec. 1014. Administration.
- Sec. 1015. Enforcement.
- Sec. 1016. General provisions.

#### TITLE XI—PROMOTING EFFICIENT PRESIDENTIAL TRANSITIONS

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

#### TITLE XII—PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY

- Sec. 1201. Presidential and Vice Presidential tax transparency.

#### DIVISION C—MISCELLANEOUS

#### TITLE XIII—REPORTING FOREIGN INTERFERENCE IN ELECTIONS

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

#### TITLE XIV—ELIMINATING FOREIGN INTERFERENCE IN ELECTIONS

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

#### TITLE XV—PROHIBITING CAMPAIGNS FROM PAYING SPOUSE OF CANDIDATE

- Sec. 1501. Prohibiting Use of Campaign Funds to Compensate Spouses of Candidates; Disclosure of Payments Made to Spouses and Family Members.
- Sec. 1502. Imposition of Penalty Against Candidate or Officeholder.
- Sec. 1503. Effective Date.

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

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

#### TITLE XVII—CYBERSECURITY GUIDANCE FOR CAMPAIGNS

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

TITLE XVIII—DETERMINATION OF NUMBER OF EMPLOYEES  
WITH SECURITY CLEARANCES

- Sec. 1801. Exclusion of employees with existing security clearances from determination of limit on number of employees of House Member offices permitted to have clearances.
- Sec. 1802. Exercise of rulemaking authority.

TITLE XIX—HONEST ADS

- Sec. 1901. Short title.
- Sec. 1902. Purpose.
- Sec. 1903. Sense of Congress.
- Sec. 1904. Expansion of definition of public communication.
- Sec. 1905. Expansion of definition of electioneering communication.
- Sec. 1906. Application of disclaimer statements to online communications.
- Sec. 1907. Political record requirements for online platforms.
- Sec. 1908. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.
- Sec. 1909. Independent study on media literacy and online political content consumption.

TITLE XX—PROHIBITING USE OF DEEPPAKES IN ELECTION  
CAMPAIGNS

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

TITLE XXI—ASSISTANCE FOR TRANSITION TO RANKED CHOICE  
VOTING

- Sec. 2101. Short title.
- Sec. 2102. Assistance for transition to ranked choice voting.

DIVISION D—SEVERABILITY

TITLE XXII—SEVERABILITY

- Sec. 2201. Severability.
- Sec. 2202. Prohibition on use of Federal property for political conventions.
- Sec. 2203. Improving access to influential visitor access records.

TITLE XXIII—PREVENTING A PATRONAGE SYSTEM

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

DIVISION E—PROTECTING ELECTION OFFICIALS

TITLE XXIV—DOJ TASK FORCE

- Sec. 2401. Election officials security task force.

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

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

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

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

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

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

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



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

5 (c) DEFINITIONS.—In this section:

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

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

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

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

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

20 (I) the President;

21 (ii) a relative of the President;

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

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

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

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

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

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

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

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

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

24 (1) in subsection (a)—

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

5 (B) in paragraph (3), by inserting before  
6 the period at the end the following: “, including  
7 any pardon, commutation, or reprieve, or an  
8 offer of any such pardon, commutation, or re-  
9 prieve”; and

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

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

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

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

22 **SEC. 201. SHORT TITLE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **SEC. 302. DEFINITIONS.**

19 In this title:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (1) in subsection (a)—

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

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

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

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

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

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



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

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

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

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

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

22 (2) an agent of a foreign principal.

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

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

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

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

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

14 **“(a) PROHIBITED DONATIONS.—**

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

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

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

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

22 **“(B) for a person—**

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

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

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

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

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

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

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

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

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

9       “(b) LIMITATION ON DONATIONS.—

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

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

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

23           “(1) DONATIONS OVER \$1,000.—

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

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

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

“(i) the amount of the donation;

“(ii) the date the donation is received;

and

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

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

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

“(i) the amount of the donation;

“(ii) the date the donation is received;

and

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

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

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

6                   “(ii) Repayment of all loans.

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

9                   “(iv) Any other disbursements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

10 **SEC. 402. FINDINGS.**

11 The Congress finds as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(c) PENALTIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3 “(b) FAILURE TO PRODUCE INFORMATION.—

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

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

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

18 “(B) The type of information.

19 “(C) The general subject matter.

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

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

23 “(F) The custodian of the information.

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

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

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

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

          “105. Response to congressional subpoenas.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “REPORTING

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

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

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

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

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

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

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

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

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

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

17          “(b) APPROVING OFFICIALS.—

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

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

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

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

“1019. Reporting.”.



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

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

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

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

8 “(c) REVIEW.—

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

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

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

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

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

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

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

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

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

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

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

5                   “SUITS BY COMPTROLLER GENERAL

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

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

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

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

15 “PENALTIES FOR FAILURE TO COMPLY

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

22 “(b) REPORTING VIOLATIONS.—

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

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

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

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

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

“1020. Penalties for failure to comply.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 “(42) a report on—

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



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

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

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

7 “(ii) the account affected;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **TICE OFFICE OF LEGAL COUNSEL.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17                (A) in writing;

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

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



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

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

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

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

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

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

19                (1) with respect to each opinion—

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

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

4 (I) the title of the opinion;

5 (ii) the date of publication or revision;

6 or

7 (iii) the full text of the opinion;

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

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

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

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

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

23 (d) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17      “(e) LIMITATIONS.—

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

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

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

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

8       “(a) TEMPORARY EFFECTIVE PERIODS.—

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

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



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

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

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

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

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

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

5           “(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3           “(C) CONSIDERATION.—The joint resolu-  
4           tion of approval or joint resolution of termi-  
5           nation shall be considered as read. All points of  
6           order against the joint resolution of approval or  
7           joint resolution of termination and against its  
8           consideration are waived. The previous question  
9           shall be considered as ordered on the joint reso-  
10          lution of approval or joint resolution of termi-  
11          nation to final passage without intervening mo-  
12          tion except two hours of debate equally divided  
13          and controlled by the sponsor of the joint reso-  
14          lution of approval or joint resolution of termi-  
15          nation (or a designee) and an opponent. A mo-  
16          tion to reconsider the vote on passage of the  
17          joint resolution of approval or joint resolution  
18          of termination shall not be in order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18           “(b) NATIONAL EMERGENCY DESCRIBED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13       (c) CONFORMING AMENDMENTS.—

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

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

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

25       (d) EFFECTIVE DATE; APPLICABILITY.—



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18          (c) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **SEC. 602. DEFINITIONS.**

8 In this title:

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

12 (2) **COVERED COMMUNICATION.**—

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

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

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

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

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

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

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

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

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

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



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

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

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

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

sary case in litigation that may have national security implications.

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

(v) A communication that relates solely to policy, appointments, legislation, rule-making, budgets, public relations or affairs, programmatic matters, intergovernmental relations, administrative or personnel matters, appellate litigation, or requests for legal advice.

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

(A) is related by blood, marriage, or adoption; or

(B) stands in loco parentis.

#### **SEC. 603. COMMUNICATIONS LOGS.**

(a) IN GENERAL.—The Attorney General shall maintain a log of covered communications.

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

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

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

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

10 (c) OVERSIGHT.—

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

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

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

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

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

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

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

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

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

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

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

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

22   **SEC. 701. SHORT TITLE.**

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

1 **SEC. 702. AMENDMENT.**

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

4 (1) in section 3(b)—

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

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

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

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

16 “(A) Documented permanent incapacity.

17 “(B) Documented neglect of duty.

18 “(C) Documented malfeasance.

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

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

23 “(F) Documented gross mismanagement.

24 “(G) Documented gross waste of funds.

25 “(H) Documented abuse of authority.

26 “(I) Documented inefficiency.”; and

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

7           “(A) Documented permanent incapacity.

8           “(B) Documented neglect of duty.

9           “(C) Documented malfeasance.

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

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

14          “(F) Documented gross mismanagement.

15          “(G) Documented gross waste of funds.

16          “(H) Documented abuse of authority.

17          “(I) Documented inefficiency.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16      **“Subtitle A—Inspectors General**

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

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

22           “(1) Documented permanent incapacity.

23           “(2) Documented neglect of duty.

24           “(3) Documented malfeasance.



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

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

5           “(6) Documented gross mismanagement.

6           “(7) Documented gross waste of funds.

7           “(8) Documented abuse of authority.

8           “(9) Documented Inefficiency.

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

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

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

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

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

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

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

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

21       “(f) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

                  “SUBTITLE A—INSPECTORS GENERAL

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

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

20           (a) DETERMINATION.—

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

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

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

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

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

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

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

24       (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (c) OTHER ELEMENTS.—

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

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

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



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

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

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

8   **SEC. 721. SHORT TITLE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(5) The head may not place an Inspector Gen-  
12 eral on paid or unpaid non-duty status during the  
13 30-day period preceding the date on which the In-  
14 spector General is removed or transferred under  
15 paragraph (2) unless the head—

16 “(A) determines that not placing the In-  
17 spector General on paid or unpaid non-duty sta-  
18 tus would—

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

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

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

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

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

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

18                 “(iii) if the head relied on an inquiry  
19                 to make such determination, an identifica-  
20                 tion of each entity that is conducting, or  
21                 that conducted, such inquiry; and

22                 “(iv) if an inquiry described in clause  
23                 (iii) is completed, the findings of that in-  
24                 quiry.”.



1 (d) APPLICATION.—The amendments made by this  
2 section shall apply with respect to removals, transfers, and  
3 changes of status occurring on or after the date that is  
4 30 days after the date of the enactment of this Act.

5 **SEC. 723. PRESIDENTIAL EXPLANATION OF FAILURE TO**  
6 **NOMINATE AN INSPECTOR GENERAL.**

7 (a) IN GENERAL.—Subchapter III of chapter 33 of  
8 title 5, United States Code, is amended by inserting after  
9 section 3349d the following new section:

10 **“§ 3349e. Presidential explanation of failure to nomi-**  
11 **nate an Inspector General**

12 “If the President fails to make a formal nomination  
13 for a vacant Inspector General position that requires a for-  
14 mal nomination by the President to be filled within the  
15 period beginning on the date on which the vacancy oc-  
16 curred and ending on the day that is 210 days after that  
17 date, the President shall communicate, within 30 days  
18 after the end of such period, to Congress in writing—

19 “(1) the reasons why the President has not yet  
20 made a formal nomination; and

21 “(2) a target date for making a formal nomina-  
22 tion.”.

23 (b) CLERICAL AMENDMENT.—The table of sections  
24 for chapter 33 of title 5, United States Code, is amended

1 by inserting after the item relating to 3349d the following  
 2 new item:

“3349e. Presidential explanation of failure to nominate an Inspector General.”.

3 (c) EFFECTIVE DATE.—The amendment made by  
 4 subsection (a) shall take effect on the date of the enact-  
 5 ment of this Act and shall apply to any vacancy first oc-  
 6 ccurring on or after that date.

7 **Subtitle D—Inspector General for**  
 8 **the Office of Management and**  
 9 **Budget**

10 **SEC. 731. INSPECTOR GENERAL FOR THE OFFICE OF MAN-**  
 11 **AGEMENT AND BUDGET.**

12 (a) ESTABLISHMENT OF OFFICE.—Section 12 of the  
 13 Inspector General Act of 1978 (5 U.S.C. App.) is amend-  
 14 ed—

15 (1) in paragraph, (1) by inserting “the Director  
 16 of the Office of Management and Budget,” after  
 17 “means”; and

18 (2) in paragraph (2), by inserting “the Office  
 19 of Management and Budget,” after “means”.

20 (b) SPECIAL PROVISIONS CONCERNING THE INSPEC-  
 21 TOR GENERAL OF THE OFFICE OF MANAGEMENT AND  
 22 BUDGET.—The Inspector General Act of 1978 (5 U.S.C.  
 23 App.) is amended by adding after section 8N the following  
 24 new section:

1 **“SEC. 80. SPECIAL PROVISIONS CONCERNING THE INSPEC-**  
 2 **TOR GENERAL OF THE OFFICE OF MANAGE-**  
 3 **MENT AND BUDGET.**

4 “The Inspector General of the Office of Management  
 5 and Budget shall only have jurisdiction over those matters  
 6 that have been specifically assigned to the Office under  
 7 law.”.

8 (c) APPOINTMENT.—Not later than 120 days after  
 9 the date of the enactment of this Act, the President shall  
 10 appoint an individual to serve as the Inspector General  
 11 of the Office of Management and Budget in accordance  
 12 with section 3(a) of the Inspector General Act of 1978  
 13 (5 U.S.C. App.).

14 **TITLE VIII—PROTECTING**  
 15 **WHISTLEBLOWERS**  
 16 **Subtitle A—Whistleblower**  
 17 **Protection Improvement**

18 **SEC. 801. SHORT TITLE.**

19 This title may be cited as the “Whistleblower Protec-  
 20 tion Improvement Act of 2021”.

21 **SEC. 802. ADDITIONAL WHISTLEBLOWER PROTECTIONS.**

22 (a) INVESTIGATIONS AS PERSONNEL ACTIONS.—

23 (1) IN GENERAL.—Section 2302(a)(2)(A) of  
 24 title 5, United States Code, is amended—

25 (A) in clause (xi), by striking “and” at the  
 26 end;

1 (B) by redesignating clause (xii) as clause  
2 (xiii); and

3 (C) by inserting after the clause (xi) the  
4 following:

5 “(xii) for purposes of subsection (b)(8)—

6 “(I) the commencement, expansion, or  
7 extension of an investigation, but not in-  
8 cluding any investigation that is ministerial  
9 or nondiscretionary (including a ministerial  
10 or nondiscretionary investigation described  
11 in section 1213) or any investigation that  
12 is conducted by an Inspector General of an  
13 entity of the Government of an employee  
14 not employed by the office of that Inspec-  
15 tor General; and

16 “(II) a referral to an Inspector Gen-  
17 eral of an entity of the Government, except  
18 for a referral that is ministerial or nondis-  
19 cretionary; and”.

20 (2) APPLICATION.—The amendment made by  
21 paragraph (1) shall apply to any investigation  
22 opened, or referral made, as described under clause  
23 (xii) of section 2302(a)(2)(A) of title 5, United  
24 States Code, as added by such paragraph, on or  
25 after the date of enactment of this Act.

1 (b) RIGHT TO PETITION CONGRESS.—

2 (1) IN GENERAL.—Section 2302(b)(9) of title  
3 5, United States Code, is amended—

4 (A) in subparagraph (C), by striking “or”  
5 at the end;

6 (B) in subparagraph (D), by adding “or”  
7 after the semicolon at the end; and

8 (C) by adding at the end the following:

9 “(E) the exercise of any right protected  
10 under section 7211;”.

11 (2) APPLICATION.—The amendment made by  
12 paragraph (1) shall apply to the exercise of any  
13 right described in section 2302(b)(9)(E) of title 5,  
14 United States Code, as added by paragraph (1), oc-  
15 ccurring on or after the date of enactment of this  
16 Act.

17 (c) PROHIBITION ON DISCLOSURE OF WHISTLE-  
18 BLOWER IDENTITY.—

19 (1) IN GENERAL.—Section 2302 of title 5,  
20 United States Code, is amended by adding at the  
21 end the following:

22 “(g)(1) No employee of an agency may willfully com-  
23 municate or transmit to any individual who is not an offi-  
24 cer or employee of the Government the identity of, or per-  
25 sonally identifiable information about, any other employee

1 because that other employee has made, or is suspected to  
2 have made, a disclosure protected by subsection (b)(8),  
3 unless—

4 “(A) the other employee provides express writ-  
5 ten consent prior to the communication or trans-  
6 mission of their identity or personally identifiable in-  
7 formation;

8 “(B) the communication or transmission is  
9 made in accordance with the provisions of section  
10 552a;

11 “(C) the communication or transmission is  
12 made to a lawyer for the sole purpose of providing  
13 legal advice to an employee accused of whistleblower  
14 retaliation; or

15 “(D) the communication or transmission is re-  
16 quired or permitted by any other provision of law.

17 “(2) In this subsection, the term ‘officer or employee  
18 of the Government’ means—

19 “(A) the President;

20 “(B) a Member of Congress;

21 “(C) a member of the uniformed services;

22 “(D) an employee as that term is defined in  
23 section 2105, including an employee of the United  
24 States Postal Service, the Postal Regulatory Com-  
25 mission, or the Department of Veterans Affairs (in-

1 including any employee appointed pursuant to chapter  
2 73 or 74 of title 38); and

3 “(E) any other officer or employee in any  
4 branch of the Government of the United States.”.

5 (2) APPLICATION.—The amendment made by  
6 paragraph (1) shall apply to any transmission or  
7 communication described in subsection (g) of section  
8 2302 of title 5, United States Code, as added by  
9 paragraph (1), made on or after the date of enact-  
10 ment of this Act.

11 (d) RIGHT TO PETITION CONGRESS.—

12 (1) IN GENERAL.—Section 7211 of title 5,  
13 United States Code, is amended to read as follows:

14 **“§ 7211. Employees’ right to petition or furnish infor-**  
15 **mation or respond to Congress**

16 “(a) IN GENERAL.—Each officer or employee of the  
17 Federal Government, individually or collectively, has a  
18 right to—

19 “(1) petition Congress or a Member of Con-  
20 gress;

21 “(2) furnish information, documents, or testi-  
22 mony to either House of Congress, any Member of  
23 Congress, or any committee or subcommittee of the  
24 Congress; or

1           “(3) respond to any request for information,  
2           documents, or testimony from either House of Con-  
3           gress or any Committee or subcommittee of Con-  
4           gress.

5           “(b) PROHIBITED ACTIONS.—No officer or employee  
6           of the Federal Government may interfere with or deny the  
7           right set forth in subsection (a), including by—

8           “(1) prohibiting or preventing, or attempting or  
9           threatening to prohibit or prevent, any other officer  
10          or employee of the Federal Government from engag-  
11          ing in activity protected in subsection (a); or

12          “(2) removing, suspending from duty without  
13          pay, demoting, reducing in rank, seniority, status,  
14          pay, or performance or efficiency rating, denying  
15          promotion to, relocating, reassigning, transferring,  
16          disciplining, or discriminating in regard to any em-  
17          ployment right, entitlement, or benefit, or any term  
18          or condition of employment of, any other officer or  
19          employee of the Federal Government or attempting  
20          or threatening to commit any of the foregoing ac-  
21          tions protected in subsection (a).

22          “(c) APPLICATION.—This section shall not be con-  
23          strued to authorize disclosure of any information that is—

24          “(1) specifically prohibited from disclosure by  
25          any other provision of Federal law; or



1           “(2) specifically required by Executive order to  
2       be kept secret in the interest of national defense or  
3       the conduct of foreign affairs, unless disclosure is  
4       otherwise authorized by law.

5       “(d) DEFINITION OF OFFICER OR EMPLOYEE OF  
6 THE FEDERAL GOVERNMENT.—For purposes of this sec-  
7 tion, the term ‘officer or employee of the Federal Govern-  
8 ment’ includes—

9           “(1) the President;

10          “(2) a Member of Congress;

11          “(3) a member of the uniformed services;

12          “(4) an employee (as that term is defined in  
13 section 2105);

14          “(5) an employee of the United States Postal  
15 Service or the Postal Regulatory Commission; and

16          “(6) an employee appointed under chapter 73  
17 or 74 of title 38.”.

