

.....  
(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

# H. R.

---

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

---

## IN THE HOUSE OF REPRESENTATIVES

Mr. SCHIFF introduced the following bill; which was referred to the Committee on \_\_\_\_\_

---

# A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Our Democ-  
5 racy Act”.

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

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

5 (1) Division A—Preventing Abuses of Presi-  
6 dential Power.

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

9 (3) Division C—Defending Elections Against  
10 Foreign Interference.

11 (4) Division D—Severability.

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

Sec. 1. Short title.

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

DIVISION A—PREVENTING ABUSES OF PRESIDENTIAL POWER

TITLE I—ABUSE OF THE PARDON POWER PREVENTION

Sec. 101. Short title.

Sec. 102. Congressional oversight relating to certain pardons.

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

Sec. 104. Prohibition on presidential self-pardon.

TITLE II—ENSURING NO PRESIDENT IS ABOVE THE LAW

Sec. 201. Short title.

Sec. 202. Tolling of statute of limitations.

TITLE III—ENFORCEMENT OF THE FOREIGN AND DOMESTIC  
EMOLUMENTS CLAUSES OF THE CONSTITUTION

Sec. 301. Short title.

Sec. 302. Definitions.

Sec. 303. Prohibition on acceptance of foreign and domestic emoluments.

Sec. 304. Civil actions by Congress concerning foreign emoluments.

Sec. 305. Disclosures concerning foreign and domestic emoluments.

Sec. 306. Enforcement authority of the Director of the Office of Government  
Ethics.

Sec. 307. Jurisdiction of the Office of Special Counsel.

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

TITLE IV—ENFORCEMENT OF CONGRESSIONAL SUBPOENAS

- Sec. 401. Short title.
- Sec. 402. Findings.
- Sec. 403. Enforcement of congressional subpoenas.
- Sec. 404. Compliance with congressional subpoenas.
- Sec. 405. Rule of construction.

TITLE V—REASSERTING CONGRESSIONAL POWER OF THE PURSE

- Sec. 500. Short title.

Subtitle A—Strengthening Congressional Control and Review to Prevent  
Impoundment

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

Subtitle B—Strengthening Transparency and Reporting

PART 1—FUNDS MANAGEMENT AND REPORTING TO THE CONGRESS

- Sec. 511. Expired balance reporting in the President's budget.
- Sec. 512. Cancelled balance reporting in the President's budget.
- Sec. 513. Lapse in appropriations—Reporting in the President's budget.
- Sec. 514. Transfer and other repurposing authority reporting in the President's budget.
- Sec. 515. Authorizing cancellations in indefinite accounts by appropriation.

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

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

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

- Sec. 531. Improving checks and balances on the use of the National Emergencies Act.
- Sec. 532. National Emergencies Act declaration spending reporting in the President's budget.
- Sec. 533. Disclosure to Congress of presidential emergency action documents.
- Sec. 534. Emergency and overseas contingency operations designations by Congress in statute.

TITLE VI—SECURITY FROM POLITICAL INTERFERENCE IN  
JUSTICE

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

TITLE VII—PROTECTING INSPECTOR GENERAL INDEPENDENCE

Subtitle A—Requiring Cause for Removal

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

Subtitle B—Inspectors General of Intelligence Community

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

Subtitle C—Congressional Notification

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

TITLE VIII—PROTECTING WHISTLEBLOWERS

Subtitle A—Whistleblower Protection Improvement

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

Subtitle B—Whistleblowers of the Intelligence Community

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

TITLE IX—ACCOUNTABILITY FOR ACTING OFFICIALS

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

TITLE X—STRENGTHENING HATCH ACT ENFORCEMENT AND  
PENALTIES

- Sec. 1001. Short title.
- Sec. 1002. Strengthening Hatch Act enforcement and penalties against political appointees.

TITLE XI—PROMOTING EFFICIENT PRESIDENTIAL TRANSITIONS

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

TITLE XII—PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY

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

DIVISION C—DEFENDING ELECTIONS AGAINST FOREIGN INTERFERENCE

TITLE XIII—REPORTING FOREIGN INTERFERENCE IN ELECTIONS

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

TITLE XIV—ELIMINATING FOREIGN INTERFERENCE IN ELECTIONS

- Sec. 1401. Clarification of application of foreign money ban.
- Sec. 1402. Requiring acknowledgment of foreign money ban by political committees.

DIVISION D—SEVERABILITY

TITLE XV—SEVERABILITY

- Sec. 1501. Severability.

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

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

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

1 **SEC. 102. CONGRESSIONAL OVERSIGHT RELATING TO CER-**  
2 **TAIN PARDONS.**

3 (a) SUBMISSION OF INFORMATION.—In the event  
4 that the President grants an individual a pardon for a cov-  
5 ered offense, not later than 30 days after the date of such  
6 pardon the Attorney General shall submit to the chairmen  
7 and ranking minority members of the appropriate congres-  
8 sional committees—

9 (1) all materials obtained or produced by the  
10 prosecution team, including the Attorney General  
11 and any United States Attorney, and all materials  
12 obtained or prepared by any investigative agency of  
13 the United States government, relating to the of-  
14 fense for which the individual was so pardoned; and

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

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

21 (c) DEFINITIONS.—In this section:

22 (1) The term “appropriate congressional com-  
23 mittees” means—

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

1 (B) if an investigation relates to intel-  
2 ligence or counterintelligence matters, the Per-  
3 manent Select Committee on Intelligence of the  
4 House of Representatives and the Select Com-  
5 mittee on Intelligence of the Senate.

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

7 (A) an offense against the United States  
8 that arises from an investigation in which the  
9 President, or a relative of the President, is a  
10 target or subject;

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

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

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

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

22 **SEC. 103. BRIBERY IN CONNECTION WITH PARDONS AND**  
23 **COMMUTATIONS.**

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

1 (1) in subsection (a)—

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

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

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

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

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

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

23 **SEC. 201. SHORT TITLE.**

24 This title may be cited as the “No President is Above  
25 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 (b) APPLICABILITY.—The amendments made by sub-  
16 section (a) shall apply to any offense committed before the  
17 date of the enactment of this section, if the statute of limi-  
18 tations applicable to that offense had not run as of such  
19 date.

20 **TITLE III—ENFORCEMENT OF**  
21 **THE FOREIGN AND DOMESTIC**  
22 **EMOLUMENTS CLAUSES OF**  
23 **THE CONSTITUTION**

24 **SEC. 301. SHORT TITLE.**

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

1 **SEC. 302. DEFINITIONS.**

2 In this title:

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

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

14 (3) The term “government of a foreign coun-  
15 try” has the meaning given such term in section 1(e)  
16 of the Foreign Agents Registration Act (22 U.S.C.  
17 611(e)).

18 **SEC. 303. PROHIBITION ON ACCEPTANCE OF FOREIGN AND**  
19 **DOMESTIC EMOLUMENTS.**

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

1 gard to whether the present, emolument, office, or title  
2 is—

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

5 (2) provided to that person or to any private  
6 business interest of that person.

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

16 **SEC. 304. CIVIL ACTIONS BY CONGRESS CONCERNING FOR-**  
17 **EIGN EMOLUMENTS.**

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

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

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

1           (2) The action shall be heard by a three-judge  
2           court convened pursuant to section 2284 of title 28,  
3           United States Code. It shall be the duty of such  
4           court to advance on the docket and to expedite to  
5           the greatest possible extent the disposition of any  
6           such action. Such action shall be reviewable only by  
7           appeal directly to the Supreme Court of the United  
8           States. Such appeal shall be taken by the filing of  
9           a notice of appeal within 10 days, and the filing of  
10          a jurisdictional statement within 30 days, of the  
11          entry of the final decision.

12          (3) It shall be the duty of the Supreme Court  
13          of the United States to advance on the docket and  
14          to expedite to the greatest possible extent the dis-  
15          position of any such action and appeal.

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

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

23                 (2) The surrender of the physical present or  
24                 emolument to the Department of State, which shall,  
25                 if practicable, dispose of the present or emolument

1 and deposit the proceeds into the United States  
2 Treasury.

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

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

7 (5) Such other relief as the court determines  
8 appropriate.

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

15 **SEC. 305. DISCLOSURES CONCERNING FOREIGN AND DO-**  
16 **MESTIC EMOLUMENTS.**

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

20 “(9) Any present, emolument, office, or title re-  
21 ceived from a government of a foreign country, in-  
22 cluding the source, date, type, and amount or value  
23 of each present or emolument accepted on or before  
24 the date of filing during the preceding calendar year.

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

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

6                   “(A) any emolument received from the  
7           United States, or any of them, other than the  
8           compensation for his or her services as Presi-  
9           dent provided for by Federal law; and

10                   “(B) any business interest that is reason-  
11           ably expected to result in the receipt of any  
12           emolument from the United States, or any of  
13           them.”.

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

18           **SEC. 306. ENFORCEMENT AUTHORITY OF THE DIRECTOR**  
19                   **OF THE OFFICE OF GOVERNMENT ETHICS.**

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

23                   (1) by striking “(a) The Director” and insert-  
24           ing “(a)(1) The Director”; and

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

3           “(2) The Director shall provide overall direction of  
4 executive branch policies related to compliance with the  
5 Foreign and Domestic Emoluments Enforcement Act and  
6 the amendments made by such Act and shall have the au-  
7 thority to—

8           “(A) issue administrative fines to individuals  
9 for violations;

10           “(B) order individuals to take corrective action,  
11 including disgorgement, divestiture, and recusal, as  
12 the Director deems necessary; and

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

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

17           (1) by striking “and” at the end of paragraph  
18 (14);

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

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

23           “(16) developing and promulgating rules and  
24 regulations to ensure compliance with the Foreign  
25 and Domestic Emoluments Enforcement Act and the

1 amendments made by such Act, including estab-  
2 lishing—

3 “(A) requirements for reporting and disclo-  
4 sure;

5 “(B) a schedule of administrative fines  
6 that may be imposed by the Director for viola-  
7 tions; and

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

12 **SEC. 307. JURISDICTION OF THE OFFICE OF SPECIAL**  
13 **COUNSEL.**

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

16 (1) in subsection (a)—

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

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

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

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



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

2 “(d) If the Director of the Office of Government Eth-  
3 ics refers a matter for investigation pursuant to section  
4 402 of the Ethics in Government Act of 1978, or if the  
5 Special Counsel receives a credible complaint of a violation  
6 referred to in subsection (a)(6), the Special Counsel shall  
7 complete an investigation not later than 120 days there-  
8 after. If the Special Counsel investigates any violation pur-  
9 suant to subsection (a)(6), the Special Counsel shall re-  
10 port not later than 7 days after the completion of such  
11 investigation to the Director of the Office of Government  
12 Ethics and to Congress on the results of such investiga-  
13 tion.”.

14 **DIVISION B—RESTORING**  
15 **CHECKS AND BALANCES, AC-**  
16 **COUNTABILITY, AND TRANS-**  
17 **PARENCY**

18 **TITLE IV—ENFORCEMENT OF**  
19 **CONGRESSIONAL SUBPOENAS**

20 **SEC. 401. SHORT TITLE.**

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

23 **SEC. 402. FINDINGS.**

24 The Congress finds as follows:

1           (1) As the Supreme Court has repeatedly af-  
2           firmed, including in its July 9, 2020 holding in  
3           Trump v. Mazars, Congress’s “power of inquiry—  
4           with process to enforce it—is an essential and ap-  
5           propriate auxiliary to the legislative function”.  
6           Congress’s power to obtain information, including  
7           through the issuance of subpoenas and the enforce-  
8           ment of such subpoenas, is “broad and indispen-  
9           sable”.