18       (2) CLERICAL AMENDMENT.—The table of sec-  
19 tions for subchapter II of chapter 72 of title 5,  
20 United States Code, is amended by striking the item  
21 related to section 7211 and inserting the following:

“7211. Employees’ right to petition or furnish information or respond to Con-  
gress.”.

1 **SEC. 803. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**  
2 **TIONS.**

3 (a) DISCLOSURES RELATING TO OFFICERS OR EM-  
4 PLOYEES OF AN OFFICE OF INSPECTOR GENERAL.—Sec-  
5 tion 1213(c) of title 5, United States Code, is amended  
6 by adding at the end the following:

7 “(3) If the information transmitted under this sub-  
8 section disclosed a violation of law, rule, or regulation, or  
9 gross waste, gross mismanagement, abuse of authority, or  
10 a substantial and specific danger to public health or safe-  
11 ty, by any officer or employee of an Office of Inspector  
12 General, the Special Counsel may refer the matter to the  
13 Council of the Inspectors General on Integrity and Effi-  
14 ciency, which shall comply with the standards and proce-  
15 dures applicable to investigations and reports under sub-  
16 section (c).”.

17 (b) RETALIATORY REFERRALS TO INSPECTORS GEN-  
18 ERAL.—Section 1214(d) of title 5, United States Code,  
19 is amended by adding at the end the following:

20 “(3) In any case in which the Special Counsel deter-  
21 mines that a referral to an Inspector General of an entity  
22 of the Federal Government was in retaliation for a disclo-  
23 sure or protected activity described in section 2302(b)(8)  
24 or in retaliation for exercising a right described in section  
25 2302(b)(9)(A)(I), the Special Counsel shall transmit that  
26 finding in writing to the Inspector General within seven

1 days of making the finding. The Inspector General shall  
2 consider that finding and make a determination on wheth-  
3 er to initiate an investigation or continue an investigation  
4 based on the referral that the Special Counsel found to  
5 be retaliatory.”.

6 (c) ENSURING TIMELY RELIEF.—

7 (1) INDIVIDUAL RIGHT OF ACTION.—Section  
8 1221 of title 5, United States Code, is amended by  
9 striking “section 2302(b)(8) or section  
10 2302(b)(9)(A)(I), (B), (C), or (D),” each place it  
11 appears and inserting “section 2302(b)(8), section  
12 2302(b)(9)(A)(I), (B), (C), (D), or (E), section  
13 2302(b)(13), or section 2302(g),”.

14 (2) STAYS.—Section 1221(c)(2) of title 5,  
15 United States Code, is amended to read as follows:

16 “(2) Any stay requested under paragraph (1) shall  
17 be granted within 10 calendar days (excluding Saturdays,  
18 Sundays, and legal holidays) after the date the request  
19 is made, if the Board determines—

20 “(A) that there is a substantial likelihood that  
21 protected activity was a contributing factor to the  
22 personnel action involved; or

23 “(B) the Board otherwise determines that such  
24 a stay would be appropriate.”.

1           (3) APPEAL OF STAY.—Section 1221(c) of title  
2       5, United States Code, is amended by adding at the  
3       end the following:

4           “(4) If any stay requested under paragraph (1)  
5       is denied, the employee, former employee, or appli-  
6       cant may, within 7 days after receiving notice of the  
7       denial, file an appeal for expedited review by the  
8       Board. The agency shall have 7 days thereafter to  
9       respond. The Board shall provide a decision not  
10      later than 21 days after receiving the appeal. During  
11      the period of appeal, both parties may supplement  
12      the record with information unavailable to them at  
13      the time the stay was first requested.”.

14          (4) ACCESS TO DISTRICT COURT; JURY  
15      TRIALS.—

16           (A) IN GENERAL.—Section 1221(I) of title  
17      5, United States Code, is amended—

18           (I) by striking “(I) Subsections” and  
19           inserting “(I)(1) Subsections”; and

20           (ii) by adding at the end the fol-  
21      lowing:

22      “(2)(A) If, in the case of an employee, former em-  
23      ployee, or applicant for employment who seeks corrective  
24      action from the Merit Systems Protection Board based on  
25      an alleged prohibited personnel practice described in sec-

1 tion 2302(b)(8), section 2302(b)(9)(A)(I), (B), (C), (D),  
2 or (E), section 2302(b)(13), or section 2302(g), no final  
3 order or decision is issued by the Board within 180 days  
4 after the date on which a request for such corrective action  
5 has been duly submitted to the Board, such employee,  
6 former employee, or applicant may, after providing written  
7 notice to the Special Counsel and the Board and only with-  
8 in 20 days after providing such notice, bring an action  
9 for review de novo before the appropriate United States  
10 district court, and such action shall, at the request of ei-  
11 ther party to such action, be tried before a jury. Upon  
12 filing of an action with the appropriate United States dis-  
13 trict court, any proceedings before the Board shall cease  
14 and the employee, former employee, or applicant for em-  
15 ployment waives any right to refile with the Board.

16 “(B) If the Board certifies (in writing) to the parties  
17 of a case that the complexity of such case requires a longer  
18 period of review, subparagraph (A) shall be applied by  
19 substituting ‘240 days’ for ‘180 days’.

20 “(C) In any such action brought before a United  
21 States district court under subparagraph (A), the court—

22 “(I) shall apply the standards set forth in sub-  
23 section (e); and

1           “(ii) may award any relief which the court con-  
2           siders appropriate, including any relief described in  
3           subsection (g).”.

4           (B) APPLICATION.—

5           (I) The amendments made by sub-  
6           paragraph (A) shall apply to any corrective  
7           action duly submitted to the Merit Systems  
8           Protection Board, during the five-year pe-  
9           riod preceding the date of enactment of  
10          this Act, by an employee, former employee,  
11          or applicant for employment based on an  
12          alleged prohibited personnel practice de-  
13          scribed in section 2302(b)(8),  
14          2302(b)(9)(A)(I), (B), (C), or (D), or  
15          2302(b)(13) of title 5, United States Code,  
16          with respect to which no final order or de-  
17          cision has been issued by the Board.

18          (ii) In the case of an individual de-  
19          scribed in clause (I) whose duly submitted  
20          claim to the Board was made not later  
21          than 180 days before the date of enact-  
22          ment of this Act, such individual may only  
23          bring an action before a United States dis-  
24          trict court as described in section  
25          1221(I)(2) of title 5, United States Code,

1 (as added by subparagraph (A) if that in-  
2 dividual—

3 (I) provides written notice to the  
4 Office of Special Counsel and the  
5 Merit Systems Protection Board not  
6 later than 90 days after the date of  
7 enactment of this Act; and

8 (II) brings such action not later  
9 than 20 days after providing such no-  
10 tice.

11 (d) RECIPIENTS OF WHISTLEBLOWER DISCLO-  
12 SURES.—Section 2302(b)(8)(B) of title 5, United States  
13 Code, is amended by striking “or to the Inspector General  
14 of an agency or another employee designated by the head  
15 of the agency to receive such disclosures” and inserting  
16 “the Inspector General of an agency, a supervisor in the  
17 employee’s direct chain of command up to and including  
18 the head of the employing agency, or to an employee des-  
19 ignated by any of the aforementioned individuals for the  
20 purpose of receiving such disclosures”.

21 (e) ATTORNEY FEES.—

22 (1) IN GENERAL.—Section 7703(a) of title 5,  
23 United States Code, is amended by adding at the  
24 end the following:

1           “(3) If an employee, former employee, or appli-  
2           cant for employment is the prevailing party under a  
3           proceeding brought under this section, the employee,  
4           former employee, or applicant for employment shall  
5           be entitled to attorney fees for all representation  
6           carried out pursuant to this section. In such an ac-  
7           tion for attorney fees, the agency responsible for  
8           taking the personnel action shall be the respondent  
9           and shall be responsible for paying the fees.”.

10           (2) APPLICATION.—In addition to any pro-  
11           ceeding brought by an employee, former employee,  
12           or applicant for employment on or after the date of  
13           enactment of this Act to a Federal court under sec-  
14           tion 7703 of title 5, United States Code, the amend-  
15           ment made by paragraph (1) shall apply to any pro-  
16           ceeding brought by an employee, former employee,  
17           or applicant for employment under such section be-  
18           fore the date of enactment of this Act with respect  
19           to which the applicable Federal court has not issued  
20           a final decision.

21           (f) EXTENDING WHISTLEBLOWER PROTECTION ACT  
22 TO CERTAIN EMPLOYEES.—

23           (1) IN GENERAL.—Section 2302(a)(2)(A) of  
24           title 5, United States Code, is amended in the mat-  
25           ter following clause (xiii)—



(A) by inserting “subsection (b)(9)(A)(I), (B), (C), (D), or (E), subsection (b)(13), or subsection (g),” after “subsection (b)(8),”; and

(B) by inserting after “title 31” the following: “, a fellow or intern at an agency, a commissioned officer or applicant for employment in the Public Health Service, an officer or applicant for employment in the commissioned officer corps of the National Oceanic and Atmospheric Administration, and a noncareer appointee in the Senior Executive Service”.

(2) CONFORMING AMENDMENTS.—Section 261 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071) is amended—

(A) in subsection (a)—

(i) by striking paragraph (8); and

(ii) by redesignating paragraphs (9) through (26) as paragraphs (8) through (25), respectively; and

(B) in subsection (b), by striking the second sentence.

(3) APPLICATION.—

(A) IN GENERAL.—With respect to an officer or applicant for employment in the commis-

1           sioned officer corps of the National Oceanic and  
2           Atmospheric Administration, the amendments  
3           made by paragraphs (1) and (2) shall apply to  
4           any personnel action taken against such officer  
5           or applicant on or after the date of enactment  
6           of the National Oceanic and Atmospheric Ad-  
7           ministration Commissioned Officer Corps  
8           Amendments Act of 2020 (Public Law 116–  
9           259) for making any disclosure protected under  
10          section 2302(8) of title 5, United States Code.

11           (B) EXCEPTION.—Subparagraph (A) shall  
12          not apply to any personnel action with respect  
13          to which a complaint has been filed pursuant to  
14          section 1034 of title 10, United States Code,  
15          and a final decision has been rendered regard-  
16          ing such complaint.

17          (g) RELIEF.—

18           (1) IN GENERAL.—Section 7701(b)(2)(A) of  
19          title 5, United States Code, is amended by striking  
20          “upon the making of the decision” and inserting  
21          “upon making of the decision, necessary to make the  
22          employee whole as if there had been no prohibited  
23          personnel practice, including training, seniority and  
24          promotions consistent with the employee’s prior  
25          record”.

1           (2) APPLICATION.—In addition to any appeal  
2       made on or after the date of enactment of this Act  
3       to the Merit Systems Protection Board under section  
4       7701 of title 5, United States Code, the amendment  
5       made by paragraph (1) shall apply to any appeal  
6       made under such section before the date of enact-  
7       ment of this Act with respect to which the Board  
8       has not issued a final decision.

9   **SEC. 804. CLASSIFYING CERTAIN FURLOUGHS AS ADVERSE**  
10                           **PERSONNEL ACTIONS.**

11       (a) IN GENERAL.—Section 7512 of title 5, United  
12   States Code, is amended—

13           (1) in paragraph (4), by striking “and” at the  
14       end; and

15           (2) by striking paragraph (5) and inserting the  
16       following:

17           “(5) a furlough of more than 14 days but less  
18       than 30 days; and

19           “(6) a furlough of 13 days or less that is not  
20       due to a lapse in appropriations;”.

21       (b) APPLICATION.—The amendment made by sub-  
22   section (a) shall apply to any furlough covered by such  
23   section 7512(5) or (6) (as amended by such subsection)  
24   occurring on or after the date of enactment of this Act.

1 **SEC. 805. CODIFICATION OF PROTECTIONS FOR DISCLO-**  
2 **SURES OF CENSORSHIP RELATED TO RE-**  
3 **SEARCH, ANALYSIS, OR TECHNICAL INFOR-**  
4 **MATION.**

5 (a) IN GENERAL.—Section 2302 of title 5, United  
6 States Code, as amended by section 802(c)(1), is further  
7 amended by adding at the end the following:

8 “(h)(1) In this subsection—

9 “(A) the term ‘applicant’ means an applicant  
10 for a covered position;

11 “(B) the term ‘censorship related to research,  
12 analysis, or technical information’ means any effort  
13 to distort, misrepresent, or suppress research, anal-  
14 ysis, or technical information; and

15 “(C) the term ‘employee’ means an employee in  
16 a covered position in an agency.

17 “(2)(A) Any disclosure of information by an employee  
18 or applicant for employment that the employee or appli-  
19 cant reasonably believes is evidence of censorship related  
20 to research, analysis, or technical information—

21 “(I) shall come within the protections of sub-  
22 section (b)(8)(A) if—

23 “(I) the employee or applicant reasonably  
24 believes that the censorship related to research,  
25 analysis, or technical information is or will  
26 cause—

1                   “(aa) any violation of law, rule, or  
2                   regulation; or

3                   “(bb) gross mismanagement, a gross  
4                   waste of funds, an abuse of authority, or  
5                   a substantial and specific danger to public  
6                   health or safety; and

7                   “(II) such disclosure is not specifically pro-  
8                   hibited by law or such information is not spe-  
9                   cifically required by Executive order to be kept  
10                  classified in the interest of national defense or  
11                  the conduct of foreign affairs; and

12                  “(ii) shall come within the protections of sub-  
13                  section (b)(8)(B) if—

14                  “(I) the employee or applicant reasonably  
15                  believes that the censorship related to research,  
16                  analysis, or technical information is or will  
17                  cause—

18                         “(aa) any violation of law, rule, or  
19                         regulation; or

20                         “(bb) gross mismanagement, a gross  
21                         waste of funds, an abuse of authority, or  
22                         a substantial and specific danger to public  
23                         health or safety; and

24                         “(II) the disclosure is made to the Special  
25                         Counsel, or to the Inspector General of an

1           agency or another person designated by the  
2           head of the agency to receive such disclosures,  
3           consistent with the protection of sources and  
4           methods.

5           “(3) A disclosure shall not be excluded from para-  
6 graph (2) for any reason described under subsection (f)(1)  
7 or (2).

8           “(4) Nothing in this subsection shall be construed to  
9 imply any limitation on the protections of employees and  
10 applicants afforded by any other provision of law, includ-  
11 ing protections with respect to any disclosure of informa-  
12 tion believed to be evidence of censorship related to re-  
13 search, analysis, or technical information.”.

14           (b) REPEAL.—

15           (1) IN GENERAL.—Section 110 of the Whistle-  
16 blower Protection Enhancement Act of 2012 (Public  
17 Law 112–199) is hereby repealed.

18           (2) RULE OF CONSTRUCTION.—Nothing in this  
19 section shall be construed to limit or otherwise affect  
20 any action under such section 110 commenced be-  
21 fore the date of enactment of this Act or any protec-  
22 tions afforded by such section with respect to such  
23 action.

1 **SEC. 806. TITLE 5 TECHNICAL AND CONFORMING AMEND-**  
2 **MENTS.**

3 Title 5, United States Code, is amended—

4 (1) in section 1212(h), by striking “or (9)”  
5 each place it appears and inserting “, (b)(9),  
6 (b)(13), or (g)”;

7 (2) in section 1214—

8 (A) in subsections (a) and (b), by striking  
9 “section 2302(b)(8) or section  
10 2302(b)(9)(A)(I), (B), (C), or (D)” each place  
11 it appears and inserting “section 2302(b)(8),  
12 section 2302(b)(9)(A)(I), (B), (C), (D), or (E),  
13 section 2302(b)(13), or section 2302(g)”;

14 (B) in subsection (I), by striking “section  
15 2302(b)(8) or subparagraph (A)(I), (B), (C), or  
16 (D) of section 2302(b)(9)” and inserting “sec-  
17 tion 2302(b)(8), subparagraph (A)(I), (B), (C),  
18 (D), or (E) of section 2302(b)(9), section  
19 2302(b)(13), or section 2302(g)”;

20 (3) in section 1215(a)(3)(B), by striking “sec-  
21 tion 2302(b)(8), or 2302(b)(9)(A)(I), (B), (C), or  
22 (D)” each place it appears and inserting “section  
23 2302(b)(8), section 2302(b)(9)(A)(I), (B), (C), (D),  
24 or (E), section 2302(b)(13), or section 2302(g)”;

25 (4) in section 2302—

26 (A) in subsection (a)—

1 (I) in paragraph (1), by inserting “or  
2 (g)” after “subsection (b)”; and

3 (ii) in paragraph (2)(C)(I), by striking  
4 “subsection (b)(8) or section  
5 2302(b)(9)(A)(I), (B), (C), or (D)” and in-  
6 serting “section 2302(b)(8), section  
7 2302(b)(9)(A)(I), (B), (C), (D), or (E),  
8 section 2302(b)(13), or section 2302(g)”;  
9 and

10 (B) in subsection (c)(1)(B), by striking  
11 “paragraph (8) or subparagraph (A)(I), (B),  
12 (C), or (D) of paragraph (9) of subsection (b)”  
13 and inserting “paragraph (8), subparagraph  
14 (A)(I), (B), (C), or (D) of paragraph (9), or  
15 paragraph (13) of subsection (b) or subsection  
16 (g)”;

17 (5) in section 7515(a)(2), by striking “para-  
18 graph (8), (9), or (14) of section 2302(b)” and in-  
19 serting “paragraph (8), (9), (13), or (14) of section  
20 2302(b) or section 2302(g)”;

21 (6) in section 7701(c)(2)(B), by inserting “or  
22 section 2302(g)” after “section 2302(b)”; and

23 (7) in section 7703(b)(1)(B), by striking “sec-  
24 tion 2302(b)(8), or 2302(b)(9)(A)(I), (B), (C), or  
25 (D)” and inserting “section 2302(b)(8), section



1       2302(b)(9)(A)(I), (B), (C), (D), or (E), section  
2       2302(b)(13), or section 2302(g)”.  
3

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 **Subtitle A—Strengthening Hatch**  
 5 **Act Enforcement and Penalties**

6 **SEC. 1001. SHORT TITLE.**

7 This title may be cited as the “Hatch Act Account-  
 8 ability Act”.

9 **SEC. 1002. STRENGTHENING HATCH ACT ENFORCEMENT**  
 10 **AND PENALTIES AGAINST POLITICAL AP-**  
 11 **POINTEES.**

12 (a) INVESTIGATIONS BY OFFICE OF SPECIAL COUN-  
 13 SEL.—Section 1216 of title 5, United States Code, as  
 14 amended by section 307, is amended—

15 (1) in subsection (c), by striking “(1),”; and

16 (2) by adding at the end the following:

17 “(e)(1) In addition to the authority otherwise pro-  
 18 vided in this chapter, the Special Counsel—

19 “(A) shall conduct an investigation with respect  
 20 to any allegation concerning political activity prohib-  
 21 ited under subchapter III of chapter 73 (relating to  
 22 political activities by Federal employees); and

23 “(B) may, regardless of whether the Special  
 24 Counsel has received an allegation, conduct any in-  
 25 vestigation as the Special Counsel considers nec-

1        essary concerning political activity prohibited under  
2        such subchapter.

3        “(2) With respect to any investigation under para-  
4        graph (1) of this subsection, the Special Counsel may seek  
5        corrective action under section 1214 and disciplinary ac-  
6        tion under section 1215 in the same way as if a prohibited  
7        personnel practice were involved.

8        “(f)(1) Notwithstanding subsection (b) of section  
9        1215, consistent with paragraph (3) of this subsection, if  
10       after an investigation under subsection (d)(1) the Special  
11       Counsel determines that a political appointee has violated  
12       section 7323 or 7324, the Special Counsel may present  
13       a complaint to the Merit Systems Protection Board under  
14       the process provided in section 1215, against such political  
15       appointee.

16       “(2) Notwithstanding section 7326, a final order of  
17       the Board on a complaint of a violation of section 7323  
18       or 7324 by a political appointee may impose an assess-  
19       ment of a civil penalty not to exceed \$50,000.

20       “(3) The Special Counsel may not present a com-  
21       plaint under paragraph (1) of this subsection—

22                “(A) unless no disciplinary action or civil pen-  
23        alty has been taken or assessed, respectively, against  
24        the political appointee pursuant to section 7326; and

1           “(B) until on or after the date that is 90 days  
2           after the date that the complaint regarding the polit-  
3           ical appointee was presented to the President under  
4           section 1215(b), notwithstanding whether the Presi-  
5           dent submits a written statement pursuant to para-  
6           graph (4) of this subsection.

7           “(4)(A) Not later than 90 days after receiving from  
8           the Special Counsel a complaint recommending discipli-  
9           nary action under section 1215(b) with respect to a polit-  
10          ical appointee for a violation of section 7323 or 7324, the  
11          President shall provide a written statement to the Special  
12          Counsel on whether the President imposed the rec-  
13          ommended disciplinary action, imposed another form of  
14          disciplinary action and the nature of that disciplinary ac-  
15          tion, or took no disciplinary action against the political  
16          appointee.

17          “(B) Not later than 14 days after receiving a written  
18          statement under subparagraph (A) of this paragraph—

19                 “(I) the Special Counsel shall submit the writ-  
20                 ten statement to the Committee on Oversight and  
21                 Reform of the House of Representatives and the  
22                 Committee on Homeland Security and Governmental  
23                 Affairs of the Senate; and

24                 “(ii) publish the written statement on the public  
25                 website of the Office of Special Counsel.

1       “(5) Not later than 14 days after the date that the  
2 Special Counsel determines a political appointee has vio-  
3 lated section 7323 or 7324, the Special Counsel shall—

4               “(A) submit a report on the investigation into  
5 such political appointee, and any communications  
6 sent from the Special Counsel to the President rec-  
7 ommending discipline of such political appointee, to  
8 the Committee on Oversight and Reform of the  
9 House of Representatives and the Committee on  
10 Homeland Security and Governmental Affairs of the  
11 Senate; and

12              “(B) publish the report and such communica-  
13 tions on the public website of the Office of Special  
14 Counsel.

15       “(6) In this subsection, the term ‘political appointee’  
16 means any individual, other than the President and the  
17 Vice-President, employed or holding office—

18              “(A) in the Executive Office of the President,  
19 the Office of the Vice President, and any other office  
20 of the White House, but not including any career  
21 employee; or

22              “(B) in a confidential, policy-making, policy-de-  
23 termining, or policy-advocating position appointed by  
24 the President, by and with the advice and consent

1 of the Senate (other than an individual in the For-  
2 eign Service of the United States).”.

3 (b) CLARIFICATION ON APPLICATION OF HATCH ACT  
4 TO EOP AND OVP EMPLOYEES.—Section 7322(1)(A) of  
5 title 5, United States Code, is amended by inserting after  
6 “Executive agency” the following: “, including the Execu-  
7 tive Office of the President, the Office of the Vice Presi-  
8 dent, and any other office of the White House,”.

9 (c) CRIMINAL PENALTY.—

10 (1) IN GENERAL.—Subchapter III of chapter  
11 73 of title 5, United States Code, is amended by  
12 adding after section 7326 the following:

13 **“§ 7328. Criminal penalty for Hatch Act violations**

14 “(a) IN GENERAL.—Any person who knowingly vio-  
15 lates section 7323 or 7324 shall be fined \$50,000 (not-  
16 withstanding section 3571(e) of title 18), or imprisoned  
17 for not more than 1 year, or both. Notwithstanding section  
18 3571(e) of title 18, for each violation after the first, the  
19 fine applicable under this section shall be double the  
20 amount of the fine assessed for the previous violation.

21 “(b) ATTORNEY FEES.—A court may assess against  
22 the United States reasonable attorney fees and other liti-  
23 gation costs reasonably incurred in any case under this  
24 section in which an employee has established, by a prepon-  
25 derance of the evidence, that a superior ordered or other-

1 wise coerced the employee into taking any act that re-  
2 sulted in a violation of such section 7323 or 7324.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions of such subchapter is amended by inserting  
5 after the item relating to section 7326 the following:

“7328. Criminal penalty for Hatch Act violations.”.

6 (3) TRAINING.—After an individual’s first viola-  
7 tion of section 7323 or 7324 of title 5, United  
8 States Code, such individual shall be provided train-  
9 ing by the employing agency on how to avoid subse-  
10 quent violations of either such section.

11 **SEC. 1003. INCLUDING EXECUTIVE OFFICE OF THE PRESI-**  
12 **DENT UNDER LIMITATION ON NEPOTISM IN**  
13 **THE CIVIL SERVICE.**

14 Section 3110(a)(1)(A) of title 5, United States Code,  
15 is amended by inserting “, including the Executive Office  
16 of the President” after “Executive agency”.

17 **SEC. 1004. DISCLOSURE OF HATCH ACT INVESTIGATIONS**  
18 **FOR CERTAIN POLITICAL EMPLOYEES.**

19 Section 1216 of title 5, United States Code, is  
20 amended by adding at the end the following:

21 “(d)(1) With respect to any investigation of an alle-  
22 gation of prohibited activity under subsection (a)(1)  
23 against a political employee, not later than 14 days after  
24 the Special Counsel makes a final determination under

1 such investigation with respect to whether a violation oc-  
2 curred, the Special Counsel shall—

3 “(A) publish, on the Office of Special Counsel’s  
4 website, such determination and a report on that de-  
5 termination; and

6 “(B) submit such report to the Committee on  
7 Oversight and Reform of the House of Representa-  
8 tives and the Committee on Homeland Security and  
9 Governmental Affairs of the Senate.

10 “(2) In this subsection, the term ‘political employee’  
11 means any individual occupying any of the following posi-  
12 tions in the executive branch of Government (including an  
13 individual carrying out the duties of a position described  
14 in paragraph (1) in an acting capacity):

15 “(A) Any position required to be filled by an  
16 appointment by the President by and with the advice  
17 and consent of the Senate.

18 “(B) Any position in the executive branch of  
19 the Government of a confidential or policy-deter-  
20 mining character under schedule C of subpart C of  
21 part 213 of title 5, Code of Federal Regulations.

22 “(C) Any position in or under the Executive Of-  
23 fice of the President.

24 “(D) Any position in or under the Office of the  
25 Vice President.

1           “(E) Any position in the Senior Executive Serv-  
2           ice that is not a career appointee, a limited term ap-  
3           pointee, or a limited emergency appointee (as those  
4           terms are defined in section 3132(a)).”.

5   **SEC. 1005. CLARIFICATION ON CANDIDATES VISITING FED-**  
6                           **ERAL PROPERTY.**

7           (a) IN GENERAL.—Section 7323 of title 5, United  
8           States Code, is amended by adding at the end the fol-  
9           lowing:

10          “(d) Nothing in this section or section 7324 shall be  
11          construed to prohibit an employee from allowing a Mem-  
12          ber of Congress or any other elected official from visiting  
13          Federal facilities for an official purpose, including receiv-  
14          ing briefings, tours, or other official information.”.

15          (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
16          Such section 7323 is further amended—

17                 (1) in subsection (a)(1), by striking “his” and  
18                 inserting “the employee’s”; and

19                 (2) in subsection (c)—

20                         (A) by striking “he” and inserting “the  
21                         employee”; and

22                         (B) by striking “his” and inserting “the  
23                         employee’s”.



1 **SEC. 1006. APPLYING HATCH ACT TO PRESIDENT AND VICE**  
 2 **PRESIDENT WHILE ON FEDERAL PROPERTY.**

3 (a) IN GENERAL.—Subchapter III of chapter 73 of  
 4 title 5, United States Code, as amended by section  
 5 1002(c), is further amended by redesignating section 7326  
 6 as section 7327 and by inserting after section 7325 the  
 7 following:

8 **“§ 7326. Limitations on political activity of president**  
 9 **and vice president while on White House**  
 10 **grounds**

11 “Notwithstanding section 7322(1), the prohibitions  
 12 on political activity under section 7323(a) and section  
 13 7324 shall apply to the President and Vice President while  
 14 the President and Vice President are on or in any part  
 15 of the White House and White House grounds that is reg-  
 16 ularly used in the discharge of official duties.”.

17 (b) CLERICAL AMENDMENT.—The table of sections  
 18 of such subchapter, as amended by section 1002(c), is  
 19 further amended by striking the item relating to section  
 20 7326 and inserting the following:

“7326. Limitations on political activity of President and Vice President while  
 on Federal property  
 “7327. Penalties”.

21 **SEC. 1007. GRANTING THE OFFICE OF SPECIAL COUNSEL**  
 22 **RULEMAKING AUTHORITY.**

23 Notwithstanding any other law, rule, or regulation,  
 24 the Office of Special Counsel shall have exclusive authority

1 to promulgate regulations with respect to authority grant-  
2 ed to the Office under the Hatch Act.

3 **SEC. 1008. GREATER ACCOUNTABILITY FOR POLITICAL AP-**  
4 **POINTEES.**

5 Section 1204(c) of title 5, United States Code, is  
6 amended by adding at the end the following: “Notwith-  
7 standing the previous sentences, in the case of contumacy  
8 or failure by an individual to obey a subpoena issued under  
9 subsection (b)(2)(A) or section 1214(b) with respect to an  
10 investigation into any violation of section 7323 or 7324,  
11 the Board may issue an order requiring that individual  
12 to appear at any designated place to testify or to produce  
13 documentary or other evidence.”.

14 **SEC. 1009. INVESTIGATING FORMER POLITICAL EMPLOY-**  
15 **EES.**

16 Notwithstanding any other provision of law, the Of-  
17 fice of Special Counsel may continue an investigation of  
18 a violation of section 7323 or 7324 of title 5, United  
19 States Code, of an individual who is a former employee  
20 but only if such investigation commenced while the indi-  
21 vidual was an employee. In this section, the term “em-  
22 ployee” has the meaning given that term in section  
23 7322(1) of such title.

1 **SEC. 1010. GAO REVIEW OF REIMBURSABLE POLITICAL**  
2 **EVENTS.**

3 Not later than 60 days after the date of enactment  
4 of this Act, the Comptroller General shall submit to Con-  
5 gress a report on reimbursable political events held at the  
6 White House or on the White House grounds during the  
7 period beginning on January 1, 1997, and ending on the  
8 date of enactment of this Act. Such report shall include  
9 the following:

10 (1) Whether, during such period, the require-  
11 ments in annual appropriations Acts with respect to  
12 reimbursable political events have been followed, in-  
13 cluding the requirements under the heading “Execu-  
14 tive Residence At the White House—Reimbursable  
15 Expenses” in division D of Public Law 116–6.

16 (2) An assessment of what constitutes a polit-  
17 ical event during such period.

18 (3) Whether an event that was not classified as  
19 a political event during such period should have been  
20 classified as such an event.

21 (4) A review of any payment made by a political  
22 entity under the terms of such requirements.

23 (5) Recommendations for Congress on—

24 (A) a definition for the term “political  
25 event”; and

1 (B) how to assess whether administrations  
2 are following such requirements and how to  
3 hold administrations accountable if such re-  
4 quirements are not followed.

5 **Subtitle B—Strengthening Ethics**  
6 **Enforcement and Penalties for**  
7 **Federal Executive Employees**

8 **SEC. 1011. ETHICS PLEDGE.**

9 Every appointee in every executive agency appointed  
10 on or after January 20, 2021, shall sign, and upon signing  
11 shall be contractually committed to, the following pledge  
12 upon becoming an appointee:

13 “I recognize that this pledge is part of a broader eth-  
14 ics in government plan designed to restore and maintain  
15 public trust in government, and I commit myself to con-  
16 duct consistent with that plan. I commit to decision-mak-  
17 ing on the merits and exclusively in the public interest,  
18 without regard to private gain or personal benefit. I com-  
19 mit to conduct that upholds the independence of law en-  
20 forcement and precludes improper interference with inves-  
21 tigative or prosecutorial decisions of the Department of  
22 Justice. I commit to ethical choices of post-Government  
23 employment that do not raise the appearance that I have  
24 used my Government service for private gain, including

1 by using confidential information acquired and relation-  
2 ships established for the benefit of future clients.

3 “Accordingly, as a condition, and in consideration, of  
4 my employment in the United States Government in a po-  
5 sition invested with the public trust, I commit myself to  
6 the following obligations, which I understand are binding  
7 on me and are enforceable under law:

8 “(1) Lobbyist Gift Ban.—I will not accept gifts  
9 from registered lobbyists or lobbying organizations  
10 for the duration of my service as an appointee.

11 “(2) Revolving Door Ban; All Appointees En-  
12 tering Government.—I will not for a period of 2  
13 years from the date of my appointment participate  
14 in any particular matter involving specific parties  
15 that is directly and substantially related to my  
16 former employer or former clients, including regula-  
17 tions and contracts.

18 “(3) Revolving Door Ban; Lobbyists and Reg-  
19 istered Agents Entering Government.—If I was reg-  
20 istered under the Lobbying Disclosure Act, 2 U.S.C.  
21 1601 et seq., or the Foreign Agents Registration Act  
22 (FARA), 22 U.S.C. 611 et seq., within the 2 years  
23 before the date of my appointment, in addition to  
24 abiding by the limitations of paragraph 2, I will not

1 for a period of 2 years after the date of my appoint-  
2 ment:

3 “(A) participate in any particular matter  
4 on which I lobbied, or engaged in registrable ac-  
5 tivity under FARA, within the 2 years before  
6 the date of my appointment;

7 “(B) participate in the specific issue area  
8 in which that particular matter falls; or

9 “(C) seek or accept employment with any  
10 executive agency with respect to which I lob-  
11 bied, or engaged in registrable activity under  
12 FARA, within the 2 years before the date of my  
13 appointment.

14 “(4) Revolving Door Ban; Appointees Leaving  
15 Government.—If, upon my departure from the Gov-  
16 ernment, I am covered by the post-employment re-  
17 strictions on communicating with employees of my  
18 former executive agency set forth in section 207(c)  
19 of title 18, United States Code, and its imple-  
20 menting regulations, I agree that I will abide by  
21 those restrictions for a period of 2 years following  
22 the end of my appointment. I will abide by these  
23 same restrictions with respect to communicating  
24 with the senior White House staff.

1           “(5) Revolving Door Ban; Senior and Very Sen-  
2           ior Appointees Leaving Government.— If, upon my  
3           departure from the Government, I am covered by the  
4           post-employment restrictions set forth in sections  
5           207(c) or 207(d) of title 18, United States Code,  
6           and those sections’ implementing regulations, I  
7           agree that, in addition, for a period of 1 year fol-  
8           lowing the end of my appointment, I will not materi-  
9           ally assist others in making communications or ap-  
10          pearances that I am prohibited from undertaking  
11          myself by—

12                   “(A) holding myself out as being available  
13                   to engage in lobbying activities in support of  
14                   any such communications or appearances; or

15                   “(B) engaging in any such lobbying activi-  
16                   ties.

17           “(6) Revolving Door Ban; Appointees Leaving  
18           Government to Lobby.—In addition to abiding by  
19           the limitations of paragraph 4, I also agree, upon  
20           leaving Government service, not to lobby any covered  
21           executive branch official or non-career Senior Execu-  
22           tive Service appointee, or engage in any activity on  
23           behalf of any foreign government or foreign political  
24           party which, were it undertaken on January 20,  
25           2021, would require that I register under FARA, for

1 the remainder of the Administration or 2 years fol-  
2 lowing the end of my appointment, whichever is  
3 later.

4 “(7) Golden Parachute Ban.—I have not ac-  
5 cepted and will not accept, including after entering  
6 Government, any salary or other cash payment from  
7 my former employer the eligibility for and payment  
8 of which is limited to individuals accepting a position  
9 in the United States Government. I also have not ac-  
10 cepted and will not accept any non-cash benefit from  
11 my former employer that is provided in lieu of such  
12 a prohibited cash payment.

13 “(8) Employment Qualification Commitment.—  
14 I agree that any hiring or other employment deci-  
15 sions I make will be based on the candidate’s quali-  
16 fications, competence, and experience.

17 “(9) Assent to Enforcement.—I acknowledge  
18 that title XVI of the Protecting Our Democracy Act,  
19 which I have read before signing this document, de-  
20 fines certain of the terms applicable to the foregoing  
21 obligations and sets forth the methods for enforcing  
22 them. I expressly accept the provisions of that title  
23 as a part of this agreement and as binding on me.  
24 I understand that the terms of this pledge are in ad-  
25 dition to any statutory or other legal restrictions ap-



1       plicable to me by virtue of Federal Government serv-  
2       ice.”.

3   **SEC. 1012. DEFINITIONS.**

4       For purposes of this title and the pledge set forth  
5   in section 1101 of this title:

6           (1) “Executive agency” shall include each “ex-  
7       ecutive agency” as defined by section 105 of title 5,  
8       United States Code, and shall include the Executive  
9       Office of the President; provided, however, that “ex-  
10      ecutive agency” shall include the United States  
11      Postal Service and Postal Regulatory Commission,  
12      but shall exclude the Government Accountability Of-  
13      fice.

14          (2) “Appointee” shall include every full-time,  
15      non-career Presidential or Vice-Presidential ap-  
16      pointee, non-career appointee in the Senior Execu-  
17      tive Service (or other SES-type system), and ap-  
18      pointee to a position that has been excepted from  
19      the competitive service by reason of being of a con-  
20      fidential or policymaking character (Schedule C and  
21      other positions excepted under comparable criteria)  
22      in an executive agency. It does not include any per-  
23      son appointed as a member of the Senior Foreign  
24      Service or solely as a uniformed service commis-  
25      sioned officer.

1           (3) “Gift”—

2                   (A) shall have the definition set forth in  
3           section 2635.203(b) of title 5, Code of Federal  
4           Regulations;

5                   (B) shall include gifts that are solicited or  
6           accepted indirectly, as defined in section  
7           2635.203(f) of title 5, Code of Federal Regula-  
8           tions; and

9                   (C) shall exclude those items excluded by  
10          sections 2635.204(b), (c), (e)(1) and (3), and  
11          (j) through (l) of title 5, Code of Federal Regu-  
12          lations.

13          (4) “Covered executive branch official” and  
14          “lobbyist” shall have the definitions set forth in sec-  
15          tion 1602 of title 2, United States Code.

16          (5) “Registered lobbyist or lobbying organiza-  
17          tion” shall mean a lobbyist or an organization filing  
18          a registration pursuant to section 1603(a) of title 2,  
19          United States Code, and in the case of an organiza-  
20          tion filing such a registration, “registered lobbyist”  
21          shall include each of the lobbyists identified therein.

22          (6) “Lobby” and “lobbied” shall mean to act or  
23          have acted as a registered lobbyist.