10           (2) Congress “suffers a concrete and particular-  
11           ized injury when denied the opportunity to obtain in-  
12           formation necessary” to the exercise of its constitu-  
13           tional functions, as the U.S. Court of Appeals for  
14           the District of Columbia Circuit correctly recognized  
15           in its August 7, 2020 en banc decision in Committee  
16           on the Judiciary of the U.S. House of Representa-  
17           tives v. McGahn.

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

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

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

5 **“§ 1365a. Congressional actions against subpoena re-**  
6 **ipients**

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

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

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

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

1           “(3) If a three-judge court is expressly re-  
2 requested by the plaintiff in the initial pleading, the  
3 action shall be heard by a three-judge court con-  
4 vened pursuant to section 2284, and shall be review-  
5 able only by appeal directly to the Supreme Court of  
6 the United States. Such appeal shall be taken by the  
7 filing of a notice of appeal within 10 days, and the  
8 filing of a jurisdictional statement within 30 days, of  
9 the entry of the final decision.

10           “(4) The initial pleading must be accompanied  
11 by certification that the party bringing the action  
12 has in good faith conferred or attempted to confer  
13 with the recipient of the subpoena to secure compli-  
14 ance with the subpoena without court action.

15           “(c) PENALTIES.—

16           “(1) CASES INVOLVING GOVERNMENT AGEN-  
17 CIES.—

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

24           “(i) the President instructed the offi-  
25 cial not to comply; and

1                   “(ii) the President, or the head of the  
2                   agency or component thereof, submits to  
3                   the court a letter confirming such instruc-  
4                   tion and the basis for such instruction.

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

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

22                  “(d) WAIVER.—Any ground for noncompliance as-  
23                  serted by the recipient of a congressional subpoena shall  
24                  be deemed to have been waived as to any particular infor-  
25                  mation withheld from production if the court finds that

1 the recipient failed in a timely manner to comply with the  
2 applicable requirements of section 105(b) of the Revised  
3 Statutes of the United States with respect to such infor-  
4 mation.

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

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

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

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

5 **SEC. 404. COMPLIANCE WITH CONGRESSIONAL SUB-**  
6 **POENAS.**

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

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

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

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

17 “(b) FAILURE TO PRODUCE INFORMATION.—

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

24 “(2) IDENTIFICATION OF INFORMATION WITH-  
25 HELD.—In the case of information that is withheld,

1 in whole or in part, by the subpoena recipient, the  
2 subpoena recipient shall, without delay provide a log  
3 containing the following:

4 “(A) An express assertion and description  
5 of the ground asserted for withholding the in-  
6 formation.

7 “(B) The type of information.

8 “(C) The general subject matter.

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

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

12 “(F) The custodian of the information.

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

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

23 (b) CLERICAL AMENDMENT.—The table of contents  
24 for chapter 7 of title II of the Revised Statutes of the



1 United States is amended by adding at the end the fol-  
2 lowing:

“105. Response to congressional subpoenas.”.

3 **SEC. 405. RULE OF CONSTRUCTION.**

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

10 **TITLE V—REASSERTING CON-**  
11 **GRESSIONAL POWER OF THE**  
12 **PURSE**

13 **SEC. 500. SHORT TITLE.**

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

16 **Subtitle A—Strengthening Con-**  
17 **gressional Control and Review**  
18 **to Prevent Impoundment**

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

20 (a) IN GENERAL.—The Impoundment Control Act of  
21 1974 (2 U.S.C. 681 et seq.) is amended by adding at the  
22 end the following:

1 “PRUDENT OBLIGATION OF BUDGET AUTHORITY AND  
2 SPECIFIC REQUIREMENTS FOR EXPIRING BUDGET  
3 AUTHORITY

4 “SEC. 1018. (a) SPECIAL MESSAGE REQUIRE-  
5 MENT.—With respect to budget authority proposed to be  
6 rescinded or that is set to be reserved or proposed to be  
7 deferred in a special message transmitted under section  
8 1012 or 1013, such budget authority—

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

12 “(2) may not be deferred or otherwise withheld  
13 from obligation during the 90-day period before the  
14 expiration of the period of availability of such budget  
15 authority, including, if applicable, the 90-day period  
16 before the expiration of an initial period of avail-  
17 ability for which such budget authority was pro-  
18 vided.

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

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

1 “(2) to make available all amounts for obliga-  
2 tion, without precondition or limitation (including  
3 footnotes) that shall be met prior to obligation, not  
4 later than 90 days before the expiration of the pe-  
5 riod of availability of such appropriation, including,  
6 if applicable, 90 days before the expiration of an ini-  
7 tial period of availability for which such appropria-  
8 tion was provided.”.

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

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

14 **SEC. 502. STRENGTHENING CONGRESSIONAL REVIEW.**

15 (a) **IN GENERAL.**—The Impoundment Control Act of  
16 1974 (2 U.S.C. 681 et seq.), as amended by section  
17 501(a), is further amended by adding at the end the fol-  
18 lowing:

19 “REPORTING

20 “SEC. 1019. (a) **APPORTIONMENT OF APPROPRIA-**  
21 **TIONS.**—

22 “(1) **IN GENERAL.**—Not later than 90 days  
23 after the date of enactment of this section, the Of-  
24 fice of Management and Budget shall complete im-

1       plementation of an automated system to post each  
2       document apportioning an appropriation, pursuant  
3       to section 1513(b) of title 31, United States Code,  
4       including any associated footnotes, in a format that  
5       qualifies each such document as an Open Govern-  
6       ment Data Asset (as defined in section 3502 of title  
7       44, United States Code), not later than 2 business  
8       days after the date of approval of such apportion-  
9       ment, and shall place on such website each docu-  
10      ment apportioning an appropriation, pursuant to  
11      such section 1513(b), including any associated foot-  
12      notes, already approved for the fiscal year, and shall  
13      report the date of completion of such requirements  
14      to the Committees on the Budget and Appropria-  
15      tions of the House of Representatives and Senate.

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

24           “(3) SPECIAL PROCESS FOR TRANSMITTING  
25      CLASSIFIED DOCUMENTATION TO THE CONGRESS.—

1       The Office of Management and Budget or the appli-  
2       cable department or agency shall make available  
3       classified documentation relating to apportionment  
4       to appropriate congressional committees on a sched-  
5       ule to be determined by each such committee.

6               “(4) DEPARTMENT AND AGENCY REPORT.—  
7       Each department or agency shall notify the Commit-  
8       tees on the Budget and Appropriations of the House  
9       of Representatives and the Senate and any other ap-  
10      propriate congressional committees if—

11               “(A) an apportionment is not made in the  
12      required time period provided in section  
13      1513(b) of title 31, United States Code;

14               “(B) an approved apportionment received  
15      by the department or agency conditions the  
16      availability of an appropriation on further ac-  
17      tion; or

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

23      and such notification shall contain information iden-  
24      tifying the bureau, account name, appropriation

1 name, and Treasury Appropriation Fund Symbol or  
2 fund account.

3 “(b) APPROVING OFFICIALS.—

4 “(1) DELEGATION OF AUTHORITY.—Not later  
5 than 15 days after the date of enactment of this sec-  
6 tion, any delegation of apportionment authority pur-  
7 suant to section 1513(b) of title 31, United States  
8 Code that is in effect as of such date shall be sub-  
9 mitted for publication in the Federal Register. Any  
10 delegation of such apportionment authority after the  
11 date of enactment of this section shall, on the date  
12 of such delegation, be submitted for publication in  
13 the Federal Register. The Office of Management  
14 and Budget shall publish such delegations in a for-  
15 mat that qualifies such publications as an Open  
16 Government Data Asset (as defined in section 3502  
17 of title 44, United States Code) on a public Internet  
18 website, which shall be continuously updated with  
19 the position of each Federal officer or employee to  
20 whom apportionment authority has been delegated.

21 “(2) REPORT TO CONGRESS.—Not later than 5  
22 days after any change in the position of the approv-  
23 ing official with respect to such delegated apportion-  
24 ment authority for any account is made, the Office

1 shall submit a report to the Congress explaining why  
2 such change was made.”.

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

“1019. Reporting.”.

8 **SEC. 503. UPDATED AUTHORITIES FOR AND REPORTING BY**  
9 **THE COMPTROLLER GENERAL.**

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

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

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

15 “(c) REVIEW.—

16 “(1) IN GENERAL.—The Comptroller General  
17 shall review compliance with this part and shall sub-  
18 mit to the Committees on the Budget, Appropria-  
19 tions, and Oversight and Reform of the House of  
20 Representatives, the Committees on the Budget, Ap-  
21 propriations, and Homeland Security and Govern-  
22 mental Affairs of the Senate, and any other appro-  
23 priate congressional committee of the House of Rep-  
24 resentatives and Senate a report, and any relevant

1 information related to the report, on any noncompli-  
2 ance with this part.

3 “(2) INFORMATION, DOCUMENTATION, AND  
4 VIEWS.—The President or the head of the relevant  
5 department or agency of the United States shall pro-  
6 vide information, documentation, and views to the  
7 Comptroller General, as is determined by the Comp-  
8 troller General to be necessary to determine such  
9 compliance, not later than 20 days after the date on  
10 which the request from the Comptroller General is  
11 received, or if the Comptroller General determines  
12 that a shorter or longer period is appropriate based  
13 on the specific circumstances, within such shorter or  
14 longer period.

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

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

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



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

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

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

7   **SEC. 504. ADVANCE CONGRESSIONAL NOTIFICATION AND**  
8                                   **LITIGATION.**

9           Section 1016 of the Impoundment Control Act of  
10          1974 (2 U.S.C. 687) is amended to read as follows:

11                               “SUITS BY COMPTROLLER GENERAL

12           “SEC. 1016. If, under this chapter, budget authority  
13          is required to be made available for obligation and such  
14          budget authority is not made available for obligation or  
15          information, documentation, views, or access are required  
16          to be produced and such information, documentation,  
17          views, or access are not produced, the Comptroller General  
18          is expressly empowered, through attorneys of their own  
19          selection, to bring a civil action in the United States Dis-  
20          trict Court for the District of Columbia to require such  
21          budget authority to be made available for obligation or  
22          such information, documentation, views, or access to be  
23          produced, and such court is expressly empowered to enter  
24          in such civil action, against any department, agency, offi-  
25          cer, or employee of the United States, any decree, judg-  
26          ment, or order which may be necessary or appropriate to

1 make such budget authority available for obligation or  
2 compel production of such information, documentation,  
3 views, or access. No civil action shall be brought by the  
4 Comptroller General to require budget authority be made  
5 available under this section until the expiration of 15 cal-  
6 endar days following the date on which an explanatory  
7 statement by the Comptroller General of the cir-  
8 cumstances giving rise to the action contemplated is filed  
9 with the Speaker of the House of Representatives and the  
10 President of the Senate, except that expiration of such pe-  
11 riod shall not be required if the Comptroller General finds  
12 (and incorporates the finding in the explanatory statement  
13 filed) that the delay would be contrary to the public inter-  
14 est.”.

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

17 (a) IN GENERAL.—The Impoundment Control Act of  
18 1974 (2 U.S.C. 681 et seq.), as amended by section  
19 502(a), is further amended by adding at the end the fol-  
20 lowing:

21 “PENALTIES FOR FAILURE TO COMPLY  
22 “SEC. 1020. (a) ADMINISTRATIVE DISCIPLINE.—An  
23 officer or employee of the Executive Branch of the United  
24 States Government violating this part shall be subject to  
25 appropriate administrative discipline including, when cir-

1 cumstances warrant, suspension from duty without pay or  
2 removal from office.