1           (7) “Lobbying activities” shall have the defini-  
2           tion set forth in section 1602 of title 2, United  
3           States Code.

4           (8) “Materially assist” means to provide sub-  
5           stantive assistance but does not include providing  
6           background or general education on a matter of law  
7           or policy based upon an individual’s subject matter  
8           expertise, nor any conduct or assistance permitted  
9           under section 207(j) of title 18, United States Code.

10          (9) “Particular matter” shall have the same  
11          meaning as set forth in section 207 of title 18,  
12          United States Code, and section 2635.402(b)(3) of  
13          title 5, Code of Federal Regulations.

14          (10) “Particular matter involving specific par-  
15          ties” shall have the same meaning as set forth in  
16          section 2641.201(h) of title 5, Code of Federal Reg-  
17          ulations, except that it shall also include any meet-  
18          ing or other communication relating to the perform-  
19          ance of one’s official duties with a former employer  
20          or former client, unless the communication applies  
21          to a particular matter of general applicability and  
22          participation in the meeting or other event is open  
23          to all interested parties.

24          (11) “Former employer” is any person for  
25          whom the appointee has within the 2 years prior to

1 the date of his or her appointment served as an em-  
2 ployee, officer, director, trustee, or general partner,  
3 except that “former employer” does not include any  
4 executive agency or other entity of the Federal Gov-  
5 ernment, State or local government, the District of  
6 Columbia, Native American tribe, any United States  
7 territory or possession, or any international organi-  
8 zation in which the United States is a member state.

9 (12) “Former client” is any person for whom  
10 the appointee served personally as agent, attorney,  
11 or consultant within the 2 years prior to the date of  
12 his or her appointment, but excluding instances  
13 where the service provided was limited to speeches or  
14 similar appearances. It does not include clients of  
15 the appointee’s former employer to whom the ap-  
16 pointee did not personally provide services.

17 (13) “Directly and substantially related to my  
18 former employer or former clients” shall mean mat-  
19 ters in which the appointee’s former employer or a  
20 former client is a party or represents a party.

21 (14) “Participate” means to participate person-  
22 ally and substantially.

23 (15) “Government official” means any employee  
24 of the executive branch.

1           (16) “Administration” means all terms of office  
2           of the incumbent President serving at the time of  
3           the appointment of an appointee covered by this  
4           title.

5           (17) “Pledge” means the ethics pledge set forth  
6           in section 1011 of this title.

7           (18) “Senior White House staff” means any  
8           person appointed by the President to a position  
9           under sections 105(a)(2)(A) or (B) of title 3, United  
10          States Code, or by the Vice President to a position  
11          under sections 106(a)(1)(A) or (B) of title 3.

12          (19) All references to provisions of law and reg-  
13          ulations shall refer to such provisions as are in effect  
14          on January 20, 2021.

15 **SEC. 1013. WAIVER.**

16          (a) The Director of the Office of Management and  
17          Budget (OMB), in consultation with the Counsel to the  
18          President, may grant to any current or former appointee  
19          a written waiver of any restrictions contained in the pledge  
20          signed by such appointee if, and to the extent that, the  
21          Director of OMB certifies in writing—

22                (1) that the literal application of the restriction  
23                is inconsistent with the purposes of the restriction;  
24                or

1           (2) that it is in the public interest to grant the  
2           waiver. Any such written waiver should reflect the  
3           basis for the waiver and, in the case of a waiver of  
4           the restrictions set forth in paragraphs (3)(B) and  
5           (C) of the pledge, a discussion of the findings with  
6           respect to the factors set forth in subsection (b) of  
7           this section.

8           (b) A waiver shall take effect when the certification  
9           is signed by the Director of OMB and shall be made public  
10          within 10 days thereafter.

11          (c) The public interest shall include, but not be lim-  
12          ited to, exigent circumstances relating to national security,  
13          the economy, public health, or the environment. In deter-  
14          mining whether it is in the public interest to grant a waiv-  
15          er of the restrictions contained in paragraphs (3)(B) and  
16          (C) of the pledge, the responsible official may consider the  
17          following factors—

18                (1) the government's need for the individual's  
19                services, including the existence of special cir-  
20                cumstances related to national security, the econ-  
21                omy, public health, or the environment;

22                (2) the uniqueness of the individual's qualifica-  
23                tions to meet the government's needs;

24                (3) the scope and nature of the individual's  
25                prior lobbying activities, including whether such ac-

1       tivities were de minimis or rendered on behalf of a  
2       nonprofit organization; and

3               (4) the extent to which the purposes of the re-  
4       striction may be satisfied through other limitations  
5       on the individual's services, such as those required  
6       by paragraph (3)(A) of the pledge.

7       **SEC. 1014. ADMINISTRATION.**

8               (a) The head of every executive agency shall, in con-  
9       sultation with the Director of the Office of Government  
10      Ethics, establish such rules or procedures (conforming as  
11      nearly as practicable to the agency's general ethics rules  
12      and procedures, including those relating to designated  
13      agency ethics officers) as are necessary or appropriate to  
14      ensure—

15              (1) that every appointee in the agency signs the  
16      pledge upon assuming the appointed office or other-  
17      wise becoming an appointee;

18              (2) that compliance with paragraph (3) of the  
19      pledge is addressed in a written ethics agreement  
20      with each appointee to whom it applies, which agree-  
21      ment shall also be approved by the Counsel to the  
22      President prior to the appointee commencing work;

23              (3) that spousal employment issues and other  
24      conflicts not expressly addressed by the pledge are  
25      addressed in ethics agreements with appointees or,

1       where no such agreements are required, through eth-  
2       ics counseling; and

3               (4) that the agency generally complies with this  
4       title.

5       (b) With respect to the Executive Office of the Presi-  
6       dent, the duties set forth in subsection (a) shall be the  
7       responsibility of the Counsel to the President.

8       (c) The Director of the Office of Government Ethics  
9       shall—

10              (1) ensure that the pledge and a copy of this  
11       title are made available for use by agencies in ful-  
12       filling their duties under subsection (a);

13              (2) in consultation with the Attorney General or  
14       the Counsel to the President, when appropriate, as-  
15       sist designated agency ethics officers in providing  
16       advice to current or former appointees regarding the  
17       application of the pledge; and

18              (3) in consultation with the Attorney General  
19       and the Counsel to the President, adopt such rules  
20       or procedures as are necessary or appropriate—

21                      (A) to carry out the foregoing responsibil-  
22       ities;

23                      (B) to authorize limited exceptions to the  
24       lobbyist gift ban for circumstances that do not  
25       implicate the purposes of the ban;



1           (C) to make clear that no person shall  
2           have violated the lobbyist gift ban if the person  
3           properly disposes of a gift as provided by sec-  
4           tion 2635.206 of title 5, Code of Federal Regu-  
5           lations;

6           (D) to ensure that existing rules and pro-  
7           cedures for Government employees engaged in  
8           negotiations for future employment with private  
9           businesses that are affected by the employees'  
10          official actions do not affect the integrity of the  
11          Government's programs and operations; and

12          (E) to ensure, in consultation with the Di-  
13          rector of the Office of Personnel Management,  
14          that the requirement set forth in paragraph (6)  
15          of the pledge is honored by every employee of  
16          the executive branch;

17          (4) in consultation with the Director of OMB,  
18          report to the President on whether full compliance  
19          is being achieved with existing laws and regulations  
20          governing executive branch procurement lobbying  
21          disclosure. This report shall include recommenda-  
22          tions on steps the executive branch can take to ex-  
23          pand, to the fullest extent practicable, disclosure of  
24          both executive branch procurement lobbying and of  
25          lobbying for Presidential pardons. These rec-

1 ommendations shall include both immediate actions  
2 the executive branch can take and, if necessary, rec-  
3 ommendations for legislation; and

4 (5) provide an annual public report on the ad-  
5 ministration of the pledge and this title.

6 (d) The Director of the Office of Government Ethics  
7 shall, in consultation with the Attorney General, the Coun-  
8 sel to the President, and the Director of the Office of Per-  
9 sonnel Management, report to the President on steps the  
10 executive branch can take to expand to the fullest extent  
11 practicable the revolving door ban set forth in paragraph  
12 (5) of the pledge to all executive branch employees who  
13 are involved in the procurement process such that they  
14 may not for 2 years after leaving Government service  
15 lobby any Government official regarding a Government  
16 contract that was under their official responsibility in the  
17 last 2 years of their Government service. This report shall  
18 include both immediate actions the executive branch can  
19 take and, if necessary, recommendations for legislation.

20 (e) All pledges signed by appointees, and all waiver  
21 certifications with respect thereto, shall be filed with the  
22 head of the appointee's agency for permanent retention  
23 in the appointee's official personnel folder or equivalent  
24 folder.

1 **SEC. 1015. ENFORCEMENT.**

2 (a) The contractual, fiduciary, and ethical commit-  
3 ments in the pledge provided for herein are solely enforce-  
4 able by the United States pursuant to this section by any  
5 legally available means, including debarment proceedings  
6 within any affected executive agency or judicial civil pro-  
7 ceedings for declaratory, injunctive, or monetary relief.

8 (b) Any former appointee who is determined, after  
9 notice and hearing, by the duly designated authority with-  
10 in any agency, to have violated his or her pledge may be  
11 barred from lobbying any officer or employee of that agen-  
12 cy for up to 5 years in addition to the time period covered  
13 by the pledge. The head of every executive agency shall,  
14 in consultation with the Director of the Office of Govern-  
15 ment Ethics, establish procedures to implement this sub-  
16 section, which procedures shall include (but not be limited  
17 to) providing for fact-finding and investigation of possible  
18 violations of this title and for referrals to the Attorney  
19 General for consideration pursuant to subsection (c) of  
20 this section.

21 (c) The Attorney General is authorized—

22 (1) upon receiving information regarding the  
23 possible breach of any commitment in a signed  
24 pledge, to request any appropriate Federal investiga-  
25 tive authority to conduct such investigations as may  
26 be appropriate; and

1           (2) upon determining that there is a reasonable  
2           basis to believe that a breach of a commitment has  
3           occurred or will occur or continue, if not enjoined,  
4           to commence a civil action against the former em-  
5           ployee in any United States District Court with ju-  
6           risdiction to consider the matter.

7           (d) In any such civil action, the Attorney General is  
8           authorized to request any and all relief authorized by law,  
9           including but not limited to:

10           (1) such temporary restraining orders and pre-  
11           liminary and permanent injunctions as may be ap-  
12           propriate to restrain future, recurring, or continuing  
13           conduct by the former employee in breach of the  
14           commitments in the pledge he or she signed; and

15           (2) establishment of a constructive trust for the  
16           benefit of the United States, requiring an accounting  
17           and payment to the United States Treasury of all  
18           money and other things of value received by, or pay-  
19           able to, the former employee arising out of any  
20           breach or attempted breach of the pledge signed by  
21           the former employee.

22   **SEC. 1016. GENERAL PROVISIONS.**

23           (a) If any provision of this title or the application  
24           of such provision is held to be invalid, the remainder of

1 this title and other dissimilar applications of such provi-  
2 sion shall not be affected.

3 (b) Nothing in this title shall be construed to impair  
4 or otherwise affect—

5 (1) the authority granted by law to an executive  
6 department or agency, or the head thereof; or

7 (2) the functions of the Director of the Office  
8 of Management and Budget relating to budgetary,  
9 administrative, or legislative proposals.

10 (c) This title shall be implemented consistent with ap-  
11 plicable law and subject to the availability of appropria-  
12 tions.

13 (d) This title is not intended to, and does not, create  
14 any right or benefit, substantive or procedural, enforceable  
15 at law or in equity by any party against the United States,  
16 its departments, agencies, or entities, its officers, employ-  
17 ees, or agents, or any other person.

18 **TITLE XI—PROMOTING EFFI-**  
19 **CIENT PRESIDENTIAL TRAN-**  
20 **SITIONS**

21 **SEC. 1101. SHORT TITLE.**

22 This title may be cited as the “Efficient Transition  
23 Act of 2021”.

1 **SEC. 1102. ASCERTAINMENT OF SUCCESSFUL CANDIDATES**  
2 **IN GENERAL ELECTIONS FOR PURPOSES OF**  
3 **PRESIDENTIAL TRANSITION.**

4 (a) IN GENERAL.—Section 3(c) of the Presidential  
5 Transition Act of 1963 (3 U.S.C. 102 note) is amended—

6 (1) by striking “The terms” and inserting “(1)  
7 The terms”; and

8 (2) by adding at the end the following:

9 “(2) The Administrator shall make the ascertainment  
10 under paragraph (1) as soon as practicable after the gen-  
11 eral elections.

12 “(3) If the Administrator does not make such ascer-  
13 tainment within 5 days after such elections, each eligible  
14 candidate for President and Vice President shall be treat-  
15 ed as if they are the apparent successful candidate for pur-  
16 poses of this Act until the Administrator makes the ascer-  
17 tainment or until the House of Representatives and the  
18 Senate certify the results of the elections, whichever occurs  
19 first.”.

20 (b) REGULATIONS.—Not later than 270 days after  
21 the date of enactment of this Act, the Administrator of  
22 General Services shall promulgate regulations that estab-  
23 lish standards and procedures to be followed by the Ad-  
24 ministrator in making any future determination regarding  
25 ascertainment under section 3(c) of the Presidential Tran-  
26 sition Act of 1963, as amended by subsection (a).

1 **TITLE XII—PRESIDENTIAL AND**  
2 **VICE PRESIDENTIAL TAX**  
3 **TRANSPARENCY**

4 **SEC. 1201. PRESIDENTIAL AND VICE PRESIDENTIAL TAX**  
5 **TRANSPARENCY.**

6 (a) DEFINITIONS.—In this section—

7 (1) The term “covered candidate” means a can-  
8 didate of a major party in a general election for the  
9 office of President or Vice President.

10 (2) The term “major party” has the meaning  
11 given the term in section 9002 of the Internal Rev-  
12 enue Code of 1986.

13 (3) The term “income tax return” means, with  
14 respect to an individual, any return (as such term is  
15 defined in section 6103(b)(1) of the Internal Rev-  
16 enue Code of 1986, except that such term shall not  
17 include declarations of estimated tax) of—

18 (A) such individual, other than information  
19 returns issued to persons other than such indi-  
20 vidual; or

21 (B) of any corporation, partnership, or  
22 trust in which such individual holds, directly or  
23 indirectly, a significant interest as the sole or  
24 principal owner or the sole or principal bene-  
25 ficial owner (as such terms are defined in regu-

1           lations prescribed by the Secretary of the  
2           Treasury or his delegate).

3           (4) The term “Secretary” means the Secretary  
4           of the Treasury or the delegate of the Secretary.

5           (b) DISCLOSURE.—

6           (1) IN GENERAL.—

7                   (A) CANDIDATES FOR PRESIDENT AND  
8           VICE PRESIDENT.—Not later than the date that  
9           is 15 days after the date on which an individual  
10          becomes a covered candidate, the individual  
11          shall submit to the Federal Election Commis-  
12          sion a copy of the individual’s income tax re-  
13          turns for the 10 most recent taxable years for  
14          which a return has been filed with the Internal  
15          Revenue Service.

16                  (B) PRESIDENT AND VICE PRESIDENT.—  
17          With respect to an individual who is the Presi-  
18          dent or Vice President, not later than the due  
19          date for the return of tax for each taxable year,  
20          such individual shall submit to the Federal  
21          Election Commission a copy of the individual’s  
22          income tax returns for the taxable year and for  
23          the 9 preceding taxable years.

24                  (C) TRANSITION RULE FOR SITTING PRESI-  
25          DENTS AND VICE PRESIDENTS.—Not later than



1           the date that is 30 days after the date of enact-  
2           ment of this section, an individual who is the  
3           President or Vice President on such date of en-  
4           actment shall submit to the Federal Election  
5           Commission a copy of the income tax returns  
6           for the 10 most recent taxable years for which  
7           a return has been filed with the Internal Rev-  
8           enue Service.

9           (2) FAILURE TO DISCLOSE.—If any require-  
10          ment under paragraph (1) to submit an income tax  
11          return is not met, the chairman of the Federal Elec-  
12          tion Commission shall submit to the Secretary a  
13          written request that the Secretary provide the Fed-  
14          eral Election Commission with the income tax re-  
15          turn.

16          (3) PUBLICLY AVAILABLE.—The chairman of  
17          the Federal Election Commission shall make publicly  
18          available each income tax return submitted under  
19          paragraph (1) in the same manner as a return pro-  
20          vided under section 6103(l)(23) of the Internal Rev-  
21          enue Code of 1986 (as added by this section).

22          (4) TREATMENT AS A REPORT FILED UNDER  
23          THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.—  
24          Section 304(a)(11) of the Federal Election Cam-

1       paign Act of 1971 (52 U.S.C. 30104(a)(11)) is  
2       amended by adding at the end the following:

3       “(E) An income tax return filed under the Protecting  
4       Our Democracy Act of 2021 shall be filed in electronic  
5       form accessible by computers and shall be treated as a  
6       report filed under and required by this Act for purposes  
7       of subparagraphs (B) and (C), except that if it would re-  
8       quire considerable, extensive, and significant time for the  
9       Commission to make redactions to such a return, as re-  
10      quired under section 1201(b)(3) of the Protecting Our De-  
11      mocracy Act of 2021 or subparagraph (B)(ii) of section  
12      6103(l)(23) of the Internal Revenue Code of 1986, the  
13      Commission may make the return available for public in-  
14      spection more than 48 hours after receipt by the Commis-  
15      sion, but in no event later than 30 days after receipt by  
16      the Commission.”.

17       (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND  
18      VICE PRESIDENTS AND CERTAIN CANDIDATES FOR  
19      PRESIDENT AND VICE PRESIDENT.—

20               (1) IN GENERAL.—Section 6103(l) of the Inter-  
21      nal Revenue Code of 1986 is amended by adding at  
22      the end the following new paragraph:

23               “(23) DISCLOSURE OF RETURN INFORMATION  
24      OF PRESIDENTS AND VICE PRESIDENTS AND CER-

1 TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-  
2 DENT.—

3 “(A) IN GENERAL.—Upon written request  
4 by the chairman of the Federal Election Com-  
5 mission under section 1201(b)(2) of the Pro-  
6 tecting Our Democracy Act, not later than the  
7 date that is 15 days after the date of such re-  
8 quest, the Secretary shall provide copies of any  
9 return which is so requested to officers and em-  
10 ployees of the Federal Election Commission  
11 whose official duties include disclosure or redac-  
12 tion of such return under this paragraph.

13 “(B) DISCLOSURE TO THE PUBLIC.—

14 “(I) IN GENERAL.—The chairman of  
15 the Federal Election Commission shall  
16 make publicly available any return which is  
17 provided under subparagraph (A).

18 “(ii) REDACTION OF CERTAIN INFOR-  
19 MATION.—Before making publicly available  
20 under clause (I) any return, the chairman  
21 of the Federal Election Commission shall  
22 redact such information as the Federal  
23 Election Commission and the Secretary  
24 jointly determine is necessary for pro-

1                   tecting against identity theft, such as so-  
2                   cial security numbers.”.

3                   (2) CONFORMING AMENDMENTS.—Section  
4                   6103(p)(4) of such Code is amended—

5                   (A) in the matter preceding subparagraph  
6                   (A) by striking “or (22)” and inserting “(22),  
7                   or (23)”; and

8                   (B) in subparagraph (F)(ii) by striking “or  
9                   (22)” and inserting “(22), or (23)”.

10                  (3) EFFECTIVE DATE.—The amendments made  
11                  by this subsection shall apply to disclosures made on  
12                  or after the date of enactment of this Act.

13       **DIVISION C—MISCELLANEOUS**  
14       **TITLE XIII—REPORTING FOR-**  
15       **EIGN INTERFERENCE IN**  
16       **ELECTIONS**

17       **SEC. 1301. FEDERAL CAMPAIGN REPORTING OF FOREIGN**  
18       **CONTACTS.**

19                  (a) INITIAL NOTICE.—

20                  (1) IN GENERAL.—Section 304 of the Federal  
21                  Election Campaign Act of 1971 (52 U.S.C. 30104)  
22                  is amended by adding at the end the following new  
23                  subsection:

24                  “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-  
25                  TACTS.—

1           “(1) COMMITTEE OBLIGATION TO NOTIFY.—

2           Not later than 1 week after a reportable foreign con-  
3           tact, each political committee shall notify the Fed-  
4           eral Bureau of Investigation and the Commission of  
5           the reportable foreign contact and provide a sum-  
6           mary of the circumstances with respect to such re-  
7           portable foreign contact. The Federal Bureau of In-  
8           vestigation, not later than 1 week after receiving a  
9           notification from a political committee under this  
10          paragraph, shall submit to the political committee,  
11          the Permanent Select Committee on Intelligence of  
12          the House of Representatives, and the Select Com-  
13          mittee on Intelligence of the Senate written or elec-  
14          tronic confirmation of receipt of the notification.

15          “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—

16          Not later than 3 days after a reportable foreign con-  
17          tact—

18                 “(A) each candidate and each immediate  
19                 family member of a candidate shall notify the  
20                 treasurer or other designated official of the  
21                 principal campaign committee of such candidate  
22                 of the reportable foreign contact and provide a  
23                 summary of the circumstances with respect to  
24                 such reportable foreign contact; and

1           “(B) each official, employee, or agent of a  
2           political committee shall notify the treasurer or  
3           other designated official of the committee of the  
4           reportable foreign contact and provide a sum-  
5           mary of the circumstances with respect to such  
6           reportable foreign contact.

7           “(3) REPORTABLE FOREIGN CONTACT.—In this  
8           subsection:

9           “(A) IN GENERAL.—The term ‘reportable  
10          foreign contact’ means any direct or indirect  
11          contact or communication that—

12               “(I) is between—

13                       “(I) a candidate, an immediate  
14                       family member of the candidate, a po-  
15                       litical committee, or any official, em-  
16                       ployee, or agent of such committee;  
17                       and

18                       “(II) an individual that the per-  
19                       son described in subclause (I) knows,  
20                       has reason to know, or reasonably be-  
21                       lieves is a covered foreign national;  
22                       and

23                       “(ii) the person described in clause  
24                       (I)(I) knows, has reason to know, or rea-  
25                       sonably believes involves—

1           “(I) an offer or other proposal  
2           for a contribution, donation, expendi-  
3           ture, disbursement, or solicitation de-  
4           scribed in section 319; or

5           “(II) coordination or collabora-  
6           tion with, an offer or provision of in-  
7           formation or services to or from, or  
8           persistent and repeated contact with,  
9           a covered foreign national in connec-  
10          tion with an election.

11          “(B) EXCEPTIONS.—

12           “(I) CONTACTS IN OFFICIAL CAPACITY  
13           AS ELECTED OFFICIAL.—The term ‘report-  
14           able foreign contact’ shall not include any  
15           contact or communication with a covered  
16           foreign national by an elected official or an  
17           employee of an elected official solely in an  
18           official capacity as such an official or em-  
19           ployee.

20           “(ii) CONTACTS FOR PURPOSES OF  
21           ENABLING OBSERVATION OF ELECTIONS  
22           BY INTERNATIONAL OBSERVERS.—The  
23           term ‘reportable foreign contact’ shall not  
24           include any contact or communication with  
25           a covered foreign national by any person

1 which is made for purposes of enabling the  
2 observation of elections in the United  
3 States by a foreign national or the obser-  
4 vation of elections outside of the United  
5 States by a candidate, political committee,  
6 or any official, employee, or agent of such  
7 committee.

8 “(iii) EXCEPTIONS NOT APPLICABLE  
9 IF CONTACTS OR COMMUNICATIONS IN-  
10 VOLVE PROHIBITED DISBURSEMENTS.—A  
11 contact or communication by an elected of-  
12 ficial or an employee of an elected official  
13 shall not be considered to be made solely  
14 in an official capacity for purposes of  
15 clause (I), and a contact or communication  
16 shall not be considered to be made for pur-  
17 poses of enabling the observation of elec-  
18 tions for purposes of clause (ii), if the con-  
19 tact or communication involves a contribu-  
20 tion, donation, expenditure, disbursement,  
21 or solicitation described in section 319.

22 “(C) COVERED FOREIGN NATIONAL DE-  
23 FINED.—



1 “(I) IN GENERAL.—In this paragraph,  
2 the term ‘covered foreign national’  
3 means—

4 “(I) a foreign principal (as de-  
5 fined in section 1(b) of the Foreign  
6 Agents Registration Act of 1938 (22  
7 U.S.C. 611(b)) that is a government  
8 of a foreign country or a foreign polit-  
9 ical party;

10 “(II) any person who acts as an  
11 agent, representative, employee, or  
12 servant, or any person who acts in  
13 any other capacity at the order, re-  
14 quest, or under the direction or con-  
15 trol, of a foreign principal described in  
16 subclause (I) or of a person any of  
17 whose activities are directly or indi-  
18 rectly supervised, directed, controlled,  
19 financed, or subsidized in whole or in  
20 major part by a foreign principal de-  
21 scribed in subclause (I); or

22 “(III) any person included in the  
23 list of specially designated nationals  
24 and blocked persons maintained by  
25 the Office of Foreign Assets Control

1 of the Department of the Treasury  
2 pursuant to authorities relating to the  
3 imposition of sanctions relating to the  
4 conduct of a foreign principal de-  
5 scribed in subclause (I).

6 “(ii) CLARIFICATION REGARDING AP-  
7 PPLICATION TO CITIZENS OF THE UNITED  
8 STATES.—In the case of a citizen of the  
9 United States, subclause (II) of clause (I)  
10 applies only to the extent that the person  
11 involved acts within the scope of that per-  
12 son’s status as the agent of a foreign prin-  
13 cipal described in subclause (I) of clause  
14 (I).

15 “(4) IMMEDIATE FAMILY MEMBER.—In this  
16 subsection, the term ‘immediate family member’  
17 means, with respect to a candidate, a parent, parent-  
18 in-law, spouse, adult child, or sibling.”.

19 (2) EFFECTIVE DATE.—The amendment made  
20 by paragraph (1) shall apply with respect to report-  
21 able foreign contacts which occur on or after the  
22 date of the enactment of this Act.

23 (b) INFORMATION INCLUDED ON REPORT.—

24 (1) IN GENERAL.—Section 304(b) of such Act  
25 (52 U.S.C. 30104(b)) is amended—

1 (A) by striking “and” at the end of para-  
2 graph (7);

3 (B) by striking the period at the end of  
4 paragraph (8) and inserting “; and”; and

5 (C) by adding at the end the following new  
6 paragraph:

7 “(9) for any reportable foreign contact (as de-  
8 fined in subsection (j)(3))—

9 “(A) the date, time, and location of the  
10 contact;

11 “(B) the date and time of when a des-  
12 ignated official of the committee was notified of  
13 the contact;

14 “(C) the identity of individuals involved;  
15 and

16 “(D) a description of the contact, including  
17 the nature of any contribution, donation, ex-  
18 penditure, disbursement, or solicitation involved  
19 and the nature of any activity described in sub-  
20 section (j)(3)(A)(ii)(II) involved.”.

21 (2) EFFECTIVE DATE.—The amendment made  
22 by paragraph (1) shall apply with respect to reports  
23 filed on or after the expiration of the 60-day period  
24 which begins on the date of the enactment of this  
25 Act.

1 **SEC. 1302. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**  
2 **PORTING COMPLIANCE SYSTEM.**

3 (a) IN GENERAL.—Section 302 of the Federal Elec-  
4 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended  
5 by adding at the end the following new subsection:

6 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE  
7 POLICY.—

8 “(1) REPORTING.—Each political committee  
9 shall establish a policy that requires all officials, em-  
10 ployees, and agents of such committee to notify the  
11 treasurer or other appropriate designated official of  
12 the committee of any reportable foreign contact (as  
13 defined in section 304(j)) not later than 3 days after  
14 such contact was made.

15 “(2) RETENTION AND PRESERVATION OF  
16 RECORDS.—Each political committee shall establish  
17 a policy that provides for the retention and preserva-  
18 tion of records and information related to reportable  
19 foreign contacts (as so defined) for a period of not  
20 less than 3 years.

21 “(3) CERTIFICATION.—

22 “(A) IN GENERAL.—Upon filing its state-  
23 ment of organization under section 303(a), and  
24 with each report filed under section 304(a), the  
25 treasurer of each political committee (other

1           than an authorized committee) shall certify  
2           that—

3                   “(I) the committee has in place poli-  
4                   cies that meet the requirements of para-  
5                   graphs (1) and (2);

6                   “(ii) the committee has designated an  
7                   official to monitor compliance with such  
8                   policies; and

9                   “(iii) not later than 1 week after the  
10                  beginning of any formal or informal affili-  
11                  ation with the committee, all officials, em-  
12                  ployees, and agents of such committee  
13                  will—

14                   “(I) receive notice of such poli-  
15                   cies;

16                   “(II) be informed of the prohibi-  
17                   tions under section 319; and

18                   “(III) sign a certification affirm-  
19                   ing their understanding of such poli-  
20                   cies and prohibitions.

21                  “(B) AUTHORIZED COMMITTEES.—With  
22                  respect to an authorized committee, the can-  
23                  didate shall make the certification required  
24                  under subparagraph (A).”.

25                  (b) EFFECTIVE DATE.—

1           (1) IN GENERAL.—The amendment made by  
2       subsection (a) shall apply with respect to political  
3       committees which file a statement of organization  
4       under section 303(a) of the Federal Election Cam-  
5       paign Act of 1971 (52 U.S.C. 30103(a)) on or after  
6       the date of the enactment of this Act.

7           (2) TRANSITION RULE FOR EXISTING COMMIT-  
8       TEES.—Not later than 30 days after the date of the  
9       enactment of this Act, each political committee  
10      under the Federal Election Campaign Act of 1971  
11      shall file a certification with the Federal Election  
12      Commission that the committee is in compliance  
13      with the requirements of section 302(j) of such Act  
14      (as added by subsection (a)).

15 **SEC. 1303. CRIMINAL PENALTIES.**

16      Section 309(d)(1) of the Federal Election Campaign  
17      Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-  
18      ing at the end the following new subparagraphs:

19      “(E) Any person who knowingly and willfully com-  
20      mits a violation of subsection (j) or (b)(9) of section 304  
21      or section 302(j) shall be fined not more than \$500,000,  
22      imprisoned not more than 5 years, or both.

23      “(F) Any person who knowingly and willfully conceals  
24      or destroys any materials relating to a reportable foreign  
25      contact (as defined in section 304(j)) shall be fined not

1 more than \$1,000,000, imprisoned not more than 5 years,  
2 or both.”.

3 **SEC. 1304. REPORT TO CONGRESSIONAL INTELLIGENCE**  
4 **COMMITTEES.**

5 (a) IN GENERAL.—Not later than 1 year after the  
6 date of enactment of this Act, and annually thereafter,  
7 the Director of the Federal Bureau of Investigation shall  
8 submit to the congressional intelligence committees a re-  
9 port relating to notifications received by the Federal Bu-  
10 reau of Investigation under section 304(j)(1) of the Fed-  
11 eral Election Campaign Act of 1971 (as added by section  
12 1301(a) of this Act).

13 (b) ELEMENTS.—Each report under subsection (a)  
14 shall include, at a minimum, the following with respect  
15 to notifications described in subsection (a):

16 (1) The number of such notifications received  
17 from political committees during the year covered by  
18 the report.

19 (2) A description of protocols and procedures  
20 developed by the Federal Bureau of Investigation re-  
21 lating to receipt and maintenance of records relating  
22 to such notifications.

23 (3) With respect to such notifications received  
24 during the year covered by the report, a description

1 of any subsequent actions taken by the Director re-  
2 sulting from the receipt of such notifications.

3 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES  
4 DEFINED.—In this section, the term “congressional intel-  
5 ligence committees” has the meaning given that term in  
6 section 3 of the National Security Act of 1947 (50 U.S.C.  
7 3003).

8 **SEC. 1305. RULE OF CONSTRUCTION.**

9 Nothing in this title or the amendments made by this  
10 title shall be construed—

11 (1) to impede legitimate journalistic activities;

12 or

13 (2) to impose any additional limitation on the  
14 right to express political views or to participate in  
15 public discourse of any individual who—

16 (A) resides in the United States;

17 (B) is not a citizen of the United States or  
18 a national of the United States, as defined in  
19 section 101(a)(22) of the Immigration and Na-  
20 tionality Act (8 U.S.C. 1101(a)(22)); and

21 (C) is not lawfully admitted for permanent  
22 residence, as defined by section 101(a)(20) of  
23 the Immigration and Nationality Act (8 U.S.C.  
24 1101(a)(20)).



1 **TITLE XIV—ELIMINATING FOR-**  
2 **EIGN INTERFERENCE IN**  
3 **ELECTIONS**

4 **SEC. 1401. CLARIFICATION OF APPLICATION OF FOREIGN**  
5 **MONEY BAN.**

6 (a) CLARIFICATION OF TREATMENT OF PROVISION  
7 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-  
8 TION OF A THING OF VALUE.—Section 319 of the Federal  
9 Election Campaign Act of 1971 (52 U.S.C. 30121) is  
10 amended by adding at the end the following new sub-  
11 section:

12 “(c) CLARIFICATION OF TREATMENT OF PROVISION  
13 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-  
14 TION OF A THING OF VALUE.—For purposes of this sec-  
15 tion, a ‘contribution or donation of money or other thing  
16 of value’ includes the provision of opposition research,  
17 polling, or other non-public information relating to a can-  
18 didate for election for a Federal, State, or local office for  
19 the purpose of influencing the election, regardless of  
20 whether such research, polling, or information has mone-  
21 tary value, except that nothing in this subsection shall be  
22 construed to treat the mere provision of an opinion about  
23 a candidate as a thing of value for purposes of this sec-  
24 tion.”.

1 (b) CLARIFICATION OF APPLICATION OF FOREIGN  
2 MONEY BAN TO ALL CONTRIBUTIONS AND DONATIONS  
3 OF THINGS OF VALUE AND TO ALL SOLICITATIONS OF  
4 CONTRIBUTIONS AND DONATIONS OF THINGS OF  
5 VALUE.—Section 319(a) of such Act (52 U.S.C.  
6 30121(a)) is amended—

7 (1) in paragraph (1)(A), by striking “promise  
8 to make a contribution or donation” and inserting  
9 “promise to make such a contribution or donation”;

10 (2) in paragraph (1)(B), by striking “donation”  
11 and inserting “donation of money or other thing of  
12 value, or to make an express or implied promise to  
13 make such a contribution or donation,”; and

14 (3) by amending paragraph (2) to read as fol-  
15 lows:

16 “(2) a person to solicit, accept, or receive (di-  
17 rectly or indirectly) a contribution or donation de-  
18 scribed in subparagraph (A) or (B) of paragraph  
19 (1), or to solicit, accept, or receive (directly or indi-  
20 rectly) an express or implied promise to make such  
21 a contribution or donation, from a foreign na-  
22 tional.”.

23 (c) ENHANCED PENALTY FOR CERTAIN VIOLA-  
24 TIONS.—

1           (1) IN GENERAL.—Section 309(d)(1) of such  
2       Act (52 U.S.C. 30109(d)(1)), as amended by section  
3       1303, is further amended by adding at the end the  
4       following new subparagraph:

5       “(G)(I) Any person who knowingly and willfully com-  
6       mits a violation of section 319 which involves a foreign  
7       national which is a government of a foreign country or  
8       a foreign political party, or which involves a thing of value  
9       consisting of the provision of opposition research, polling,  
10      or other non-public information relating to a candidate for  
11      election for a Federal, State, or local office for the purpose  
12      of influencing the election, shall be fined under title 18,  
13      United States Code, or imprisoned for not more than 5  
14      years, or both.

15      “(ii) In clause (I), each of the terms ‘government of  
16      a foreign country’ and ‘foreign political party’ has the  
17      meaning given such term in section 1 of the Foreign  
18      Agents Registration Act of 1938, as Amended (22 U.S.C.  
19      611).”.

20           (2) EFFECTIVE DATE.—The amendment made  
21      by paragraph (1) shall apply with respect to viola-  
22      tions committed on or after the date of the enact-  
23      ment of this Act.

1 **SEC. 1402. REQUIRING ACKNOWLEDGMENT OF FOREIGN**  
2 **MONEY BAN BY POLITICAL COMMITTEES.**

3 (a) PROVISION OF INFORMATION BY FEDERAL ELEC-  
4 TION COMMISSION.—Section 303 of the Federal Election  
5 Campaign Act of 1971 (52 U.S.C. 30103) is amended by  
6 adding at the end the following new subsection:

7 “(e) ACKNOWLEDGMENT OF FOREIGN MONEY  
8 BAN.—

9 “(1) NOTIFICATION BY COMMISSION.—Not later  
10 than 30 days after a political committee files its  
11 statement of organization under subsection (a), and  
12 biennially thereafter until the committee terminates,  
13 the Commission shall provide the committee with a  
14 written explanation of section 319.

15 “(2) ACKNOWLEDGMENT BY COMMITTEE.—

16 “(A) IN GENERAL.—Not later than 30  
17 days after receiving the written explanation of  
18 section 319 under paragraph (1), the committee  
19 shall transmit to the Commission a signed cer-  
20 tification that the committee has received such  
21 written explanation and has provided a copy of  
22 the explanation to all members, employees, con-  
23 tractors, and volunteers of the committee.

24 “(B) PERSON RESPONSIBLE FOR SIGNA-  
25 TURE.—The certification required under sub-  
26 paragraph (A) shall be signed—

1                   “(I) in the case of an authorized com-  
2                   mittee of a candidate, by the candidate; or  
3                   “(ii) in the case of any other political  
4                   committee, by the treasurer of the com-  
5                   mittee.”.

6           (b) EFFECTIVE DATE; TRANSITION FOR EXISTING  
7 COMMITTEES.—

8           (1) IN GENERAL.—The amendment made by  
9           subsection (a) shall apply with respect to political  
10          committees which file statements of organization  
11          under section 303 of the Federal Election Campaign  
12          Act of 1971 (52 U.S.C. 30103) on or after the date  
13          of the enactment of this Act.

14          (2) TRANSITION FOR EXISTING COMMITTEES.—

15               (A) NOTIFICATION BY FEDERAL ELECTION  
16               COMMISSION.—Not later than 90 days after the  
17               date of the enactment of this Act, the Federal  
18               Election Commission shall provide each political  
19               committee under such Act with the written ex-  
20               planation of section 319 of such Act, as re-  
21               quired under section 303(e)(1) of such Act (as  
22               added by subsection (a)).