3 “(b) REPORTING VIOLATIONS.—

4 “(1) IN GENERAL.—In the event of a violation  
5 of section 1001, 1012, 1013, or 1018 of this part,  
6 or in the case that the Government Accountability  
7 Office issues a legal decision concluding that a de-  
8 partment, agency, or office of the United States vio-  
9 lated this part, the President or the head of the rel-  
10 evant department or agency as the case may be,  
11 shall report immediately to Congress all relevant  
12 facts and a statement of actions taken. A copy of  
13 each report shall also be transmitted to the Comp-  
14 troller General and the relevant inspector general on  
15 the same date the report is transmitted to the Con-  
16 gress.

17 “(2) CONTENTS.—Any such report shall include  
18 a summary of the facts pertaining to the violation,  
19 the title and Treasury Appropriation Fund Symbol  
20 of the appropriation or fund account, the amount in-  
21 volved for each violation, the date on which the vio-  
22 lation occurred, the position of any individuals re-  
23 sponsible for the violation, a statement of the admin-  
24 istrative discipline imposed and any further action  
25 taken with respect to any officer or employee in-

1       volved in the violation, and a statement of any addi-  
2       tional action taken to prevent recurrence of the same  
3       type of violation. In the case that the Government  
4       Accountability Office issues a legal decision con-  
5       cluding that a department, agency, or office of the  
6       United States violated this part and the relevant de-  
7       partment, agency, or office does not agree that a  
8       violation has occurred, the report provided to Con-  
9       gress, the Comptroller General, and relevant inspec-  
10      tor general will explain its position.

11           “(3) OPPORTUNITY TO RESPOND.—If the report  
12      identifies the position of any officer or employee as  
13      involved in the violation, such officer or employee  
14      shall be provided a reasonable opportunity to re-  
15      spond in writing, and any such response shall be ap-  
16      pended to the report.”.

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

“1020. Penalties for failure to comply.”.

1           **Subtitle B—Strengthening**  
2           **Transparency and Reporting**

3   **PART 1—FUNDS MANAGEMENT AND REPORTING**  
4           **TO THE CONGRESS**

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

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

9                   “(40) for the budgets for each of fiscal years  
10           2023 through 2027, a report on—

11                           “(A) unobligated expired balances as of the  
12                           beginning of the current fiscal year and the be-  
13                           ginning of each of the preceding 2 fiscal years  
14                           by agency and the applicable Treasury Appro-  
15                           priation Fund Symbol or fund account; and

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

21   **SEC. 512. CANCELLED BALANCE REPORTING IN THE PRESI-**  
22           **DENT’S BUDGET.**

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

1           “(41) for the budgets for each of fiscal years  
2           2023 through 2027, a report on—

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

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

12          “(C) a tabulation, by Treasury Appropria-  
13          tion Fund Symbol or fund account and appro-  
14          priation, of all balances of appropriations avail-  
15          able for an indefinite period in an appropriation  
16          account available for an indefinite period that  
17          do not meet the criteria for closure under sec-  
18          tion 1555, but for which either—

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

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

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

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

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

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

11               “(42) a report on—

12                   “(A) any obligation or expenditure made  
13                   by a department or agency affected in whole or  
14                   in part by any lapse in appropriations of 5 con-  
15                   secutive days or more during the preceding fis-  
16                   cal year; and

17                   “(B)(i) with respect to any such obligation  
18                   or expenditure, the amount so obligated or ex-  
19                   pended, the account affected, and an expla-  
20                   nation of which Antideficiency Act exceptions  
21                   permitted the department or agency, as the  
22                   case may be, to incur such obligation or expend-  
23                   iture; and

24                   “(ii) an explanation of any changes in the  
25                   application of any Antideficiency Act exception

1 for a program, project, or activity from any ex-  
2 planations previously reported on pursuant to  
3 this paragraph.”.

4 **SEC. 514. TRANSFER AND OTHER REPURPOSING AUTHOR-**  
5 **ITY REPORTING IN THE PRESIDENT’S BUDG-**  
6 **ET.**

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

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

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

15 “(B) with respect to any such authority,  
16 the citation to the statute, the list of depart-  
17 ments or agencies covered, an explanation of  
18 when such authority may be used, and an ex-  
19 planation on any use of such authority in the  
20 preceding 3 fiscal years.”.

21 **SEC. 515. AUTHORIZING CANCELLATIONS IN INDEFINITE**  
22 **ACCOUNTS BY APPROPRIATION.**

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



1 **“SEC. 1555a. CANCELLATION OF APPROPRIATIONS AVAIL-**  
2 **ABLE FOR INDEFINITE PERIODS WITHIN AN**  
3 **ACCOUNT.**

4 “Any remaining balance (whether obligated or unobli-  
5 gated) from an appropriation available for an indefinite  
6 period in an appropriation account available for an indefi-  
7 nite period that does not meet the requirements for closure  
8 under section 1555 shall be canceled, and thereafter shall  
9 not be available for obligation or expenditure for any pur-  
10 pose, if—

11 “(1) the head of the agency concerned or the  
12 President determines that the purposes for which  
13 the appropriation was made have been carried out;  
14 and

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

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

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

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 GOVERNMENT AC-**  
6 **COUNTABILITY OFFICE FOR BUDGET AND AP-**  
7 **PROPRIATIONS 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 GOVERNMENT AC-**  
13 **COUNTABILITY OFFICE FOR BUDGET AND AP-**  
14 **PROPRIATIONS LAW DECISIONS.**

15 “(a) If an executive agency or the District of Colum-  
16 bia government receives a written request for information,  
17 documentation, or views from the Government Account-  
18 ability Office relating to a decision or opinion on budget  
19 or appropriations law, the executive agency or the District  
20 of Columbia government shall provide the requested infor-  
21 mation, documentation, or views not later than 20 days  
22 after receiving the written request, unless such written re-  
23 quest specifically provides otherwise.

24 “(b) If an executive agency or the District of Colum-  
25 bia government fails to respond to the request for informa-

1 tion, documentation, or views within the time required by  
2 this section—

3 “(1) the Comptroller General shall notify, in  
4 writing, the Committee on Oversight and Reform of  
5 the House of Representatives, Committee on Home-  
6 land Security and Governmental Affairs of the Sen-  
7 ate, and any other appropriate congressional com-  
8 mittee of the House of Representatives and the Sen-  
9 ate of such failure; and

10 “(2) the Comptroller General is hereby ex-  
11 pressly empowered, through attorneys of their own  
12 selection, to bring a civil action in the United States  
13 District Court for the District of Columbia to re-  
14 quire such information, documentation, or views to  
15 be produced, and such court is expressly empowered  
16 to enter in such civil action, against any department,  
17 agency, officer, or employee of the United States,  
18 any decree, judgment, or order which may be nec-  
19 essary or appropriate to require such production.

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

23 (b) CLERICAL AMENDMENT.—The table of sections  
24 for subchapter II of chapter 7 of title 31, United States

1 Code, is amended by inserting after the item relating to  
2 section 721 the following:

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

3 **SEC. 522. REPORTING REQUIREMENTS FOR**  
4 **ANTIDEFICIENCY ACT VIOLATIONS.**

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

7 (1) by striking “If” and inserting “(a) If the  
8 Government Accountability Office, an executive  
9 agency, or the District of Columbia government de-  
10 termines that”; and

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

12 “(b) Any such report shall include a summary of the  
13 facts pertaining to the violation, the title and Treasury  
14 Appropriation Fund Symbol of the appropriation or fund  
15 account, the amount involved for each violation, the date  
16 on which the violation occurred, the position of any officer  
17 or employee responsible for the violation, a statement of  
18 the administrative discipline imposed and any further ac-  
19 tion taken with respect to any officer or employee involved  
20 in the violation, a statement of any additional action taken  
21 to prevent recurrence of the same type of violation, a  
22 statement of any determination that the violation was not  
23 knowing and willful that has been made by the executive  
24 agency or District of Columbia government, and any writ-

1 ten response by any officer or employee identified by posi-  
2 tion as involved in the violation. In the case that the Gov-  
3 ernment Accountability Office issues a legal decision con-  
4 cluding that section 1341(a) or 1342 was violated and the  
5 executive agency or District of Columbia government, as  
6 applicable, does not agree that a violation has occurred,  
7 the report provided to the President, the Congress, and  
8 the Comptroller General will explain its position.”.

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

11 (1) in subsection (b), by striking “If” and in-  
12 serting “If the Government Accountability Office, an  
13 executive agency, or the District of Columbia gov-  
14 ernment determines that”; and

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

16 “(c) Any such report shall include a summary of the  
17 facts pertaining to the violation, the title and Treasury  
18 Appropriation Fund Symbol of the appropriation or fund  
19 account, the amount involved for each violation, the date  
20 on which the violation occurred, the position of any officer  
21 or employee responsible for the violation, a statement of  
22 the administrative discipline imposed and any further ac-  
23 tion taken with respect to any officer or employee involved  
24 in the violation, a statement of any additional action taken  
25 to prevent recurrence of the same type of violation, a

1 statement of any determination that the violation was not  
2 knowing and willful that has been made by the executive  
3 agency or District of Columbia government, and any writ-  
4 ten response by any officer or employee identified by posi-  
5 tion as involved in the violation. In the case that the Gov-  
6 ernment Accountability Office issues a legal decision con-  
7 cluding that subsection (a) was violated and the executive  
8 agency or District of Columbia government, as applicable,  
9 does not agree that a violation has occurred, the report  
10 provided to the President, the Congress, and the Comp-  
11 troller General will explain its position.”.

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

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

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

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

20 “(b)(1) If an executive agency or the District of Co-  
21 lumbia government reports, under section 1351, a viola-  
22 tion 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 executive agency and the District of Columbia  
10 government—

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

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

17 “(C) without identification of any individual of-  
18 ficer or employee of the United States Government  
19 or of the District of Columbia government, a de-  
20 scription of each investigation undertaken in accord-  
21 ance with paragraph (1) during the preceding cal-  
22 endar year and an explanation of the status of any  
23 such investigation; and

24 “(D) without identification of any individual of-  
25 ficer or employee of the United States Government

1 or of the District of Columbia government, an expla-  
2 nation of any update to the status of any review or  
3 investigation previously reported pursuant to this  
4 subsection.”.

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

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

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

10 “(b)(1) If an executive agency or the District of Co-  
11 lumbia government reports, under section 1517(b), a vio-  
12 lation of section 1517(a), the Attorney General shall  
13 promptly review such report and investigate to the extent  
14 necessary to determine whether there are reasonable  
15 grounds to believe that the responsible officer or employee  
16 knowingly and willfully violated such section 1517(a). If  
17 the Attorney General determines that there are such rea-  
18 sonable grounds, the Attorney General diligently shall in-  
19 vestigate a criminal violation under this section.