23               (B) ACKNOWLEDGMENT BY COMMITTEE.—  
24               Not later than 30 days after receiving the writ-  
25               ten explanation under subparagraph (A), each

1 political committee under such Act shall trans-  
2 mit to the Federal Election Commission the  
3 signed certification, as required under section  
4 303(e)(2) of such Act (as added by subsection  
5 (a)).

6 **SEC. 1403. PROHIBITION ON CONTRIBUTIONS AND DONA-**  
7 **TIONS BY FOREIGN NATIONALS IN CONNEC-**  
8 **TIONS WITH BALLOT INITIATIVES AND**  
9 **REFERENDA.**

10 (a) IN GENERAL.—Section 319(a)(1)(A) of the Fed-  
11 eral Election Campaign Act of 1971 (52 U.S.C.  
12 30121(a)(1)(A)) is amended by striking “State, or local  
13 election” and inserting the following: “State, or local elec-  
14 tion, including a State or local ballot initiative or ref-  
15 erendum”.

16 (b) EFFECTIVE DATE.—The amendment made by  
17 this section shall apply with respect to elections held in  
18 2022 or any succeeding year.

1 **TITLE XV—PROHIBITING CAM-**  
2 **PAIGNS FROM PAYING**  
3 **SPOUSE OF CANDIDATE**

4 **SEC. 1501. PROHIBITING USE OF CAMPAIGN FUNDS TO**  
5 **COMPENSATE SPOUSES OF CANDIDATES; DIS-**  
6 **CLOSURE OF PAYMENTS MADE TO SPOUSES**  
7 **AND FAMILY MEMBERS.**

8 (a) PROHIBITION; DISCLOSURE.—Section 313 of the  
9 Federal Election Campaign Act of 1971 (52 U.S.C.  
10 30114) is amended by adding at the end the following new  
11 subsection:

12 “(d) PROHIBITING COMPENSATION OF SPOUSES;  
13 DISCLOSURE OF PAYMENTS TO SPOUSES AND FAMILY  
14 MEMBERS.—

15 “(1) PROHIBITING COMPENSATION OF  
16 SPOUSES.—Notwithstanding any other provision of  
17 this Act, no authorized committee of a candidate or  
18 any other political committee established, main-  
19 tained, or controlled by a candidate or an individual  
20 holding Federal office (other than a political com-  
21 mittee of a political party) shall directly or indirectly  
22 compensate the spouse of the candidate or individual  
23 (as the case may be) for services provided to or on  
24 behalf of the committee.

1           “(2) DISCLOSURE OF PAYMENTS TO SPOUSES  
2           AND IMMEDIATE FAMILY MEMBERS.—In addition to  
3           any other information included in a report submitted  
4           under section 304 by a committee described in para-  
5           graph (1), the committee shall include in the report  
6           a separate statement of any payments, including di-  
7           rect or indirect compensation, made to the spouse or  
8           any immediate family member of the candidate or  
9           individual involved during the period covered by the  
10          report.

11          “(3) IMMEDIATE FAMILY MEMBER DEFINED.—  
12          In this subsection, the term ‘immediate family mem-  
13          ber’ means the son, daughter, son-in-law, daughter-  
14          in-law, mother, father, brother, sister, brother-in-  
15          law, sister-in-law, or grandchild of the candidate or  
16          individual involved.”.

17          (b) CONFORMING AMENDMENT.—Section 313(a)(1)  
18          of such Act (52 U.S.C. 30114(a)(1)) is amended by strik-  
19          ing “for otherwise” and inserting “subject to subsection  
20          (d), for otherwise”.

21       **SEC. 1502. IMPOSITION OF PENALTY AGAINST CANDIDATE**  
22                               **OR OFFICEHOLDER.**

23          (a) IN GENERAL.—Section 309 of the Federal Elec-  
24          tion Campaign Act of 1971 (52 U.S.C. 30109) is amended  
25          by adding at the end the following new subsection:



1       “(e) In the case of a violation of section 313(d) com-  
2 mitted by a committee described in such section, if the  
3 candidate or individual involved knew of the violation, any  
4 penalty imposed under this section shall be imposed on  
5 the candidate or individual and not on the committee.”.

6       (b) PROHIBITING REIMBURSEMENT BY COM-  
7 MITTEE.—Section 313(d) of such Act (52 U.S.C.  
8 30114(d)), as added by section 1501(a), is amended—

9           (1) by redesignating paragraph (3) as para-  
10 graph (4); and

11          (2) by inserting after paragraph (2) the fol-  
12 lowing new paragraph:

13           “(3) PROHIBITING REIMBURSEMENT BY COM-  
14 MITTEE OF PENALTY PAID BY CANDIDATE FOR VIO-  
15 LATIONS.—A committee described in paragraph (1)  
16 may not make any payment to reimburse the can-  
17 didate or individual involved for any penalty imposed  
18 for a violation of this subsection which is required  
19 to be paid by the candidate or individual under sec-  
20 tion 309(e).”.

21 **SEC. 1503. EFFECTIVE DATE.**

22       The amendments made by this title shall apply with  
23 respect to compensation and payments made on or after  
24 the date of enactment of this Act.

1 **TITLE XVI—PROTECTING ELEC-**  
2 **TION OFFICIALS FROM DIS-**  
3 **CLOSURE OF PERSONALLY**  
4 **IDENTIFIABLE INFORMATION**

5 **SEC. 1601. SHORT TITLE.**

6 This title may be cited as the “Election Officials Pro-  
7 tection Act”.

8 **SEC. 1602. REQUIRING STATES TO MAINTAIN LIST OF ELEC-**  
9 **TION OFFICIALS PROTECTED FROM DISCLO-**  
10 **SURE OF PERSONALLY IDENTIFIABLE INFOR-**  
11 **MATION.**

12 (a) REQUIREMENT.—Title III of the Help America  
13 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended  
14 by inserting after section 303 the following new section:

15 **“SEC. 303A. MAINTENANCE OF LIST OF ELECTION OFFI-**  
16 **CIALS PROTECTED FROM DISCLOSURE OF**  
17 **PERSONALLY IDENTIFIABLE INFORMATION.**

18 “(a) IN GENERAL.—The office of the chief State elec-  
19 tion official of a State shall establish a program under  
20 which the office shall maintain a list of election officials  
21 whose personally identifiable information is protected from  
22 disclosure and kept confidential under the Election Offi-  
23 cials Protection Act.

24 “(b) ELIGIBILITY FOR PARTICIPATION IN PRO-  
25 GRAM.—

1           “(1) CONTENTS OF APPLICATION.—An election  
2           official is eligible to be a program participant in the  
3           program established under this section if the official  
4           submits to the office of the chief State election offi-  
5           cial an application, at such time and in such form  
6           as the official may require, which contains the fol-  
7           lowing information and assurances:

8                   “(A) Documentation showing that the ap-  
9                   plicant is to commence service as an election of-  
10                  ficial in the State or is currently serving as an  
11                  election official in the State.

12                  “(B) A sworn statement that the applicant  
13                  fears for his or her safety or the safety of his  
14                  or her family, or the safety of the minor or in-  
15                  capacitated person on whose behalf the applica-  
16                  tion is made, due to his or her service as an  
17                  election official.

18                  “(C) Any police, court, or other govern-  
19                  ment agency records or files that show any  
20                  complaints of alleged threats or acts of violence  
21                  against the applicant.

22                  “(D) The signature of the applicant and of  
23                  any individual or representative of any office  
24                  designated in writing who assisted in the prepa-

1           ration of the application, and the date on which  
2           the applicant signed the application.

3           “(E) Such other information and assur-  
4           ances as the chief State election official may re-  
5           quire.

6           “(2) PERIOD OF PARTICIPATION.—Upon filing  
7           a properly completed application under this sub-  
8           section, the chief State election official shall certify  
9           the applicant as a program participant for a period  
10          of 4 years following the date of filing, unless the ap-  
11          plicant’s participation in the program is terminated  
12          before that date as provided under subsection (d).

13          “(c) ADDITIONAL NOTICE TO PROGRAM PARTICI-  
14          PANTS.—The office of the chief State election official shall  
15          provide each program participant a notice in clear and  
16          conspicuous font that contains all of the following infor-  
17          mation:

18                 “(1) The program participant may create a rev-  
19                 ocable living trust and place his or her real property  
20                 into the trust to protect his or her residential street  
21                 address from disclosure in real property trans-  
22                 actions.

23                 “(2) The program participant may obtain a  
24                 change of his or her legal name to protect his or her  
25                 anonymity.

1           “(3) A list of contact information for entities  
2           that the program participant may contact to receive  
3           information on, or receive legal services for, the cre-  
4           ation of a trust to hold real property or obtaining a  
5           name change, including county bar associations,  
6           legal aid societies, State and local agencies, or other  
7           nonprofit organizations that may be able to assist  
8           program participants.

9           “(d) TERMINATION OF PARTICIPATION.—

10           “(1) GROUNDS FOR TERMINATION.—The chief  
11           State election official may terminate a program par-  
12           ticipant’s participation in the program for any of the  
13           following reasons:

14           “(A) The program participant submits to  
15           the chief State election official written notifica-  
16           tion of withdrawal, in which case the participa-  
17           tion shall be terminated on the date of receipt  
18           of the notification.

19           “(B) The program participant’s certifi-  
20           cation term has expired and the participant did  
21           not complete an application for renewal of the  
22           certification.

23           “(C) The chief State election official deter-  
24           mines that false information was used in the  
25           application process to qualify as a program par-

1           ticipant or that participation in the program is  
2           being used as a subterfuge to avoid detection of  
3           illegal or criminal activity or apprehension by  
4           law enforcement.

5           “(D) The program participant fails to dis-  
6           close a change in the participant’s status as an  
7           election official.

8           “(2) APPEAL.—Except in the case of a termi-  
9           nation on the grounds described in subparagraph  
10          (A) of paragraph (1), the chief State election official  
11          shall send written notification of the intended termi-  
12          nation to the program participant. The program  
13          participant shall have 30 business days in which to  
14          appeal the termination under procedures developed  
15          by the chief State election official.

16          “(3) NOTIFICATION OF LOCAL OFFICES.—The  
17          chief State election official shall notify in writing the  
18          appropriate local election officials, county clerks, and  
19          local recording offices of the program participant’s  
20          termination of participation in the program. Upon  
21          receipt of this termination notification, such offi-  
22          cials, clerks, and offices—

23                 “(A) shall transmit to the chief State elec-  
24          tion official all appropriate administrative

1 records pertaining to the program participant;  
2 and

3 “(B) shall no longer be responsible for  
4 maintaining the confidentiality of the program  
5 participant’s record.

6 “(4) TREATMENT OF RECORDS.—

7 “(A) CONFIDENTIALITY.—Upon termi-  
8 nation of a program participant’s certification,  
9 the chief State election official shall retain  
10 records as follows:

11 “(I) Except as provided in subpara-  
12 graph (B), any records or documents per-  
13 taining to a program participant shall be  
14 held confidential.

15 “(ii) All records or documents per-  
16 taining to a program participant shall be  
17 retained for a period of three years after  
18 termination of certification and then de-  
19 stroyed without further notice.

20 “(B) EXCEPTION FOR TERMINATION  
21 BASED ON FALSE INFORMATION OR SUBTER-  
22 FUGE.—In the case of a termination on the  
23 grounds described in subparagraph (C) of para-  
24 graph (1), the chief State election official may

1 disclose information contained in the partici-  
2 pant's application.

3 “(e) DEFINITIONS.—

4 “(1) ELECTION OFFICIAL.—In this section, an  
5 ‘election official’ with respect to a State is any indi-  
6 vidual, including a volunteer, who is authorized by  
7 the State to carry out duties relating to the adminis-  
8 tration of elections for Federal office held in the  
9 State.

10 “(2) MEMBER OF THE IMMEDIATE FAMILY.—In  
11 this section, the term ‘member of the immediate  
12 family’ means, with respect to an individual, a  
13 spouse, domestic partner, child, stepchild, parent, or  
14 any blood relative of an individual who lives in the  
15 same residence as the individual.

16 “(3) PERSONALLY IDENTIFIABLE INFORMA-  
17 TION.—The term ‘personally identifiable informa-  
18 tion’ means, with respect to any individual—

19 “(A) a home address, including a primary  
20 residence or vacation home address;

21 “(B) a home, personal mobile, or direct  
22 telephone line to a private office or residence;

23 “(C) a personal email address;



1           “(D) a social security number, driver’s li-  
2           cense number, or voter registration information  
3           that includes a home address;

4           “(E) a bank account or credit or debit  
5           card information;

6           “(F) property tax records or any property  
7           ownership records, including a secondary resi-  
8           dence and any investment property at which the  
9           individual resides for part of a year;

10          “(G) birth and marriage records;

11          “(H) vehicle registration information;

12          “(I) the identification of children of the in-  
13          dividual under the age of 18;

14          “(J) the date of birth;

15          “(K) directions to a home of the individual  
16          or a member of the immediate family of the in-  
17          dividual;

18          “(L) a photograph of any vehicle including  
19          the license plate or of a home including an ad-  
20          dress of the individual or member of the imme-  
21          diate family of the individual;

22          “(M) the name and location of a school or  
23          day care facility attended by a child of the indi-  
24          vidual or by a child of a member of the imme-  
25          diate family of the individual; or

1                   “(N) the name and location of an employer  
2                   of the individual or a member of the immediate  
3                   family of the individual.”.

4           (b) CONFORMING AMENDMENT RELATING TO EN-  
5 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
6 is amended by striking “and 303” and inserting “303, and  
7 303A”.

8           (c) CLERICAL AMENDMENT.—The table of contents  
9 of such Act is amended by inserting after the item relating  
10 to section 303 the following:

“Sec. 303A. Maintenance of list of election officials protected from disclosure  
of personally identifiable information.”.

11          (d) EFFECTIVE DATE.—The amendments made by  
12 this section shall take effect September 1, 2022.

13 **SEC. 1603. PROHIBITING PERSONS FROM MAKING INFOR-**  
14 **MATION ON PROGRAM PARTICIPANTS AVAIL-**  
15 **ABLE.**

16          (a) REQUIREMENTS FOR PERSONS RECEIVING RE-  
17 QUESTS FROM PROGRAM PARTICIPANTS.—If any person,  
18 including a business or association and a local government  
19 or other public entity, receives a written request from an  
20 individual who is a program participant under the pro-  
21 gram established by a State under section 303A of the  
22 Help America Vote Act of 2002 (hereafter referred to as  
23 a “program participant”) or the agent of a program par-

1 participant to not disclose the participant's personally identi-  
2 fiable information—

3           (1) such person may not knowingly post or pub-  
4           licly display the participant's personally identifiable  
5           information on the Internet, including on any  
6           website or subsidiary website controlled by such per-  
7           son;

8           (2) such person may not knowingly transfer for  
9           consideration the participant's personally identifiable  
10          information to any other person, including a busi-  
11          ness or association, through any medium;

12          (3) if the participant or the agent of the partici-  
13          pant includes information in the written request to  
14          indicate that the disclosure of the participant's per-  
15          sonally identifiable information would cause or  
16          threaten to cause imminent great bodily harm to the  
17          participant or a member of the immediate family of  
18          the participant, such person may not knowingly  
19          transfer without consideration the participant's per-  
20          sonally identifiable information to any other person,  
21          including a business or association, through any me-  
22          dium; and

23          (4) if, prior to receiving the request, such per-  
24          son publicly displayed the participant's personally  
25          identifiable information on the Internet on any

1 website or subsidiary website controlled by such per-  
2 son, such person shall remove the information from  
3 such websites not later than 72 hours after receiving  
4 the request.

5 (b) ENFORCEMENT.—

6 (1) ACTION FOR INJUNCTIVE OR DECLARATORY  
7 RELIEF.—A program participant who is aggrieved  
8 by a violation of subsection (a) or subsection (b)  
9 may bring an action seeking injunctive or declara-  
10 tory relief in any court of competent jurisdiction. If  
11 the court grants injunctive or declaratory relief, the  
12 person responsible for the violation shall be required  
13 to pay the participant's costs and reasonable attor-  
14 ney's fees.

15 (2) ACTION FOR DAMAGES.—

16 (A) IN GENERAL.—A program participant  
17 who is aggrieved by a violation of subsection (a)  
18 or subsection (b) may bring an action for dam-  
19 ages in any court of competent jurisdiction.

20 (B) DAMAGES.—A prevailing plaintiff in  
21 an action described in subparagraph (A) shall,  
22 for each violation, be awarded damages in an  
23 amount determined by the court, except that  
24 such amount—

1 (i) may not exceed 3 times the actual  
2 damages to the plaintiff; and

3 (ii) may not be less than \$10,000.

4 (c) DEFINITIONS.—In this section, the terms “mem-  
5 ber of the immediate family” and “personally identifiable  
6 information” have the meaning given such terms in sec-  
7 tion 303A of the Help America Vote Act of 2002.

8 (d) SEVERABILITY.—If any provision of this section,  
9 or the application of a provision of this section to any per-  
10 son or circumstance, is held to be unconstitutional, the  
11 remainder of this section, and the application of the provi-  
12 sions of this section to any person or circumstance, shall  
13 not be affected by the holding.

14 **TITLE XVII—CYBERSECURITY**  
15 **GUIDANCE FOR CAMPAIGNS**

16 **SEC. 1701. ISSUANCE OF CYBERSECURITY GUIDANCE AND**  
17 **BEST PRACTICES FOR CAMPAIGNS BY FED-**  
18 **ERAL ELECTION COMMISSION.**

19 (a) IN GENERAL.—Section 311 of the Federal Elec-  
20 tion Campaign Act of 1971 (52 U.S.C. 30111) is amended  
21 by adding at the end the following new subsection:

22 “(g) ISSUANCE OF CYBERSECURITY GUIDANCE AND  
23 BEST PRACTICES.—

24 “(1) ISSUANCE.—In consultation with the Di-  
25 rectory of the National Institute of Standards and

1 Technology, the Director of the Cybersecurity and  
2 Infrastructure Security Agency of the Department of  
3 Homeland Security, and such other offices of the  
4 government as the Commission considers appro-  
5 priate, the Commission shall issue—

6 “(A) guidance for political committees and  
7 vendors on cybersecurity risks, including  
8 threats to the databases of such committees;  
9 and

10 “(B) best practices for political committees  
11 to protect their databases from such threats.

12 “(2) UPDATES.—The Commission shall regu-  
13 larly issue updated versions of the guidance and best  
14 practices described in paragraph (1).”.

15 (b) DEADLINE.—The Federal Election Commission  
16 shall issue the first guidance and best practices under sec-  
17 tion 311(g) of the Federal Election Campaign Act of  
18 1971, as added by subsection (a), not later than 6 months  
19 after the date of the enactment of this Act.

1 **TITLE XVIII—DETERMINATION**  
2 **OF NUMBER OF EMPLOYEES**  
3 **WITH SECURITY CLEARANCES**

4 **SEC. 1801. EXCLUSION OF EMPLOYEES WITH EXISTING SE-**  
5 **CURITY CLEARANCES FROM DETERMINA-**  
6 **TION OF LIMIT ON NUMBER OF EMPLOYEES**  
7 **OF HOUSE MEMBER OFFICES PERMITTED TO**  
8 **HAVE CLEARANCES.**

9 For purposes of any Rule or regulation of the House  
10 of Representatives which limits the number of employees  
11 of the office of a Member of the House (including a Dele-  
12 gate or Resident Commissioner to the Congress) who are  
13 permitted to have security clearances, an employee of the  
14 office who has a valid security clearance which the em-  
15 ployee obtained prior to becoming an employee of the  
16 Member's office shall not be included in the determination  
17 of the number of employees of the office who have security  
18 clearances.

19 **SEC. 1802. EXERCISE OF RULEMAKING AUTHORITY.**

20 This title is enacted by Congress—

21 (1) as an exercise of the rulemaking power of  
22 the House of Representatives, and as such it is  
23 deemed a part of the rules of the House of Rep-  
24 resentatives, and it supersedes other rules only to  
25 the extent that it is inconsistent with such rules; and

1           (2) with full recognition of the constitutional  
2       right of the House of Representatives to change the  
3       rules (so far as relating to the procedure of the  
4       House) at any time, in the same manner, and to the  
5       same extent as in the case of any other rule of the  
6       House.

7           **TITLE XIX—HONEST ADS**

8       **SEC. 1901. SHORT TITLE.**

9           This title may be cited as the “Honest Ads Act”.

10       **SEC. 1902. PURPOSE.**

11          The purpose of this title is to enhance the integrity  
12       of American democracy and national security by improving  
13       disclosure requirements for online political advertisements  
14       in order to uphold the Supreme Court’s well-established  
15       standard that the electorate bears the right to be fully in-  
16       formed.

17       **SEC. 1903. SENSE OF CONGRESS.**

18          It is the sense of Congress that—

19               (1) the dramatic increase in digital political ad-  
20       vertisements, and the growing centrality of online  
21       platforms in the lives of Americans, requires the  
22       Congress and the Federal Election Commission to  
23       take meaningful action to ensure that laws and reg-  
24       ulations provide the accountability and transparency  
25       that is fundamental to our democracy;



1           (2) free and fair elections require both trans-  
2           parency and accountability which give the public a  
3           right to know the true sources of funding for polit-  
4           ical advertisements in order to make informed polit-  
5           ical choices and hold elected officials accountable;  
6           and

7           (3) transparency of funding for political adver-  
8           tisements is essential to enforce other campaign fi-  
9           nance laws, including the prohibition on campaign  
10          spending by foreign nationals.

11 **SEC. 1904. EXPANSION OF DEFINITION OF PUBLIC COMMU-**  
12 **NICATION.**

13          (a) IN GENERAL.—Paragraph (22) of section 301 of  
14 the Federal Election Campaign Act of 1971 (52 U.S.C.  
15 30101(22)) is amended by striking “or satellite commu-  
16 nication” and inserting “satellite, paid internet, or paid  
17 digital communication”.

18          (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-  
19 TURES.—Section 301 of such Act (52 U.S.C. 30101) is  
20 amended—

21           (1) in paragraph (8)(B)(v), by striking “on  
22           broadcasting stations, or in newspapers, magazines,  
23           or similar types of general public political adver-  
24           tising” and inserting “in any public communica-  
25           tion”; and

1 (2) in paragraph (9)(B)—

2 (A) by amending clause (i) to read as fol-  
3 lows:

4 “(i) any news story, commentary, or  
5 editorial distributed through the facilities  
6 of any broadcasting station or any print,  
7 online, or digital newspaper, magazine,  
8 blog, publication, or periodical, unless such  
9 broadcasting, print, online, or digital facili-  
10 ties are owned or controlled by any polit-  
11 ical party, political committee, or can-  
12 didate;” and

13 (B) in clause (iv), by striking “on broad-  
14 casting stations, or in newspapers, magazines,  
15 or similar types of general public political ad-  
16 vertising” and inserting “in any public commu-  
17 nication”.

18 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—  
19 Subsection (a) of section 318 of such Act (52 U.S.C.  
20 30120) is amended—

21 (1) by striking “financing any communication  
22 through any broadcasting station, newspaper, maga-  
23 zine, outdoor advertising facility, mailing, or any  
24 other type of general public political advertising”

1 and inserting “financing any public communication”;  
2 and

3 (2) by striking “solicits any contribution  
4 through any broadcasting station, newspaper, maga-  
5 zine, outdoor advertising facility, mailing, or any  
6 other type of general public political advertising”  
7 and inserting “solicits any contribution through any  
8 public communication”.

9 **SEC. 1905. EXPANSION OF DEFINITION OF ELECTION-**  
10 **EEING COMMUNICATION.**

11 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

12 (1) APPLICATION TO QUALIFIED INTERNET AND  
13 DIGITAL COMMUNICATIONS.—

14 (A) IN GENERAL.—Subparagraph (A) of  
15 section 304(f)(3) of the Federal Election Cam-  
16 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))  
17 is amended by striking “or satellite communica-  
18 tion” each place it appears in clauses (i) and  
19 (ii) and inserting “satellite, or qualified internet  
20 or digital communication”.

21 (B) QUALIFIED INTERNET OR DIGITAL  
22 COMMUNICATION.—Paragraph (3) of section  
23 304(f) of such Act (52 U.S.C. 30104(f)) is  
24 amended by adding at the end the following  
25 new subparagraph:

1           “(D) QUALIFIED INTERNET OR DIGITAL  
2           COMMUNICATION.—The term ‘qualified internet  
3           or digital communication’ means any commu-  
4           nication which is placed or promoted for a fee  
5           on an online platform (as defined in subsection  
6           (k)(3)).”.

7           (2) NONAPPLICATION OF RELEVANT ELEC-  
8           TORATE TO ONLINE COMMUNICATIONS.—Section  
9           304(f)(3)(A)(i)(III) of such Act (52 U.S.C.  
10          30104(f)(3)(A)(i)(III)) is amended by inserting “any  
11          broadcast, cable, or satellite” before “communica-  
12          tion”.

13          (3) NEWS EXEMPTION.—Section  
14          304(f)(3)(B)(i) of such Act (52 U.S.C.  
15          30104(f)(3)(B)(i)) is amended to read as follows:

16                 “(i) a communication appearing in a  
17                 news story, commentary, or editorial dis-  
18                 tributed through the facilities of any  
19                 broadcasting station or any online or dig-  
20                 ital newspaper, magazine, blog, publica-  
21                 tion, or periodical, unless such broad-  
22                 casting, online, or digital facilities are  
23                 owned or controlled by any political party,  
24                 political committee, or candidate;”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to communications  
3 made on or after January 1, 2022.

4 **SEC. 1906. APPLICATION OF DISCLAIMER STATEMENTS TO**  
5 **ONLINE COMMUNICATIONS.**

6 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-  
7 MENT.—Subsection (a) of section 318 of the Federal Elec-  
8 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is  
9 amended—

10 (1) by striking “shall clearly state” each place  
11 it appears in paragraphs (1), (2), and (3) and in-  
12 serting “shall state in a clear and conspicuous man-  
13 ner”; and

14 (2) by adding at the end the following flush  
15 sentence: “For purposes of this section, a commu-  
16 nication does not make a statement in a clear and  
17 conspicuous manner if it is difficult to read or hear  
18 or if the placement is easily overlooked.”.

19 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR  
20 DIGITAL COMMUNICATIONS.—

21 (1) IN GENERAL.—Section 318 of such Act (52  
22 U.S.C. 30120) is amended by adding at the end the  
23 following new subsection:

24 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR  
25 DIGITAL COMMUNICATIONS.—

1           “(1) SPECIAL RULES WITH RESPECT TO STATE-  
2           MENTS.—In the case of any qualified internet or  
3           digital communication (as defined in section  
4           304(f)(3)(D)) which is disseminated through a me-  
5           dium in which the provision of all of the information  
6           specified in this section is not possible, the commu-  
7           nication shall, in a clear and conspicuous manner—

8                   “(A) state the name of the person who  
9                   paid for the communication; and

10                   “(B) provide a means for the recipient of  
11                   the communication to obtain the remainder of  
12                   the information required under this section with  
13                   minimal effort and without receiving or viewing  
14                   any additional material other than such re-  
15                   quired information.

16           “(2) SAFE HARBOR FOR DETERMINING CLEAR  
17           AND CONSPICUOUS MANNER.—A statement in quali-  
18           fied internet or digital communication (as defined in  
19           section 304(f)(3)(D)) shall be considered to be made  
20           in a clear and conspicuous manner as provided in  
21           subsection (a) if the communication meets the fol-  
22           lowing requirements:

23                   “(A) TEXT OR GRAPHIC COMMUNICA-  
24                   TIONS.—In the case of a text or graphic com-  
25                   munication, the statement—

1 “(i) appears in letters at least as large  
2 as the majority of the text in the commu-  
3 nication; and

4 “(ii) meets the requirements of para-  
5 graphs (2) and (3) of subsection (c).

6 “(B) AUDIO COMMUNICATIONS.—In the  
7 case of an audio communication, the statement  
8 is spoken in a clearly audible and intelligible  
9 manner at the beginning or end of the commu-  
10 nication and lasts at least 3 seconds.

11 “(C) VIDEO COMMUNICATIONS.—In the  
12 case of a video communication which also in-  
13 cludes audio, the statement—

14 “(i) is included at either the beginning  
15 or the end of the communication; and

16 “(ii) is made both in—

17 “(I) a written format that meets  
18 the requirements of subparagraph (A)  
19 and appears for at least 4 seconds;  
20 and

21 “(II) an audible format that  
22 meets the requirements of subpara-  
23 graph (B).

24 “(D) OTHER COMMUNICATIONS.—In the  
25 case of any other type of communication, the

1 statement is at least as clear and conspicuous  
2 as the statement specified in subparagraph (A),  
3 (B), or (C).”.

4 (2) NONAPPLICATION OF CERTAIN EXCEP-  
5 TIONS.—The exceptions provided in section  
6 110.11(f)(1)(i) and (ii) of title 11, Code of Federal  
7 Regulations, or any successor to such rules, shall  
8 have no application to qualified internet or digital  
9 communications (as defined in section 304(f)(3)(D)  
10 of the Federal Election Campaign Act of 1971).

11 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS  
12 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such  
13 Act (52 U.S.C. 30120(d)) is amended—

14 (1) in paragraph (1)(A)—

15 (A) by striking “which is transmitted  
16 through radio” and inserting “which is in an  
17 audio format”; and

18 (B) by striking “BY RADIO” in the heading  
19 and inserting “AUDIO FORMAT”;

20 (2) in paragraph (1)(B)—

21 (A) by striking “which is transmitted  
22 through television” and inserting “which is in  
23 video format”; and

24 (B) by striking “BY TELEVISION” in the  
25 heading and inserting “VIDEO FORMAT”; and



1 (3) in paragraph (2)—

2 (A) by striking “transmitted through radio  
3 or television” and inserting “made in audio or  
4 video format”; and

5 (B) by striking “through television” in the  
6 second sentence and inserting “in video for-  
7 mat”.

8 **SEC. 1907. POLITICAL RECORD REQUIREMENTS FOR ON-**  
9 **LINE PLATFORMS.**

10 (a) IN GENERAL.—Section 304 of the Federal Elec-  
11 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-  
12 ed by section 1301(a)(1), is further amended by adding  
13 at the end the following new subsection:

14 “(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-  
15 MENTS.—

16 “(1) IN GENERAL.—

17 “(A) REQUIREMENTS FOR ONLINE PLAT-  
18 FORMS.—An online platform shall maintain,  
19 and make available for online public inspection  
20 in machine readable format, a complete record  
21 of any request to purchase on such online plat-  
22 form a qualified political advertisement which is  
23 made by a person whose aggregate requests to  
24 purchase qualified political advertisements on

1 such online platform during the calendar year  
2 exceeds \$500.

3 “(B) REQUIREMENTS FOR ADVER-  
4 TISERS.—Any person who requests to purchase  
5 a qualified political advertisement on an online  
6 platform shall provide the online platform with  
7 such information as is necessary for the online  
8 platform to comply with the requirements of  
9 subparagraph (A).

10 “(2) CONTENTS OF RECORD.—A record main-  
11 tained under paragraph (1)(A) shall contain—

12 “(A) a digital copy of the qualified political  
13 advertisement;

14 “(B) a description of the audience targeted  
15 by the advertisement, the number of views gen-  
16 erated from the advertisement, and the date  
17 and time that the advertisement is first dis-  
18 played and last displayed; and

19 “(C) information regarding—

20 “(i) the average rate charged for the  
21 advertisement;

22 “(ii) the name of the candidate to  
23 which the advertisement refers and the of-  
24 fice to which the candidate is seeking elec-  
25 tion, the election to which the advertise-

1           ment refers, or the national legislative  
2           issue to which the advertisement refers (as  
3           applicable);

4           “(iii) in the case of a request made  
5           by, or on behalf of, a candidate, the name  
6           of the candidate, the authorized committee  
7           of the candidate, and the treasurer of such  
8           committee; and

9           “(iv) in the case of any request not  
10          described in clause (iii), the name of the  
11          person purchasing the advertisement, the  
12          name and address of a contact person for  
13          such person, and a list of the chief execu-  
14          tive officers or members of the executive  
15          committee or of the board of directors of  
16          such person, and, if the person purchasing  
17          the advertisement is acting as the agent of  
18          a foreign principal under the Foreign  
19          Agents Registration Act of 1938, as  
20          amended (22 U.S.C. 611 et seq.), a state-  
21          ment that the person is acting as the agent  
22          of a foreign principal and the identification  
23          of the foreign principal involved.

24          “(3) ONLINE PLATFORM.—For purposes of this  
25          subsection, the term ‘online platform’ means any

1 public-facing website, web application, or digital ap-  
2 plication (including a social network, ad network, or  
3 search engine) which—

4 “(A) sells qualified political advertise-  
5 ments; and

6 “(B) has 50,000,000 or more unique  
7 monthly United States visitors or users for a  
8 majority of months during the preceding 12  
9 months.

10 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—

11 For purposes of this subsection, the term ‘qualified  
12 political advertisement’ means any advertisement  
13 (including search engine marketing, display adver-  
14 tisements, video advertisements, native advertise-  
15 ments, and sponsorships) that—

16 “(A) is made by or on behalf of a can-  
17 didate; or

18 “(B) communicates a message relating to  
19 any political matter of national importance, in-  
20 cluding—

21 “(i) a candidate;

22 “(ii) any election to Federal office; or

23 “(iii) a national legislative issue of  
24 public importance.

1           “(5) TIME TO MAINTAIN FILE.—The informa-  
2           tion required under this subsection shall be made  
3           available as soon as possible and shall be retained by  
4           the online platform for a period of not less than 4  
5           years.

6           “(6) SAFE HARBOR FOR PLATFORMS MAKING  
7           BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE  
8           SUBJECT TO RECORD MAINTENANCE REQUIRE-  
9           MENTS.—In accordance with rules established by the  
10          Commission, if an online platform shows that the  
11          platform used best efforts to determine whether or  
12          not a request to purchase a qualified political adver-  
13          tisement was subject to the requirements of this sub-  
14          section, the online platform shall not be considered  
15          to be in violation of such requirements.

16          “(7) PENALTIES.—For penalties for failure by  
17          online platforms, and persons requesting to purchase  
18          a qualified political advertisement on online plat-  
19          forms, to comply with the requirements of this sub-  
20          section, see section 309.”.

21          (b) RULEMAKING.—Not later than 120 days after the  
22          date of the enactment of this Act, the Federal Election  
23          Commission shall establish rules—

24                 (1) requiring common data formats for the  
25                 record required to be maintained under section

1       304(k) of the Federal Election Campaign Act of  
2       1971 (as added by subsection (a)) so that all online  
3       platforms submit and maintain data online in a com-  
4       mon, machine-readable and publicly accessible for-  
5       mat;

6           (2) establishing search interface requirements  
7       relating to such record, including searches by can-  
8       didate name, issue, purchaser, and date; and

9           (3) establishing the criteria for the safe harbor  
10      exception provided under paragraph (6) of section  
11      304(k) of such Act (as added by subsection (a)).

12      (c) REPORTING.—Not later than 2 years after the  
13      date of the enactment of this Act, and biannually there-  
14      after, the Chairman of the Federal Election Commission  
15      shall submit a report to Congress on—

16           (1) matters relating to compliance with and the  
17      enforcement of the requirements of section 304(k) of  
18      the Federal Election Campaign Act of 1971, as  
19      added by subsection (a);

20           (2) recommendations for any modifications to  
21      such section to assist in carrying out its purposes;  
22      and

23           (3) identifying ways to bring transparency and  
24      accountability to political advertisements distributed  
25      online for free.

1 **SEC. 1908. PREVENTING CONTRIBUTIONS, EXPENDITURES,**  
2 **INDEPENDENT EXPENDITURES, AND DIS-**  
3 **BURSEMENTS FOR ELECTIONEERING COM-**  
4 **MUNICATIONS BY FOREIGN NATIONALS IN**  
5 **THE FORM OF ONLINE ADVERTISING.**

6 Section 319 of the Federal Election Campaign Act  
7 of 1971 (52 U.S.C. 30121), as amended by section  
8 1401(a), is further amended by adding at the end the fol-  
9 lowing new subsection:

10 “(d) RESPONSIBILITIES OF BROADCAST STATIONS,  
11 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND  
12 ONLINE PLATFORMS.—

13 “(1) RESPONSIBILITIES DESCRIBED.—Each tel-  
14 evision or radio broadcast station, provider of cable  
15 or satellite television, or online platform (as defined  
16 in section 304(k)(3)) shall make reasonable efforts  
17 to ensure that communications described in section  
18 318(a) and made available by such station, provider,  
19 or platform are not purchased by a foreign national,  
20 directly or indirectly. For purposes of the previous  
21 sentence, a station, provider, or online platform shall  
22 not be considered to have made reasonable efforts  
23 under this paragraph in the case of the availability  
24 of a communication unless the station, provider, or  
25 online platform directly inquires from the individual  
26 or entity making such purchase whether the pur-

1 chase is to be made by a foreign national, directly  
2 or indirectly.

3 “(2) SPECIAL RULES FOR DISBURSEMENT PAID  
4 WITH CREDIT CARD.—For purposes of paragraph  
5 (1), a television or radio broadcast station, provider  
6 of cable or satellite television, or online platform  
7 shall be considered to have made reasonable efforts  
8 under such paragraph in the case of a purchase of  
9 the availability of a communication which is made  
10 with a credit card if—

11 “(A) the individual or entity making such  
12 purchase is required, at the time of making  
13 such purchase, to disclose the credit verification  
14 value of such credit card; and

15 “(B) the billing address associated with  
16 such credit card is located in the United States  
17 or, in the case of a purchase made by an indi-  
18 vidual who is a United States citizen living out-  
19 side of the United States, the individual pro-  
20 vides the television or radio broadcast station,  
21 provider of cable or satellite television, or online  
22 platform with the United States mailing ad-  
23 dress the individual uses for voter registration  
24 purposes.”.



1 **SEC. 1909. INDEPENDENT STUDY ON MEDIA LITERACY AND**  
2 **ONLINE POLITICAL CONTENT CONSUMPTION.**

3 (a) INDEPENDENT STUDY.—Not later than 30 days  
4 after the date of enactment of this Act, the Federal Elec-  
5 tion Commission shall commission an independent study  
6 and report on media literacy with respect to online polit-  
7 ical content consumption among voting-age Americans.