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



1           “(A) the number of reports under section  
2           1517(b) transmitted to the President during the pre-  
3           ceding calendar year;

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

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

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

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

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

22                           **TICE OFFICE OF LEGAL COUNSEL.**

23           (a) **SCHEDULE OF PUBLICATION FOR FINAL OLC**  
24 **OPINIONS.**—Each final opinion issued by the Office of  
25 Legal Counsel of the Department of Justice relating to

1 section 1301(a), 1341, 1342, 1501, 1502, 1512, 1513,  
2 1515, 1517, or 3302(b) of title 31, United States Code,  
3 any provision of the Balanced Budget and Emergency  
4 Deficit Control Act of 1985, the Federal Credit Reform  
5 Act of 1990, the Impoundment Control Act of 1974, an  
6 appropriation Act, continuing resolution, or another provi-  
7 sion of law providing or governing appropriations or budg-  
8 et authority shall be made available on its public website  
9 in a manner that is searchable, sortable, and downloadable  
10 in its entirety as soon as is practicable, but—

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

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

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

21 (4) not later than 3 years after the date of en-  
22 actment of this Act for an opinion issued on or after  
23 January 20, 1969, and before or on January 19,  
24 1981; and

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

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

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

7                   (A) information contained in the opinion  
8                   was—

9                           (i) specifically authorized to be kept  
10                           secret, under criteria established by an Ex-  
11                           ecutive order, in the interest of national  
12                           defense or foreign policy;

13                           (ii) properly classified, including all  
14                           procedural and marking requirements, pur-  
15                           suant to such Executive order;

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

20                           (iv) put through declassification re-  
21                           view within the past two years;

22                           (B) information contained in the opinion  
23                           relates to the appointment of a specific indi-  
24                           vidual not confirmed to Federal office;

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

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

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

11 (D) information in the opinion includes  
12 trade secrets and commercial or financial infor-  
13 mation obtained from a person and privileged  
14 or confidential whose disclosure would likely  
15 cause substantial harm to the competitive posi-  
16 tion of the person from whom the information  
17 was obtained;

18 (E) the President, in his or her sole and  
19 nondelegable determination, formally and per-  
20 sonally claims in writing that executive privilege  
21 prevents the release of the information and dis-  
22 closure would cause specific identifiable harm to  
23 an interest protected by an exception or the dis-  
24 closure is prohibited by law; or

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

5 (2) DETERMINATION TO WITHHOLD.—Any de-  
6 termination under this subsection to withhold infor-  
7 mation contained in a final OLC opinion shall be  
8 made by the Attorney General or a designee of the  
9 Attorney General. The determination shall be—

10 (A) in writing;

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

14 (C) sufficiently detailed as to inform the  
15 public of what kind of information is being  
16 withheld and the reason therefore; and

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

20 (3) FINAL OPINIONS.—For final OLC opinions  
21 for which the text is withheld in full or in substan-  
22 tial part, a detailed unclassified summary of the  
23 opinion shall be made available to the public, in the  
24 same timeframe as required of the final OLC opin-  
25 ion, that conveys the essence of the opinion, includ-

1       ing any interpretations of a statute, the Constitu-  
2       tion, or other legal authority. A notation shall be in-  
3       cluded in any published list of OLC opinions regard-  
4       ing the extent of the withholdings.

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

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

17              (6) REASONABLY SEGREGABLE PORTIONS OF  
18      OPINIONS TO BE PUBLISHED.—Any reasonably seg-  
19      regable portion of an opinion shall be provided after  
20      withholding of the portions which are exempt under  
21      this section. The amount of information withheld,  
22      and the exemption under which the withholding is  
23      made, shall be indicated on the released portion of  
24      the opinion, unless including that indication would  
25      harm an interest protected by the exemption in this

1 paragraph under which the withholding is made. If  
2 technically feasible, the amount of the information  
3 withheld, and the exemption under which the with-  
4 holding is made, shall be indicated at the place in  
5 the opinion where such withholding is made.

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

10 (1) with respect to each opinion—

11 (A) contains an electronic copy of the opin-  
12 ion, including any transmittal letter associated  
13 with the opinion, in an open format that is plat-  
14 form independent and that is available to the  
15 public without restrictions;

16 (B) provides the public the ability to re-  
17 trieve an opinion, to the extent practicable,  
18 through searches based on—

19 (i) the title of the opinion;

20 (ii) the date of publication or revision;

21 or

22 (iii) the full text of the opinion;

23 (C) identifies the time and date when the  
24 opinion was required to be published, and when

1 the opinion was transmitted for publication;  
2 and

3 (D) provides a permanent means of access-  
4 ing the opinion electronically;

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

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

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

14 (d) DEFINITIONS.—In this section:

15 (1) OLC OPINION.—The term “OLC opinion”  
16 means views on a matter of legal interpretation com-  
17 municated by the Office of Legal Counsel of the De-  
18 partment of Justice to any other office or agency, or  
19 person in an office or agency, in the Executive  
20 Branch, including any office in the Department of  
21 Justice, the White House, or the Executive Office of  
22 the President, and rendered in accordance with sec-  
23 tions 511–513 of title 28, United States Code.  
24 Where the communication of the legal interpretation



1 takes place verbally, a memorialization of that com-  
2 munication qualifies as an “OLC opinion”.

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

5 (A) the Attorney General, Assistant Attor-  
6 ney General for the Office of Legal Counsel, or  
7 a Deputy Assistant General for the Office of  
8 Legal Counsel, has determined is final;

9 (B) government officials or government  
10 contractors are relying on or have relied on;

11 (C) is or has been relied upon to formulate  
12 legal guidance; or

13 (D) is cited in another Office of Legal  
14 Counsel opinion.

15 **Subtitle C—Strengthening Con-**  
16 **gressional Role in and Over-**  
17 **sight of Emergency Declarations**  
18 **and Designations**

19 **SEC. 531. IMPROVING CHECKS AND BALANCES ON THE USE**  
20 **OF THE NATIONAL EMERGENCIES ACT.**

21 (a) REQUIREMENTS RELATING TO DECLARATION  
22 AND RENEWAL OF NATIONAL EMERGENCIES.—Title II of  
23 the National Emergencies Act (50 U.S.C. 1621 et seq.)  
24 is amended by striking sections 201 and 202 and inserting  
25 the following:

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

2       “(a) **AUTHORITY TO DECLARE NATIONAL EMER-**  
3 **GENCIES.**—With respect to Acts of Congress authorizing  
4 the exercise, during the period of a national emergency,  
5 of any special or extraordinary power, the President is au-  
6 thorized to declare such a national emergency by procla-  
7 mation. Such proclamation shall immediately be trans-  
8 mitted to Congress and published in the Federal Register.

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

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

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

21       “(c) **PROHIBITION ON SUBSEQUENT ACTIONS IF**  
22 **EMERGENCIES NOT APPROVED.**—

23               “(1) **SUBSEQUENT DECLARATIONS.**—If a joint  
24 resolution of approval is not enacted under section  
25 203 with respect to a national emergency before the  
26 expiration of the period described in section 202(a),

1 or with respect to a national emergency proposed to  
2 be renewed under section 202(b), the President may  
3 not, during the remainder of the term of office of  
4 that President, declare a subsequent national emer-  
5 gency under subsection (a) with respect to the same  
6 circumstances.

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

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

21 **“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-**  
22 **GENCIES.**

23 “(a) TEMPORARY EFFECTIVE PERIODS.—

24 “(1) IN GENERAL.—Unless previously termi-  
25 nated pursuant to Presidential order or Act of Con-

1       gress, a declaration of a national emergency shall re-  
2       main in effect for 20 session days, in the case of the  
3       Senate, and 20 legislative days, in the case of the  
4       House, from the issuance of the proclamation under  
5       section 201(a) (not counting the day on which the  
6       proclamation was issued) and shall terminate when  
7       that period expires unless there is enacted into law  
8       a joint resolution of approval under section 203 with  
9       respect to the proclamation.

10           “(2) EXERCISE OF POWERS AND AUTHORI-  
11       TIES.—Unless the declaration of national emergency  
12       has been terminated pursuant to Presidential order  
13       or Act of Congress, any emergency power or author-  
14       ity made available under a provision of law specified  
15       pursuant to section 201(b) may be exercised pursu-  
16       ant to a declaration of a national emergency for 20  
17       session days, in the case of the Senate, and 20 legis-  
18       lative days, in the case of the House, from the  
19       issuance of the proclamation or Executive order (not  
20       counting the day on which such proclamation or Ex-  
21       ecutive order was issued). That power or authority  
22       may not be exercised after that period expires unless  
23       there is enacted into law a joint resolution of ap-  
24       proval under section 203 approving—

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

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

6           “(b) RENEWAL OF NATIONAL EMERGENCIES.—A na-  
7 tional emergency declared by the President under section  
8 201(a) or previously renewed under this subsection, and  
9 not already terminated pursuant to subsection (a) or (c),  
10 shall terminate on the date that is one year after the  
11 President transmitted to Congress the proclamation de-  
12 claring the emergency or the enactment of a previous re-  
13 newal pursuant to this subsection, unless—

14           “(1) the President publishes in the Federal  
15 Register and transmits to Congress an Executive  
16 order renewing the emergency; and

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

21           “(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

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

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

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

7           “(D) the date specified in a proclamation  
8           of the President terminating the emergency.

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

12           “(A) any powers or authorities exercised  
13           by reason of the emergency shall cease to be ex-  
14           ercised;

15           “(B) any amounts reprogrammed,  
16           repurposed, or transferred under any provision  
17           of law with respect to the emergency that re-  
18           main unobligated on that date shall be returned  
19           and made available for the purpose for which  
20           such amounts were appropriated; and

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

1 **“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMER-**  
2 **GENCIES.**

3 “(a) JOINT RESOLUTION OF APPROVAL DEFINED.—

4 In this section, the term ‘joint resolution of approval’  
5 means a joint resolution that does not have a preamble  
6 and that contains only the following provisions after its  
7 resolving clause:

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

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

11 “(B) Executive orders issued under section  
12 201(b)(2); or

13 “(C) Executive orders issued under section  
14 202(b); or

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

20 “(b) PROCEDURES FOR CONSIDERATION OF JOINT  
21 RESOLUTIONS OF APPROVAL.—

22 “(1) INTRODUCTION.—After the President  
23 transmits to Congress a proclamation declaring a  
24 national emergency under section 201(a), or an Ex-  
25 ecutive order specifying emergency powers or au-  
26 thorities under section 201(b)(2) or renewing a na-

1 tional emergency under section 202(b), a joint reso-  
2 lution of approval may be introduced in either House  
3 of Congress by any member of that House.

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

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

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

12 “(B) REPORTING AND DISCHARGE.—If the  
13 committee to which a joint resolution of ap-  
14 proval has been referred has not reported it at  
15 the end of 10 calendar days after its introduc-  
16 tion, that committee shall be discharged from  
17 further consideration of the resolution and it  
18 shall be placed on the calendar.

19 “(C) PROCEEDING TO CONSIDERATION.—  
20 Notwithstanding Rule XXII of the Standing  
21 Rules of the Senate, when a committee to which  
22 a joint resolution of approval is referred has re-  
23 ported the resolution, or when that committee is  
24 discharged under subparagraph (B) from fur-  
25 ther consideration of the resolution, it is at any



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

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

1 to be divided evenly between the proponents  
2 and opponents of the joint resolution.

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

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

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

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

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

23 “(B)(i) PROCEEDING TO CONSIDER-  
24 ATION.—Beginning on the third legislative day  
25 after each committee to which a joint resolution

1 of approval has been referred reports it to the  
2 House or has been discharged from further con-  
3 sideration thereof, it shall be in order to move  
4 to proceed to consider the joint resolution of ap-  
5 proval in the House. All points of order against  
6 the motion are waived. Such a motion shall not  
7 be in order after the House has disposed of a  
8 motion to proceed on the joint resolution of ap-  
9 proval. The previous question shall be consid-  
10 ered as ordered on the motion to its adoption  
11 without intervening motion. The motion shall  
12 not be debatable. A motion to reconsider the  
13 vote by which the motion is disposed of shall  
14 not be in order.

15 “(ii) MOTION.—A motion to proceed to the  
16 consideration of a joint resolution of approval of  
17 an Executive order described in subsection  
18 (a)(1) or a list described in subsection (a)(2)  
19 shall not be in order prior to the enactment of  
20 a joint resolution of approval of the proclama-  
21 tion described in subsection (a)(1) that is the  
22 subject of such Executive order or list.