8 (b) ELEMENTS.—The study and report under sub-  
9 section (a) shall include the following:

10 (1) An evaluation of media literacy skills, such  
11 as the ability to evaluate sources, synthesize multiple  
12 accounts into a coherent understanding of an issue,  
13 understand the context of communications, and re-  
14 sponsibly create and share information, among vot-  
15 ing-age Americans.

16 (2) An analysis of the effects of media literacy  
17 education and particular media literacy skills on the  
18 ability to critically consume online political content,  
19 including political advertising.

20 (3) Recommendations for improving voting-age  
21 Americans' ability to critically consume online polit-  
22 ical content, including political advertising.

23 (c) DEADLINE.—Not later than 270 days after the  
24 date of enactment of this Act, the entity conducting the  
25 study and report under subsection (a) shall submit the re-  
26 port to the Commission.

1       (d) SUBMISSION TO CONGRESS.—Not later than 30  
2 days after receiving the report under subsection (c), the  
3 Commission shall submit the report to the Committee on  
4 House Administration of the House of Representatives  
5 and the Committee on Rules and Administration of the  
6 Senate, together with such comments on the report as the  
7 Commission considers appropriate.

8       (e) DEFINITION OF MEDIA LITERACY.—The term  
9 “media literacy” means the ability to—

10           (1) access relevant and accurate information  
11 through media;

12           (2) critically analyze media content and the in-  
13 fluences of media;

14           (3) evaluate the comprehensiveness, relevance,  
15 credibility, authority, and accuracy of information;

16           (4) make educated decisions based on informa-  
17 tion obtained from media and digital sources;

18           (5) operate various forms of technology and  
19 digital tools; and

20           (6) reflect on how the use of media and tech-  
21 nology may affect private and public life.

1 **TITLE XX—PROHIBITING USE OF**  
2 **DEEPFAKES IN ELECTION**  
3 **CAMPAIGNS**

4 **SEC. 2001. PROHIBITION ON DISTRIBUTION OF MATERI-**  
5 **ALLY DECEPTIVE AUDIO OR VISUAL MEDIA**  
6 **PRIOR TO ELECTION.**

7 (a) IN GENERAL.—Title III of the Federal Election  
8 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is  
9 amended by adding at the end the following new section:

10 **“SEC. 325. PROHIBITION ON DISTRIBUTION OF MATERI-**  
11 **ALLY DECEPTIVE MEDIA PRIOR TO ELEC-**  
12 **TION.**

13 “(a) IN GENERAL.—Except as provided in sub-  
14 sections (b) and (c), a person, political committee, or other  
15 entity shall not, within 60 days of a election for Federal  
16 office at which a candidate for elective office will appear  
17 on the ballot, distribute, with actual malice, materially de-  
18 ceptive audio or visual media of the candidate with the  
19 intent to injure the candidate’s reputation or to deceive  
20 a voter into voting for or against the candidate.

21 “(b) EXCEPTION.—

22 “(1) REQUIRED LANGUAGE.—The prohibition  
23 in subsection (a) does not apply if the audio or vis-  
24 ual media includes—

1                   “(A) a disclosure stating: “This  
2                   \_\_\_\_\_ has been manipulated.”; and

3                   “(B) filled in the blank in the disclosure  
4                   under subparagraph (A), the term ‘image’,  
5                   ‘video’, or ‘audio’, as most accurately describes  
6                   the media.

7                   “(2) VISUAL MEDIA.—For visual media, the  
8                   text of the disclosure shall appear in a size that is  
9                   easily readable by the average viewer and no smaller  
10                  than the largest font size of other text appearing in  
11                  the visual media. If the visual media does not in-  
12                  clude any other text, the disclosure shall appear in  
13                  a size that is easily readable by the average viewer.  
14                  For visual media that is video, the disclosure shall  
15                  appear for the duration of the video.

16                  “(3) AUDIO-ONLY MEDIA.—If the media con-  
17                  sists of audio only, the disclosure shall be read in a  
18                  clearly spoken manner and in a pitch that can be  
19                  easily heard by the average listener, at the beginning  
20                  of the audio, at the end of the audio, and, if the  
21                  audio is greater than 2 minutes in length, inter-  
22                  sprersed within the audio at intervals of not greater  
23                  than 2 minutes each.

24                  “(c) INAPPLICABILITY TO CERTAIN ENTITIES.—This  
25                  section does not apply to the following:

1           “(1) A radio or television broadcasting station,  
2           including a cable or satellite television operator, pro-  
3           grammer, or producer, that broadcasts materially  
4           deceptive audio or visual media prohibited by this  
5           section as part of a bona fide newscast, news inter-  
6           view, news documentary, or on-the-spot coverage of  
7           bona fide news events, if the broadcast clearly ac-  
8           knowledges through content or a disclosure, in a  
9           manner that can be easily heard or read by the aver-  
10          age listener or viewer, that there are questions about  
11          the authenticity of the materially deceptive audio or  
12          visual media.

13          “(2) A radio or television broadcasting station,  
14          including a cable or satellite television operator, pro-  
15          grammer, or producer, when it is paid to broadcast  
16          materially deceptive audio or visual media.

17          “(3) An internet website, or a regularly pub-  
18          lished newspaper, magazine, or other periodical of  
19          general circulation, including an internet or elec-  
20          tronic publication, that routinely carries news and  
21          commentary of general interest, and that publishes  
22          materially deceptive audio or visual media prohibited  
23          by this section, if the publication clearly states that  
24          the materially deceptive audio or visual media does

1 not accurately represent the speech or conduct of the  
2 candidate.

3 “(4) Materially deceptive audio or visual media  
4 that constitutes satire or parody.

5 “(d) CIVIL ACTION.—

6 “(1) INJUNCTIVE OR OTHER EQUITABLE RE-  
7 LIEF.—A candidate for elective office whose voice or  
8 likeness appears in a materially deceptive audio or  
9 visual media distributed in violation of this section  
10 may seek injunctive or other equitable relief prohib-  
11 iting the distribution of audio or visual media in vio-  
12 lation of this section. An action under this para-  
13 graph shall be entitled to precedence in accordance  
14 with the Federal Rules of Civil Procedure.

15 “(2) DAMAGES.—A candidate for elective office  
16 whose voice or likeness appears in a materially de-  
17 ceptive audio or visual media distributed in violation  
18 of this section may bring an action for general or  
19 special damages against the person, committee, or  
20 other entity that distributed the materially deceptive  
21 audio or visual media. The court may also award a  
22 prevailing party reasonable attorney’s fees and costs.  
23 This paragraph shall not be construed to limit or  
24 preclude a plaintiff from securing or recovering any  
25 other available remedy.

1           “(3) BURDEN OF PROOF.—In any civil action  
2       alleging a violation of this section, the plaintiff shall  
3       bear the burden of establishing the violation through  
4       clear and convincing evidence.

5       “(e) RULE OF CONSTRUCTION.—This section shall  
6       not be construed to alter or negate any rights, obligations,  
7       or immunities of an interactive service provider under sec-  
8       tion 230 of title 47, United States Code.

9       “(f) MATERIALLY DECEPTIVE AUDIO OR VISUAL  
10      MEDIA DEFINED.—In this section, the term ‘materially  
11      deceptive audio or visual media’ means an image or an  
12      audio or video recording of a candidate’s appearance,  
13      speech, or conduct that has been intentionally manipulated  
14      in a manner such that both of the following conditions  
15      are met:

16           “(1) The image or audio or video recording  
17           would falsely appear to a reasonable person to be  
18           authentic.

19           “(2) The image or audio or video recording  
20           would cause a reasonable person to have a fun-  
21           damentally different understanding or impression of  
22           the expressive content of the image or audio or video  
23           recording than that person would have if the person  
24           were hearing or seeing the unaltered, original  
25           version of the image or audio or video recording.”.

1 (b) CRIMINAL PENALTIES.—Section 309(d)(1) of the  
 2 Federal Election Campaign Act of 1971 (52 U.S.C.  
 3 30109(d)(1)), as amended by section 1303, is further  
 4 amended by adding at the end the following new subpara-  
 5 graph:

6 “(G) Any person who knowingly and willfully com-  
 7 mits a violation of section 325 shall be fined not more  
 8 than \$100,000, imprisoned not more than 5 years, or  
 9 both.”.

10 (c) EFFECT ON DEFAMATION ACTION.—For pur-  
 11 poses of an action for defamation, a violation of section  
 12 325 of the Federal Election Campaign Act of 1971, as  
 13 added by subsection (a), shall constitute defamation per  
 14 se.

15 **TITLE XXI—ASSISTANCE FOR**  
 16 **TRANSITION TO RANKED**  
 17 **CHOICE VOTING**

18 **SEC. 2101. SHORT TITLE.**

19 This title may be cited as the “Voter Choice Act”.

20 **SEC. 2102. ASSISTANCE FOR TRANSITION TO RANKED**  
 21 **CHOICE VOTING.**

22 (a) IN GENERAL.—Title V of the Help America Vote  
 23 Act of 2002 (52 U.S.C. 21121 et seq.) is amended by add-  
 24 ing at the end the following:



1 **“Subtitle B—Ranked Choice Voting**  
2 **Program**

3 **“SEC. 511. RANKED CHOICE VOTING PROGRAM.**

4       “(a) DEFINITION OF RANKED CHOICE VOTING SYS-  
5 TEM.—For purposes of this subtitle, the term ‘ranked  
6 choice voting system’ means a set of election methods  
7 which allow each voter to rank contest options in order  
8 of the voter’s preference, in which votes are counted in  
9 rounds using a series of runoff tabulations to defeat con-  
10 test options with the fewest votes, and which elects a win-  
11 ner with a majority of final round votes in a single-winner  
12 contest and provides proportional representation in multi-  
13 winner contests.

14       “(b) PROGRAM.—The Commission shall establish a  
15 program under which the Commission—

16               “(1) provides technical assistance to State and  
17 local governments that are considering whether to  
18 make, or that are in the process of making, a transi-  
19 tion to a ranked choice voting system for Federal,  
20 State, or local elections; and

21               “(2) awards grants to States and local govern-  
22 ment to support the transition to a ranked choice  
23 voting system, including through the acquisition of  
24 voting equipment and tabulation software, appro-

1       prate ballot design, the development and publication  
2       of educational materials, and voter outreach.

3       “(c) RULES FOR GRANTS.—

4               “(1) SELECTION OF GRANT RECIPIENTS.—To  
5       the extent possible, the Commission shall award  
6       grants under subsection (b)(2) to areas that rep-  
7       resent a diversity of jurisdictions with respect to ge-  
8       ography, population characteristics, and population  
9       density.

10              “(2) AWARD LIMITATION.—The amount of any  
11       grant awarded under subsection (b)(2) shall not ex-  
12       ceed 50 percent of the cost of the activities covered  
13       by the grant.

14   **“SEC. 512. AUTHORIZATION OF APPROPRIATIONS.**

15       “(a) IN GENERAL.—In addition to any funds author-  
16       ized to be appropriated to the Commission under section  
17       210, there are authorized to be appropriated to carry out  
18       this subtitle \$40,000,000 for fiscal year 2022.

19       “(b) AVAILABILITY OF FUNDS.—Amounts appro-  
20       priated pursuant to the authorization under this section  
21       shall remain available, without fiscal year limitation, until  
22       expended.”.

23       (b) CONFORMING AMENDMENTS.—

24              (1) Section 202(6) of the Help America Vote  
25       Act of 2002 (52 U.S.C. 20922) is amended by strik-

1 ing “the Help America Vote College Program under  
2 title V” and inserting “the programs under title V”.

3 (2) Title V of the Help America Vote Act of  
4 2002 (52 U.S.C. 21121 et seq.) is amended by strik-  
5 ing the matter preceding section 501 and inserting  
6 the following:

7 **“TITLE V—ELECTION**  
8 **ASSISTANCE PROGRAMS**  
9 **“Subtitle A—Help America Vote**  
10 **College Program”.**

11 (3) Section 503 of such Act (52 U.S.C. 21123)  
12 is amended by striking “title” and inserting “sub-  
13 title”.

14 (4) The table of sections of the Help America  
15 Vote Act of 2002 is amended—

16 (A) by striking the item relating to title V  
17 and inserting the following:

“TITLE V—ELECTION ASSISTANCE PROGRAMS

“Subtitle A—Help America Vote College Program”;

18 and

19 (B) by inserting after the item relating to  
20 section 503 the following:

“Subtitle B—Ranked Choice Voting Program

“Sec. 511. Ranked choice voting program.

“Sec. 512. Authorization of appropriations.”.

1       **DIVISION D—SEVERABILITY**  
2       **TITLE XXII—SEVERABILITY**

3   **SEC. 2201. SEVERABILITY.**

4       If any provision of this Act or any amendment made  
5 by this Act, or the application of a provision of this Act  
6 or an amendment made by this Act to any person or cir-  
7 cumstance, is held to be unconstitutional, the remainder  
8 of this Act, and the application of the provisions to any  
9 person or circumstance, shall not be affected by the hold-  
10 ing.

11   **SEC. 2202. PROHIBITION ON USE OF FEDERAL PROPERTY**  
12               **FOR POLITICAL CONVENTIONS.**

13       (a) IN GENERAL.—Chapter 29 of title 18, United  
14 States Code, is amended by inserting after section 611 the  
15 following:

16   **“§ 612. Prohibition on use of Federal property for**  
17               **certain political activities**

18       “(a) A convention of a national political party held  
19 to nominate a candidate for the office of President or Vice  
20 President may not be held on or in any Federal property.

21       “(b) Any candidate or the authorized committee of  
22 the candidate under the Federal Election Campaign Act  
23 of 1971 which was responsible for a convention in violation  
24 of subsection (a) shall be subject to an assessment of a  
25 civil penalty equal to the fair market value of the cost of

1 the convention or \$50,000, whichever is greater, or impris-  
2 oned not more than five years, or both.

3 “(c) In this section, the term ‘Federal property’  
4 means any building, land, or other real property owned,  
5 leased, or occupied by any department, agency, or instru-  
6 mentality of the United States, including the White House  
7 grounds and the White House (including the Old Execu-  
8 tive Office Building, the West Wing, the East Wing, the  
9 Rose Garden, and the Executive Residence, but not includ-  
10 ing the second floor of the Executive Residence).”.

11 (b) CLERICAL AMENDMENT.—The table of sections  
12 for such chapter is amended by inserting after the item  
13 relating to section 611 the following:

“612. Prohibition on use of Federal property for certain political activities.”.

14 (c) APPLICATION.—

15 (1) IN GENERAL.—This Act and the amend-  
16 ments made by this Act shall apply to any conven-  
17 tion described in section 612(a) of title 18, United  
18 States Code, as added by subsection (a), occurring  
19 on or after the date of enactment of this Act.

20 (2) TRAVEL.—Nothing in this Act or the  
21 amendments made by this Act shall be construed to  
22 limit or otherwise prevent the President or Vice  
23 President from using vehicles (including aircraft)  
24 owned or leased by the Government for travel to or  
25 from any such convention.

1 **SEC. 2203. IMPROVING ACCESS TO INFLUENTIAL VISITOR**  
2 **ACCESS RECORDS.**

3 (a) DEFINITIONS.—In this section:

4 (1) COVERED LOCATION.—The term “covered  
5 location” means—

6 (A) the White House;

7 (B) the residence of the Vice President;

8 and

9 (C) any other location at which the Presi-  
10 dent or the Vice President regularly conducts  
11 official business.

12 (2) COVERED RECORDS.—The term “covered  
13 records” means information relating to a visit at a  
14 covered location, which shall include—

15 (A) the name of each visitor at the covered  
16 location;

17 (B) the name of each individual with whom  
18 each visitor described in subparagraph (A) met  
19 at the covered location; and

20 (C) the purpose of the visit.

21 (b) REQUIREMENT.—Except as provided in sub-  
22 section (c), not later than 90 days after the date of enact-  
23 ment of this Act, the President shall establish and update,  
24 every 90 days thereafter, a publicly available database that  
25 contains covered records for the preceding 90-day period,

1 on a publicly available website in an easily searchable and  
2 downloadable format.

3 (c) EXCEPTIONS.—

4 (1) IN GENERAL.—The President shall not in-  
5 clude in the database established under subsection

6 (b) any covered record—

7 (A) the posting of which would implicate  
8 personal privacy or law enforcement concerns or  
9 threaten national security;

10 (B) relating to a purely personal guest at  
11 a covered location; or

12 (C) that reveals the social security number,  
13 taxpayer identification number, birth date,  
14 home address, or personal phone number of an  
15 individual, the name of an individual who is less  
16 than 18 years old, or a financial account num-  
17 ber.

18 (2) SENSITIVE MEETINGS.—With respect to a  
19 particularly sensitive meeting at a covered location,  
20 the President shall—

21 (A) include the number of visitors at the  
22 covered location in the database established  
23 under subsection (b);

24 (B) post the applicable covered records in  
25 the database established under subsection (b)

1           when the President determines that release of  
 2           the covered records is no longer sensitive; and  
 3           (C) post any reasonably segregable portion  
 4           that is not covered by an exception described in  
 5           subsection (c) of any such excepted record on  
 6           the website described under subsection (b).

## 7           **TITLE XXIII—PREVENTING A** 8           **PATRONAGE SYSTEM**

### 9   **SEC. 2301. LIMITATIONS ON EXCEPTION OF COMPETITIVE** 10           **SERVICE POSITIONS.**

11           (a) IN GENERAL.—No position in the competitive  
 12           service (as defined under section 2102 of title 5, United  
 13           States Code) may be excepted from the competitive service  
 14           unless such position is placed—

15                   (1) in any of the schedules A through E as de-  
 16           scribed in section 6.2 of title 5, Code of Federal  
 17           Regulations, as in effect on September 30, 2020;  
 18           and

19                   (2) under the terms and conditions under part  
 20           6 of such title as in effect on such date.

21           (b) SUBSEQUENT TRANSFERS.—No position in the  
 22           excepted service (as defined under section 2103 of title  
 23           5, United States Code) may be placed in any schedule  
 24           other than a schedule described in subsection (a)(1).



1       **DIVISION E—PROTECTING**  
2       **ELECTION OFFICIALS**  
3       **TITLE XXIV—DOJ TASK FORCE**

4       **SEC. 2401. ELECTION OFFICIALS SECURITY TASK FORCE.**

5       The Attorney General shall establish a task force, to  
6       be headed by the head of the Civil Rights Division of the  
7       Department of Justice, for purposes of studying threats  
8       or acts of violence against the people responsible for ensur-  
9       ing the integrity of Federal and State elections in the  
10      United States, and their families, and to provide expertise  
11      and resources for the identification, investigation, and  
12      prosecution of the persons responsible for such threats and  
13      acts, including by making referrals for criminal prosecu-  
14      tions. The task force shall include representatives from the  
15      following:

- 16               (1) The Federal Bureau of Investigation.
- 17               (2) The United States Marshals Service.
- 18               (3) The Cybersecurity and Infrastructure Secu-  
19      rity Agency of the Department of Homeland Secu-  
20      rity.
- 21               (4) State and local prosecutors and election of-  
22      ficials.

1           (5) The Election Assistance Commission.

2           (6) Elections officials associations.

Passed the House of Representatives December 9,  
2021.

Attest:                   CHERYL L. JOHNSON,  
*Clerk.*

By KEVIN McCUMBER,  
*Deputy Clerk.*