23 “(C) CONSIDERATION.—The joint resolu-  
24 tion of approval shall be considered as read. All  
25 points of order against the joint resolution of

1 approval and against its consideration are  
2 waived. The previous question shall be consid-  
3 ered as ordered on the joint resolution of ap-  
4 proval to final passage without intervening mo-  
5 tion except two hours of debate equally divided  
6 and controlled by the sponsor of the joint reso-  
7 lution of approval (or a designee) and an oppo-  
8 nent. A motion to reconsider the vote on pas-  
9 sage of the joint resolution of approval shall not  
10 be in order.

11 “(5) COORDINATION WITH ACTION BY OTHER  
12 HOUSE.—

13 “(A) IN GENERAL.—If, before the passage  
14 by one House of a joint resolution of approval  
15 of that House, that House receives from the  
16 other House a joint resolution of approval with  
17 regard to the same proclamation or Executive  
18 order, then the following procedures shall apply:

19 “(i) The joint resolution of approval  
20 of the other House shall not be referred to  
21 a committee.

22 “(ii) With respect to a joint resolution  
23 of approval of the House receiving the  
24 joint resolution—

1                   “(I) the procedure in that House  
2                   shall be the same as if no joint resolu-  
3                   tion of approval had been received  
4                   from the other House; but

5                   “(II) the vote on passage shall be  
6                   on the joint resolution of approval of  
7                   the other House.

8                   “(iii) Upon the failure of passage of  
9                   the joint resolution of approval of the other  
10                  House, the question shall immediately  
11                  occur on passage of the joint resolution of  
12                  approval of the receiving House.

13                  “(B) TREATMENT OF LEGISLATION OF  
14                  OTHER HOUSE.—If one House fails to introduce  
15                  a joint resolution of approval under this section,  
16                  the joint resolution of approval of the other  
17                  House shall be entitled to expedited floor proce-  
18                  dures under this section.

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

24                  “(6) TREATMENT OF VETO MESSAGE.—Debate  
25                  on a veto message in the Senate under this section

1 shall be 1 hour evenly divided between the majority  
2 and minority leaders or their designees.

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

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

10 “(1) as an exercise of the rulemaking power of  
11 the Senate and the House of Representatives, re-  
12 spectively, and as such is deemed a part of the rules  
13 of each House, respectively, but applicable only with  
14 respect to the procedure to be followed in the House  
15 in the case of joint resolutions described in this sec-  
16 tion, and supersedes other rules only to the extent  
17 that it is inconsistent with such other rules; and

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

1 **“SEC. 204. EXCLUSION OF CERTAIN NATIONAL EMER-**  
2 **GENCIES INVOKING INTERNATIONAL EMER-**  
3 **GENCY ECONOMIC POWERS ACT.**

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

10 “(b) NATIONAL EMERGENCY DESCRIBED.—

11 “(1) IN GENERAL.—A national emergency de-  
12 scribed in this subsection is a national emergency  
13 pursuant to which the President proposes to exercise  
14 emergency powers or authorities made available  
15 under the International Emergency Economic Pow-  
16 ers Act (50 U.S.C. 1701 et seq.), supplemented as  
17 necessary by a provision of law specified in para-  
18 graph (2).

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

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

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

25 “(C) any provision of law that authorizes  
26 the implementation, imposition, or enforcement

1           of economic sanctions with respect to a foreign  
2           country.

3           “(c) EFFECT OF ADDITIONAL POWERS AND AU-  
4 THORITIES.—Subsection (a) shall not apply to a national  
5 emergency or the exercise of emergency powers and au-  
6 thorities pursuant to the national emergency if, in addition  
7 to the exercise of emergency powers and authorities de-  
8 scribed in subsection (b), the President proposes to exer-  
9 cise, pursuant to the national emergency, any emergency  
10 powers and authorities under any other provision of law.”.

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

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

21                 “(1) A description of the circumstances necessi-  
22 tating the declaration of a national emergency, the  
23 renewal of such an emergency, or the use of a new  
24 emergency authority specified in the Executive  
25 order, as the case may be.



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

5           “(3) A summary of the actions the President or  
6 other officers intend to take, including any re-  
7 programming or transfer of funds and any contracts  
8 anticipated to be entered into, and the statutory au-  
9 thorities the President and such officers expect to  
10 rely on in addressing the national emergency.

11           “(4) In the case of a renewal of a national  
12 emergency, a summary of the actions the President  
13 or other officers have taken in the preceding one-  
14 year period, including any reprogramming or trans-  
15 fer of funds, to address the emergency.

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

20           “(f) PERIODIC REPORTS ON STATUS OF EMER-  
21 GENCIES.—If the President declares a national emergency  
22 under section 201(a), the President shall, not less fre-  
23 quently than every 3 months for the duration of the emer-  
24 gency, report to Congress on the status of the emergency  
25 and the actions the President or other officers have taken

1 and authorities the President and such officers have relied  
2 on in addressing the emergency.”.

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

8 (1) by redesignating subsection (c) as sub-  
9 section (d); and

10 (2) by inserting after subsection (b) the fol-  
11 lowing:

12 “(c)(1) The authority granted to the President by  
13 this section does not include the authority to impose duties  
14 or tariff-rate quotas or (subject to paragraph (2)) other  
15 quotas on articles entering the United States.

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

19 (d) CONFORMING AMENDMENTS.—

20 (1) NATIONAL EMERGENCIES ACT.—Title III of  
21 the National Emergencies Act (50 U.S.C. 1631) is  
22 repealed.

23 (2) INTERNATIONAL EMERGENCY ECONOMIC  
24 POWERS ACT.—Section 207 of the International

1       Emergency Economic Powers Act (50 U.S.C. 1706)  
2       is amended—

3               (A) in subsection (b), by striking “concur-  
4               rent resolution” and inserting “joint resolution”  
5               each place it appears; and

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

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

11      (e) EFFECTIVE DATE; APPLICABILITY.—

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

18              (2) APPLICABILITY TO RENEWALS OF EXISTING  
19              EMERGENCIES.—When a national emergency de-  
20              clared under section 201 of the National Emer-  
21              gencies Act before the date of the enactment of the  
22              Congressional Power of the Purse Act would expire  
23              or be renewed under section 202(d) of that Act (as  
24              in effect on the day before such date of enactment),  
25              that national emergency shall be subject to the re-

1        requirements for renewal under section 202(b) of that  
2        Act, as amended by subsection (a).

3        **SEC. 532. NATIONAL EMERGENCIES ACT DECLARATION**  
4                                    **SPENDING REPORTING IN THE PRESIDENT'S**  
5                                    **BUDGET.**

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

9                    “(44)(A) a report on the proposed, planned,  
10                   and actual obligations and expenditures of funds (for  
11                   the prior fiscal year, the current fiscal year, and the  
12                   fiscal years for which the budget is submitted) at-  
13                   tributable to the exercise of powers and authorities  
14                   made available by statute for each national emer-  
15                   gency declared by the President, currently active or  
16                   in effect during the applicable fiscal years.

17                   “(B) Obligations and expenditures contained in  
18                   the report under subparagraph (A) shall be orga-  
19                   nized by Treasury Appropriation Fund Symbol or  
20                   fund account and by program, project, and activity,  
21                   and include—

22                                    “(i) a description of each such program,  
23                                    project, and activity;

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

1           “(iii) the purpose and progress of such ob-  
2           ligations and expenditures toward addressing  
3           the applicable national emergency.

4           “(C) Such report shall include, with respect to  
5           any transfer, reprogramming, or repurposing of  
6           funds to address the applicable national emer-  
7           gency—

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

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

12           “(iii) a description of programs, projects,  
13           and activities affected by such transfer, re-  
14           programming, or repurposing, including by a  
15           reduction in funding.”.

16 **SEC. 533. DISCLOSURE TO CONGRESS OF PRESIDENTIAL**  
17 **EMERGENCY ACTION DOCUMENTS.**

18           (a) **IN GENERAL.**—Not later than 30 days after the  
19 conclusion of the process for approval, adoption, or revi-  
20 sion of any presidential emergency action document, the  
21 President shall submit that document to the appropriate  
22 congressional committees.

23           (b) **DOCUMENTS IN EXISTENCE BEFORE DATE OF**  
24 **ENACTMENT.**—Not later than 15 days after the date of  
25 the enactment of this Act, the President shall submit to

1 the appropriate congressional committees all presidential  
2 emergency action documents in existence before such date  
3 of enactment.

4 (c) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
6 TEES.—The term “appropriate congressional com-  
7 mittees”, with respect to a presidential emergency  
8 action document submitted under subsection (a) or  
9 (b), means—

10 (A) the Committee on Homeland Security  
11 and Governmental Affairs, the Committee on  
12 the Judiciary, and the Select Committee on In-  
13 telligence of the Senate;

14 (B) the Committee on Oversight and Re-  
15 form, the Committee on the Judiciary, and the  
16 Permanent Select Committee on Intelligence of  
17 the House of Representatives; and

18 (C) any other committee of the Senate or  
19 the House of Representatives with jurisdiction  
20 over the subject matter addressed in the presi-  
21 dential emergency action document.

22 (2) PRESIDENTIAL EMERGENCY ACTION DOCU-  
23 MENT.—The term “presidential emergency action  
24 document” refers to—

1 (A) each of the approximately 56 docu-  
2 ments described as presidential emergency ac-  
3 tion documents in the budget justification mate-  
4 rials for the Office of Legal Counsel of the De-  
5 partment of Justice submitted to Congress in  
6 support of the budget of the President for fiscal  
7 year 2018; and

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

11 (i) is designated as a presidential  
12 emergency action document; or

13 (ii) is designed to implement a presi-  
14 dential decision or transmit a presidential  
15 request when an emergency disrupts nor-  
16 mal governmental or legislative processes.

17 **SEC. 534. EMERGENCY AND OVERSEAS CONTINGENCY OP-**  
18 **ERATIONS DESIGNATIONS BY CONGRESS IN**  
19 **STATUTE.**

20 Section 251(b)(2)(A) of the Balanced Budget and  
21 Emergency Deficit Control Act of 1985 (2 U.S.C.  
22 901(b)(2)(A)) is amended—

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

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

3 **TITLE VI—SECURITY FROM PO-**  
4 **LITICAL INTERFERENCE IN**  
5 **JUSTICE**

6 **SEC. 601. SHORT TITLE.**

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

9 **SEC. 602. DEFINITIONS.**

10 In this title:

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

14 (2) **COVERED COMMUNICATION.**—

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

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



1 (i) A communication that involves  
2 contact between the President, the Vice  
3 President, the Counsel to the President, or  
4 the Principal Deputy Counsel to the Presi-  
5 dent, and the Attorney General, the Dep-  
6 uty Attorney General, or the Associate At-  
7 torney General, except to the extent that  
8 the communication concerns a con-  
9 templated or ongoing investigation or liti-  
10 gation in which a target or subject is one  
11 of the following:

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

16 (II) Any individual working in  
17 the Executive Office of the President  
18 who is compensated at a rate of pay  
19 at or above level II of the Executive  
20 Schedule under section 5313 of title  
21 5, United States Code.

22 (III) The current or former chair  
23 or treasurer of any national campaign  
24 committee that sought the election or  
25 seeks the reelection of the President,

1 or any officer of such a committee ex-  
2 ercising authority at the national  
3 level, during the tenure in office of the  
4 President.

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

1 (I) The President, the Vice Presi-  
2 dent, or a member of the immediate  
3 family of the President or Vice Presi-  
4 dent.

5 (II) Any individual working in  
6 the Executive Office of the President  
7 who is compensated at a rate of pay  
8 at or above level II of the Executive  
9 Schedule under section 5313 of title  
10 5, United States Code.

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

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

1 communication concerns a pending adver-  
2 sary case in litigation that may have na-  
3 tional security implications.

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

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

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

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

23 (B) stands in loco parentis.

1 **SEC. 603. COMMUNICATIONS LOGS.**

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

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

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

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

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

13 (c) OVERSIGHT.—

14 (1) PERIODIC DISCLOSURE OF LOGS.—Not later  
15 than January 30 and July 30 of each year, the At-  
16 torney General shall submit to the Office of the In-  
17 spector General of the Department of Justice a re-  
18 port containing the communications log for the 6-  
19 month period preceding that January or July.

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

23 (A) review each communications log re-  
24 ceived under paragraph (1)(A); and

25 (B) notify the Committee on the Judiciary  
26 of the House of Representatives and the Com-

1           mittee on the Judiciary of the Senate if the In-  
2           specter General determines that a covered com-  
3           munication described in the communications  
4           log—

5                   (i) is inappropriate from a law en-  
6                   forcement perspective; or

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

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

14          **SEC. 604. RULE OF CONSTRUCTION.**

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

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

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

23          **SEC. 701. SHORT TITLE.**

24          This subtitle may be cited as the “Inspector General  
25          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 the  
13           President relied on to make the determina-  
14           tion 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 **TITLE VIII—PROTECTING**  
8 **WHISTLEBLOWERS**  
9 **Subtitle A—Whistleblower**  
10 **Protection Improvement**

11 **SEC. 801. SHORT TITLE.**

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

14 **SEC. 802. ADDITIONAL WHISTLEBLOWER PROTECTIONS.**

15 (a) **INVESTIGATIONS AS PERSONNEL ACTIONS.**—

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

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

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

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

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

1           “(I) the commencement, expansion, or  
2           extension of an investigation, but not in-  
3           cluding any investigation that is ministerial  
4           or nondiscretionary (including a ministerial  
5           or nondiscretionary investigation described  
6           in section 1213) or any investigation that  
7           is conducted by an Inspector General of an  
8           entity of the Government of an employee  
9           not employed by the office of that Inspec-  
10          tor General; and

11           “(II) a referral to an Inspector Gen-  
12          eral of an entity of the Government, except  
13          for a referral that is ministerial or nondis-  
14          cretionary; and”.

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

21          (b) RIGHT TO PETITION CONGRESS.—

22           (1) IN GENERAL.—Section 2302(b)(9) of title  
23          5, United States Code, is amended—

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

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

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

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

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

12 (c) PROHIBITION ON DISCLOSURE OF WHISTLE-  
13 BLOWER IDENTITY.—

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

17 “(g)(1) No employee of an agency may willfully com-  
18 municate or transmit to any individual who is not an offi-  
19 cer or employee of the Government the identity of, or per-  
20 sonally identifiable information about, any other employee  
21 because that other employee has made, or is suspected to  
22 have made, a disclosure protected by subsection (b)(8),  
23 unless—

24 “(A) the other employee provides express writ-  
25 ten consent prior to the communication or trans-

1 mission of their identity or personally identifiable in-  
2 formation;

3 “(B) the communication or transmission is  
4 made in accordance with the provisions of section  
5 552a;

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

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

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

14 “(A) the President;

15 “(B) a Member of Congress;

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

17 “(D) an employee as that term is defined in  
18 section 2105, including an employee of the United  
19 States Postal Service, the Postal Regulatory Com-  
20 mission, or the Department of Veterans Affairs (in-  
21 cluding any employee appointed pursuant to chapter  
22 73 or 74 of title 38); and

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

1           (2) APPLICATION.—The amendment made by  
2 paragraph (1) shall apply to any transmission or  
3 communication described in subsection (g) of section  
4 2302 of title 5, United States Code, as added by  
5 paragraph (1), made on or after the date of enact-  
6 ment of this Act.

7           (d) RIGHT TO PETITION CONGRESS.—

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

10 **“§ 7211. Employees’ right to petition or furnish infor-**  
11 **mation or respond to Congress**

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

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

17           “(2) furnish information, documents, or testi-  
18 mony to either House of Congress, any Member of  
19 Congress, or any committee or subcommittee of the  
20 Congress; or

21           “(3) respond to any request for information,  
22 documents, or testimony from either House of Con-  
23 gress or any Committee or subcommittee of Con-  
24 gress.



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

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

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

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

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

22               “(2) specifically required by Executive order to  
23 be kept secret in the interest of national defense or  
24 the conduct of foreign affairs, unless disclosure is  
25 otherwise authorized by law.

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

5           “(1) the President;

6           “(2) a Member of Congress;

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

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

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

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

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

“7211. Employees’ right to petition or furnish information or respond to Con-  
gress.”.

18 **SEC. 803. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**  
19 **TIONS.**

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

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

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

14       “(3) In any case in which the Special Counsel deter-  
15 mines that a referral to an Inspector General of an entity  
16 of the Federal Government was in retaliation for a disclo-  
17 sure or protected activity described in section 2302(b)(8)  
18 or in retaliation for exercising a right described in section  
19 2302(b)(9)(A)(i), the Special Counsel shall transmit that  
20 finding in writing to the Inspector General within seven  
21 days of making the finding. The Inspector General shall  
22 consider that finding and make a determination on wheth-  
23 er to initiate an investigation or continue an investigation  
24 based on the referral that the Special Counsel found to  
25 be retaliatory.”.

1 (c) ENSURING TIMELY RELIEF.—

2 (1) INDIVIDUAL RIGHT OF ACTION.—Section  
3 1221 of title 5, United States Code, is amended by  
4 striking “section 2302(b)(8) or section  
5 2302(b)(9)(A)(i), (B), (C), or (D),” each place it ap-  
6 pears and inserting “section 2302(b)(8), section  
7 2302(b)(9)(A)(i), (B), (C), (D), or (E), section  
8 2302(b)(13), or section 2302(g),”.

9 (2) STAYS.—Section 1221(c)(2) of title 5,  
10 United States Code, is amended to read as follows:

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

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

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

20 (3) APPEAL OF STAY.—Section 1221(c) of title  
21 5, United States Code, is amended by adding at the  
22 end the following:

23 “(4) If any stay requested under paragraph (1)  
24 is denied, the employee, former employee, or appli-  
25 cant may, within 7 days after receiving notice of the

1 denial, file an appeal for expedited review by the  
2 Board. The agency shall have 7 days thereafter to  
3 respond. The Board shall provide a decision not  
4 later than 21 days after receiving the appeal. During  
5 the period of appeal, both parties may supplement  
6 the record with information unavailable to them at  
7 the time the stay was first requested.”.

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

10 (A) IN GENERAL.—Section 1221(i) of title  
11 5, United States Code, is amended—

12 (i) by striking “(i) Subsections” and  
13 inserting “(i)(1) Subsections”; and

14 (ii) by adding at the end the fol-  
15 lowing:

16 “(2)(A) If, in the case of an employee, former em-  
17 ployee, or applicant for employment who seeks corrective  
18 action from the Merit Systems Protection Board based on  
19 an alleged prohibited personnel practice described in sec-  
20 tion 2302(b)(8), section 2302(b)(9)(A)(i), (B), (C), (D),  
21 or (E), section 2302(b)(13), or section 2302(g), no final  
22 order or decision is issued by the Board within 180 days  
23 after the date on which a request for such corrective action  
24 has been duly submitted to the Board, such employee,  
25 former employee, or applicant may, after providing written

1 notice to the Special Counsel and the Board and only with-  
2 in 20 days after providing such notice, bring an action  
3 for review de novo before the appropriate United States  
4 district court, and such action shall, at the request of ei-  
5 ther party to such action, be tried before a jury. Upon  
6 filing of an action with the appropriate United States dis-  
7 trict court, any proceedings before the Board shall cease  
8 and the employee, former employee, or applicant for em-  
9 ployment waives any right to refile with the Board.

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

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

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

18 “(ii) may award any relief which the court con-  
19 siders appropriate, including any relief described in  
20 subsection (g).”.

21 (B) APPLICATION.—

22 (i) The amendments made by sub-  
23 paragraph (A) shall apply to any corrective  
24 action duly submitted to the Merit Systems  
25 Protection Board, during the five-year pe-

1           riod preceding the date of enactment of  
2           this Act, by an employee, former employee,  
3           or applicant for employment based on an  
4           alleged prohibited personnel practice de-  
5           scribed in section 2302(b)(8),  
6           2302(b)(9)(A)(i), (B), (C), or (D), or  
7           2302(b)(13) of title 5, United States Code,  
8           with respect to which no final order or de-  
9           cision has been issued by the Board.

10                   (ii) In the case of an individual de-  
11                   scribed in clause (i) whose duly submitted  
12                   claim to the Board was made not later  
13                   than 180 days before the date of enact-  
14                   ment of this Act, such individual may only  
15                   bring an action before a United States dis-  
16                   trict court as described in section  
17                   1221(i)(2) of title 5, United States Code,  
18                   (as added by subparagraph (A) if that in-  
19                   dividual—

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

1 (II) brings such action not later  
2 than 20 days after providing such no-  
3 tice.

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

14 (e) ATTORNEY FEES.—

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

18 “(3) If an employee, former employee, or appli-  
19 cant for employment is the prevailing party under a  
20 proceeding brought under this section, the employee,  
21 former employee, or applicant for employment shall  
22 be entitled to attorney fees for all representation  
23 carried out pursuant to this section. In such an ac-  
24 tion for attorney fees, the agency responsible for



1 taking the personnel action shall be the respondent  
2 and shall be responsible for paying the fees.”.

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

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

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

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

22 (B) by inserting after “title 31” the fol-  
23 lowing: “, a commissioned officer or applicant  
24 for employment in the Public Health Service,  
25 an officer or applicant for employment in the

1 commissioned officer corps of the National Oce-  
2 anic and Atmospheric Administration, and a  
3 noncareer appointee in the Senior Executive  
4 Service”.

5 (2) CONFORMING AMENDMENTS.—Section 261  
6 of the National Oceanic and Atmospheric Adminis-  
7 tration Commissioned Officer Corps Act of 2002 (33  
8 U.S.C. 3071) is amended—

9 (A) in subsection (a)—

10 (i) by striking paragraph (8); and

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

14 (B) in subsection (b), by striking the sec-  
15 ond sentence.

16 (3) APPLICATION.—

17 (A) IN GENERAL.—With respect to an offi-  
18 cer or applicant for employment in the commis-  
19 sioned officer corps of the National Oceanic and  
20 Atmospheric Administration, the amendments  
21 made by paragraphs (1) and (2) shall apply to  
22 any personnel action taken against such officer  
23 or applicant on or after the date of enactment  
24 of the National Oceanic and Atmospheric Ad-  
25 ministration Commissioned Officer Corps

1 Amendments Act of 2020 (Public Law 116–  
2 259) for making any disclosure protected under  
3 section 2302(8) of title 5, United States Code.

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

10 (g) RELIEF.—

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

19 (2) APPLICATION.—In addition to any appeal  
20 made on or after the date of enactment of this Act  
21 to the Merit Systems Protection Board under section  
22 7701 of title 5, United States Code, the amendment  
23 made by paragraph (1) shall apply to any appeal  
24 made under such section before the date of enact-

1           ment of this Act with respect to which the Board  
2           has not issued a final decision.

3   **SEC. 804. CLASSIFYING CERTAIN FURLOUGHS AS ADVERSE**  
4                           **PERSONNEL ACTIONS.**

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

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

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

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

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

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

19   **SEC. 805. CODIFICATION OF PROTECTIONS FOR DISCLO-**  
20                           **SURES OF CENSORSHIP RELATED TO RE-**  
21                           **SEARCH, ANALYSIS, OR TECHNICAL INFOR-**  
22                           **MATION.**

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

1 “(h)(1) In this subsection—

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

4 “(B) the term ‘censorship related to research,  
5 analysis, or technical information’ means any effort  
6 to distort, misrepresent, or suppress research, anal-  
7 ysis, or technical information; and

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

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

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

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

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

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

1           “(II) such disclosure is not specifically pro-  
2           hibited by law or such information is not spe-  
3           cifically required by Executive order to be kept  
4           classified in the interest of national defense or  
5           the conduct of foreign affairs; and

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

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

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

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

18           “(II) the disclosure is made to the Special  
19           Counsel, or to the Inspector General of an  
20           agency or another person designated by the  
21           head of the agency to receive such disclosures,  
22           consistent with the protection of sources and  
23           methods.

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

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

10 (b) REPEAL.—

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

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

20 **SEC. 806. TITLE 5 TECHNICAL AND CONFORMING AMEND-**  
21 **MENTS.**

22 Title 5, United States Code, is amended—

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

1 (2) in section 1214—

2 (A) in subsections (a) and (b), by striking  
3 “section 2302(b)(8) or section 2302(b)(9)(A)(i),  
4 (B), (C), or (D)” each place it appears and in-  
5 serting “section 2302(b)(8), section  
6 2302(b)(9)(A)(i), (B), (C), (D), or (E), section  
7 2302(b)(13), or section 2302(g)”; and

8 (B) in subsection (i), by striking “section  
9 2302(b)(8) or subparagraph (A)(i), (B), (C), or  
10 (D) of section 2302(b)(9)” and inserting “sec-  
11 tion 2302(b)(8), subparagraph (A)(i), (B), (C),  
12 (D), or (E) of section 2302(b)(9), section  
13 2302(b)(13), or section 2302(g)”; and

14 (3) in section 1215(a)(3)(B), by striking “sec-  
15 tion 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or  
16 (D)” each place it appears and inserting “section  
17 2302(b)(8), section 2302(b)(9)(A)(i), (B), (C), (D),  
18 or (E), section 2302(b)(13), or section 2302(g)”; and

19 (4) in section 2302—

20 (A) in subsection (a)—

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

23 (ii) in paragraph (2)(C)(i), by striking  
24 “subsection (b)(8) or section  
25 2302(b)(9)(A)(i), (B), (C), or (D)” and in-



1           serting “section 2302(b)(8), section  
2           2302(b)(9)(A)(i), (B), (C), (D), or (E),  
3           section 2302(b)(13), or section 2302(g)”;  
4           and  
5           (B) in subsection (c)(1)(B), by striking  
6           “paragraph (8) or subparagraph (A)(i), (B),  
7           (C), or (D) of paragraph (9) of subsection (b)”  
8           and inserting “paragraph (8), subparagraph  
9           (A)(i), (B), (C), or (D) of paragraph (9), or  
10          paragraph (13) of subsection (b) or subsection  
11          (g)”;  
12          (5) in section 7515(a)(2), by striking “para-  
13          graph (8), (9), or (14) of section 2302(b)” and in-  
14          serting “paragraph (8), (9), (13), or (14) of section  
15          2302(b) or section 2302(g)”;  
16          (6) in section 7701(c)(2)(B), by inserting “or  
17          section 2302(g)” after “section 2302(b)”;  
18          (7) in section 7703(b)(1)(B), by striking “sec-  
19          tion 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or  
20          (D)” and inserting “section 2302(b)(8), section  
21          2302(b)(9)(A)(i), (B), (C), (D), or (E), section  
22          2302(b)(13), or section 2302(g)”.

1     **Subtitle B—Whistleblowers of the**  
2                     **Intelligence Community**

3     **SEC. 811. LIMITATION ON SHARING OF INTELLIGENCE**  
4                     **COMMUNITY WHISTLEBLOWER COMPLAINTS**  
5                     **WITH PERSONS NAMED IN SUCH COM-**  
6                     **PLAINTS.**

7             (a) IN GENERAL.—Title XII of the National Security  
8 Act of 1947, as added by section 711, is further amended  
9 by inserting after section 1205, as added by section  
10 713(c), the following new subtitle:

11                     **“Subtitle B—Protections for**  
12                     **Whistleblowers**

13     **“SEC. 1223. LIMITATION ON SHARING OF INTELLIGENCE**  
14                     **COMMUNITY WHISTLEBLOWER COMPLAINTS**  
15                     **WITH PERSONS NAMED IN SUCH COM-**  
16                     **PLAINTS.**

17             “(a) IN GENERAL.—It shall be unlawful for any em-  
18 ployee or officer of the Federal Government to knowingly  
19 and willfully share any whistleblower disclosure informa-  
20 tion with any individual named as a subject of the whistle-  
21 blower disclosure and alleged in the disclosure to have en-  
22 gaged in misconduct, unless—

23                     “(1) the whistleblower consented, in writing, to  
24             such sharing before the sharing occurs;

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

3           “(A) determines that such sharing is nec-  
4 essary to advance an investigation, audit, in-  
5 spection, review, or evaluation by the Inspector  
6 General; and

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

9           “(3) an attorney for the Government—

10           “(A) determines that such sharing is nec-  
11 essary to advance an investigation by the attor-  
12 ney; and

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

15           “(b) WHISTLEBLOWER DISCLOSURE INFORMATION  
16 DEFINED.—In this section, the term ‘whistleblower disclo-  
17 sure information’ means, with respect to a whistleblower  
18 disclosure—

19           “(1) the disclosure;

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

22           “(3) the identity, or other identifying informa-  
23 tion, of the whistleblower who made the disclosure.”.

24           (b) TECHNICAL AND CLERICAL AMENDMENTS.—

1           (1) TRANSFER.—The National Security Act of  
2           1947 (50 U.S.C. 3001 et seq.) is amended as fol-  
3           lows:

4                   (A) Section 1104 is—

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

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

9                           (iii) redesignated as section 1221.

10                   (B) Section 1106 is—

11                           (i) amended by striking “section  
12                           1104” each place it appears and inserting  
13                           “section 1221”;

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

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

18                           (iv) redesignated as section 1225.

19           (2) CLERICAL AMENDMENTS.—The table of sec-  
20           tions at the beginning of the National Security Act  
21           of 1947 is amended—

22                   (A) by striking the items relating to sec-  
23                   tion 1104 and section 1106; and

24                   (B) by inserting after the item relating to  
25                   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.”.

1           (c) DEFINITIONS.—Section 3 of such Act (50 U.S.C.  
2 3003), as amended by section 711, is further amended by  
3 adding at the end the following new paragraphs:

4           “(9) The term ‘whistleblower’ means a person  
5 who makes a whistleblower disclosure.

6           “(10) The term ‘whistleblower disclosure’  
7 means a disclosure that is protected under section  
8 1221 of this Act or section 3001(j)(1) of the Intel-  
9 ligence Reform and Terrorism Prevention Act of  
10 2004 (50 U.S.C. 3341(j)).”.

11          (d) CONFORMING AMENDMENT.—Section 5331 of the  
12 Damon Paul Nelson and Matthew Young Pollard Intel-  
13 ligence Authorization Act for Fiscal Years 2018, 2019,  
14 and 2020 (division E of Public Law 116–92; 50 U.S.C.  
15 3033 note) is amended by striking “section 1104 of the  
16 National Security Act of 1947 (50 U.S.C. 3234)” and in-  
17 serting “section 1221 of the National Security Act of  
18 1947”.

19 **SEC. 812. DISCLOSURES TO CONGRESS.**

20          (a) IN GENERAL.—Title XII of the National Security  
21 Act of 1947, as added by section 711, is further amended  
22 by inserting after section 1225, as designated by section  
23 811(b), the following new section:

1 **“SEC. 1227. PROCEDURES REGARDING DISCLOSURES TO**  
2 **CONGRESS.**

3 “(a) GUIDANCE.—

4 “(1) OBLIGATION TO PROVIDE SECURITY DI-  
5 RECTION UPON REQUEST.—Upon the request of a  
6 whistleblower, the head of the relevant element of  
7 the intelligence community, acting through the cov-  
8 ered Inspector General for that element, shall fur-  
9 nish on a confidential basis to the whistleblower in-  
10 formation regarding how the whistleblower may di-  
11 rectly contact the congressional intelligence commit-  
12 tees, in accordance with appropriate security prac-  
13 tices, regarding a complaint or information of the  
14 whistleblower pursuant to section 103H(k)(5)(D) or  
15 other appropriate provision of law.

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

21 “(A) the identity of the whistleblower; or

22 “(B) the element at which such whistle-  
23 blower is employed, detailed, or assigned as a  
24 contractor employee.

25 “(b) OVERSIGHT OF OBLIGATION.—If a covered In-  
26 spector General determines that the head of an element

1 of the intelligence community denied a request by a whis-  
2 tleblower under subsection (a), directed the whistleblower  
3 not to contact the congressional intelligence committees,  
4 or unreasonably delayed in providing information under  
5 such subsection, the covered Inspector General shall notify  
6 the congressional intelligence committees of such denial,  
7 direction, or unreasonable delay.

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

12       (b) CLERICAL AMENDMENT.—The table of sections  
13 at the beginning of the National Security Act of 1947 is  
14 amended by inserting after the item relating to section  
15 1225, as added by section 811(b), the following new item:

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

16       (c) CONFORMING AMENDMENT.—Section  
17 103H(k)(5)(D)(i) of the National Security Act of 1947  
18 (50 U.S.C. 3033(k)(5)(D)(i)) is amended by adding at the  
19 end the following: “The employee may request information  
20 pursuant to section 1227 with respect to contacting such  
21 committees.”.

1 **SEC. 813. PROHIBITION AGAINST DISCLOSURE OF WHIS-**  
2 **TLEBLOWER IDENTITY AS REPRISAL**  
3 **AGAINST WHISTLEBLOWER DISCLOSURE BY**  
4 **EMPLOYEES AND CONTRACTORS IN INTEL-**  
5 **LIGENCE COMMUNITY.**

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

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

11 (2) by redesignating subparagraph (J) as sub-  
12 paragraph (K); and

13 (3) by inserting after subparagraph (I) the fol-  
14 lowing:

15 “(J) a knowing and willful disclosure re-  
16 vealing the identity or other personally identifi-  
17 able information of such employee or such con-  
18 tractor employee without the express written  
19 consent of such employee or such contractor  
20 employee or if the Inspector General determines  
21 such disclosure is necessary for the exclusive  
22 purpose of investigating a complaint or infor-  
23 mation received under section 8H of the Inspec-  
24 tor General Act of 1978 (5 U.S.C. App. 8H);  
25 or”.



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

3 “(5) EMPLOYEE.—The term ‘employee’, with  
4 respect to an agency or a covered intelligence com-  
5 munity element, includes an individual who has been  
6 detailed to such agency or covered intelligence com-  
7 munity element.”.

8 (c) PRIVATE RIGHT OF ACTION FOR UNLAWFUL DIS-  
9 CLOSURE OF WHISTLEBLOWER IDENTITY.—Subsection  
10 (d) of such section is amended to read as follows:

11 “(d) ENFORCEMENT.—

12 “(1) IN GENERAL.—Except as otherwise pro-  
13 vided in this subsection, the President shall provide  
14 for the enforcement of this section.

15 “(2) PRIVATE RIGHT OF ACTION FOR UNLAW-  
16 FUL, WILLFUL DISCLOSURE OF WHISTLEBLOWER  
17 IDENTITY.—In a case in which an employee of an  
18 agency, or other employee or officer of the Federal  
19 Government, takes a personnel action described in  
20 subsection (a)(3)(J) against an employee of a cov-  
21 ered intelligence community element as a reprisal in  
22 violation of subsection (b) or in a case in which a  
23 contractor employee takes a personnel action de-  
24 scribed in such subsection against another con-  
25 tractor employee as a reprisal in violation of sub-

1 section (c), the employee or contractor employee  
2 against whom the personnel action was taken may  
3 bring a private action for all appropriate remedies,  
4 including injunctive relief and compensatory and pu-  
5 nitive damages, against the employee or contractor  
6 employee who took the personnel action, in a Fed-  
7 eral district court of competent jurisdiction within  
8 180 days of when the employee or contractor em-  
9 ployee first learned of or should have learned of the  
10 violation.”.

11 **TITLE IX—ACCOUNTABILITY**  
12 **FOR ACTING OFFICIALS**

13 **SEC. 901. SHORT TITLE.**

14 This title may be cited as the “Accountability for Act-  
15 ing Officials Act”.

16 **SEC. 902. CLARIFICATION OF FEDERAL VACANCIES RE-**  
17 **FORM ACT OF 1998.**

18 (a) **ELIGIBILITY REQUIREMENTS.**—Section 3345 of  
19 title 5, United States Code, is amended as follows:

20 (1) In subsection (a)—

21 (A) in paragraph (1), by adding at the end  
22 before the semi-colon the following: “, but, and  
23 except as provided in subsection (e), only if the  
24 individual serving in the position of first assist-  
25 ant has occupied such position for a period of

1 at least 30 days during the 365-day period pre-  
2 ceding the date of the death, resignation, or be-  
3 ginning of inability to serve”; and

4 (B) by striking subparagraph (A) of para-  
5 graph (3) and inserting the following:

6 “(A) the officer or employee served in a  
7 position in such agency for a period of at least  
8 1 year preceding the date of death, resignation,  
9 or beginning of inability to serve of the applica-  
10 ble officer; and”.

11 (2) By adding at the end the following:

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

20 “(e) The 30-day service requirement in subsection  
21 (a)(1) shall not apply to any individual who is a first as-  
22 sistant if—

23 “(1)(A) the office of such first assistant is an  
24 office for which appointment is required to be made

1 by the President, by and with the advice and consent  
2 of the Senate; and

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

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

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

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

19 (c) APPLICATION TO INDIVIDUALS REMOVED FROM  
20 OFFICE.—Paragraph (2) of section 3345(c) of title 5,  
21 United States Code, is amended by inserting after “the  
22 expiration of a term of office” the following: “or removal  
23 (voluntarily or involuntarily) from office”.

24 (d) VACANCY OF INSPECTOR GENERAL POSITIONS.—

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

5           “(f)(1) Notwithstanding subsection (a), if an Inspec-  
6           tor General position that requires appointment by the  
7           President by and with the advice and consent of the Sen-  
8           ate to be filled is vacant, the first assistant of such posi-  
9           tion shall perform the functions and duties of the Inspec-  
10          tor General temporarily in an acting capacity subject to  
11          the time limitations of section 3346.

12          “(2) Notwithstanding subsection (a), if for purposes  
13          of carrying out paragraph (1) of this subsection, by reason  
14          of absence, disability, or vacancy, the first assistant to the  
15          position of Inspector General is not available to perform  
16          the functions and duties of the Inspector General, an act-  
17          ing Inspector General shall be appointed by the President  
18          from among individuals serving in an office of any Inspec-  
19          tor General, provided that—

20                 “(A) during the 365-day period preceding the  
21                 date of death, resignation, or beginning of inability  
22                 to serve of the applicable Inspector General, the in-  
23                 dividual served in a position in an office of any In-  
24                 spector General for not less than 90 days; and

1           “(B) the rate of pay for the position of such in-  
2           dividual is equal to or greater than the minimum  
3           rate of pay payable for a position at GS–15 of the  
4           General Schedule.”.

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

9           (e) TESTIMONY OF ACTING OFFICIALS BEFORE CON-  
10          GRESS.—Section 3345 of title 5, United States Code, as  
11          amended by subsection (d)(1), is further amended by add-  
12          ing at the end the following:

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

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

24          (f) TIME LIMITATION FOR PRINCIPAL OFFICES.—  
25          Section 3346 of title 5, United States Code, is amended—

1 (1) in subsection (a), by inserting “or as pro-  
2 vided in subsection (d)” after “sickness”; and

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

4 “(d) With respect to the vacancy of the position of  
5 head of any agency listed in subsection (b) of section 901  
6 of title 31, or any other position that is within the Presi-  
7 dent’s cabinet and to which this section applies, sub-  
8 sections (a) through (c) of this section and sections  
9 3348(c), 3349(b), and 3349a(b) shall be applied by sub-  
10 stituting ‘120’ for ‘210’ in each instance.”.

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

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

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

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

25 (h) REPORTING OF VACANCIES.—

1           (1) IN GENERAL.—Section 3349 of title 5,  
2 United States Code, is amended—

3           (A) in subsection (a)—

4                 (i) by striking “immediately upon” in  
5 each instance and inserting “not later than  
6 7 days after”;

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

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

12                 (iv) by adding at the end the fol-  
13 lowing:

14           “(5) notification of the end of the term of serv-  
15 ice of any person serving in an acting capacity and  
16 the name of any subsequent person serving in an  
17 acting capacity and the date the service of such sub-  
18 sequent person began not later than 7 days after  
19 such date.”; and

20           (B) in subsection (b), by striking “imme-  
21 diately” and inserting “not later than 14 days  
22 after the date of such determination”.

23           (2) TECHNICAL CORRECTIONS.—Paragraphs  
24 (1) and (2) of subsection (b) of such section 3349  
25 of such title are amended to read as follows:



1           “(1) the Committee on Homeland Security and  
2           Governmental Affairs of the Senate;

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

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

8           “(b) Notwithstanding section 3346 (except as pro-  
9           vided in paragraph (2) of this subsection) or 3348(c), with  
10          respect to any vacancy that exists on a transitional inau-  
11          guration day, or that arises during the 60-day period be-  
12          ginning on such day, the person serving as an acting offi-  
13          cer as described under section 3345 may serve in the of-  
14          fice—

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

17                 “(2) subject to subsection 3346(b), once a first  
18                 or second nomination for the office is submitted to  
19                 the Senate, from the date of such nomination for the  
20                 period that the nomination is pending in the Sen-  
21                 ate.”.

1 **TITLE X—STRENGTHENING**  
2 **HATCH ACT ENFORCEMENT**  
3 **AND PENALTIES**

4 **SEC. 1001. SHORT TITLE.**

5 This title may be cited as the “Hatch Act Account-  
6 ability Act”.

7 **SEC. 1002. STRENGTHENING HATCH ACT ENFORCEMENT**  
8 **AND PENALTIES AGAINST POLITICAL AP-**  
9 **POINTEES.**

10 (a) INVESTIGATIONS BY OFFICE OF SPECIAL COUN-  
11 SEL.—Section 1216 of title 5, United States Code, as  
12 amended by section 307, is amended—

13 (1) in subsection (c), by striking “(1),”; and  
14 (2) by adding at the end the following:

15 “(e)(1) In addition to the authority otherwise pro-  
16 vided in this chapter, the Special Counsel—

17 “(A) shall conduct an investigation with respect  
18 to any allegation concerning political activity prohib-  
19 ited under subchapter III of chapter 73 (relating to  
20 political activities by Federal employees); and

21 “(B) may, regardless of whether the Special  
22 Counsel has received an allegation, conduct any in-  
23 vestigation as the Special Counsel considers nec-  
24 essary concerning political activity prohibited under  
25 such subchapter.

1       “(2) With respect to any investigation under para-  
2 graph (1) of this subsection, the Special Counsel may seek  
3 corrective action under section 1214 and disciplinary ac-  
4 tion under section 1215 in the same way as if a prohibited  
5 personnel practice were involved.

6       “(f)(1) Notwithstanding subsection (b) of section  
7 1215, consistent with paragraph (3) of this subsection, if  
8 after an investigation under subsection (d)(1) the Special  
9 Counsel determines that a political appointee has violated  
10 section 7323 or 7324, the Special Counsel may present  
11 a complaint to the Merit Systems Protection Board under  
12 the process provided in section 1215, against such political  
13 appointee.

14       “(2) Notwithstanding section 7326, a final order of  
15 the Board on a complaint of a violation of section 7323  
16 or 7324 by a political appointee may impose an assess-  
17 ment of a civil penalty not to exceed \$50,000.

18       “(3) The Special Counsel may not present a com-  
19 plaint under paragraph (1) of this subsection—

20               “(A) unless no disciplinary action or civil pen-  
21 alty has been taken or assessed, respectively, against  
22 the political appointee pursuant to section 7326; and

23               “(B) until on or after the date that is 90 days  
24 after the date that the complaint regarding the polit-  
25 ical appointee was presented to the President under

1 section 1215(b), notwithstanding whether the Presi-  
2 dent submits a written statement pursuant to para-  
3 graph (4) of this subsection.

4 “(4)(A) Not later than 90 days after receiving from  
5 the Special Counsel a complaint recommending discipli-  
6 nary action under section 1215(b) with respect to a polit-  
7 ical appointee for a violation of section 7323 or 7324, the  
8 President shall provide a written statement to the Special  
9 Counsel on whether the President imposed the rec-  
10 ommended disciplinary action, imposed another form of  
11 disciplinary action and the nature of that disciplinary ac-  
12 tion, or took no disciplinary action against the political  
13 appointee.

14 “(B) Not later than 14 days after receiving a written  
15 statement under subparagraph (A) of this paragraph—

16 “(i) the Special Counsel shall submit the writ-  
17 ten statement to the Committee on Oversight and  
18 Reform of the House of Representatives and the  
19 Committee on Homeland Security and Governmental  
20 Affairs of the Senate; and

21 “(ii) publish the written statement on the public  
22 website of the Office of Special Counsel.

23 “(5) Not later than 14 days after the date that the  
24 Special Counsel determines a political appointee has vio-  
25 lated section 7323 or 7324, the Special Counsel shall—

1           “(A) submit a report on the investigation into  
2           such political appointee, and any communications  
3           sent from the Special Counsel to the President rec-  
4           ommending discipline of such political appointee, to  
5           the Committee on Oversight and Reform of the  
6           House of Representatives and the Committee on  
7           Homeland Security and Governmental Affairs of the  
8           Senate; and

9           “(B) publish the report and such communica-  
10          tions on the public website of the Office of Special  
11          Counsel.

12          “(6) In this subsection, the term ‘political appointee’  
13          means any individual, other than the President and the  
14          Vice-President, employed or holding office—

15                 “(A) in the Executive Office of the President,  
16                 the Office of the Vice President, and any other office  
17                 of the White House, but not including any career  
18                 employee; or

19                 “(B) in a confidential, policy-making, policy-de-  
20                 termining, or policy-advocating position appointed by  
21                 the President, by and with the advice and consent  
22                 of the Senate (other than an individual in the For-  
23                 eign Service of the United States).”.

24          (b) CLARIFICATION ON APPLICATION OF HATCH ACT  
25          TO EOP AND OVP EMPLOYEES.—Section 7322(1)(A) of

1 title 5, United States Code, is amended by inserting after  
2 “Executive agency” the following: “, including the Execu-  
3 tive Office of the President, the Office of the Vice Presi-  
4 dent, and any other office of the White House,”.

5 **TITLE XI—PROMOTING EFFI-**  
6 **CIENT PRESIDENTIAL TRAN-**  
7 **SITIONS**

8 **SEC. 1101. SHORT TITLE.**

9 This title may be cited as the “Efficient Transition  
10 Act of 2021”.

11 **SEC. 1102. ASCERTAINMENT OF SUCCESSFUL CANDIDATES**  
12 **IN GENERAL ELECTIONS FOR PURPOSES OF**  
13 **PRESIDENTIAL TRANSITION.**

14 (a) IN GENERAL.—Section 3(c) of the Presidential  
15 Transition Act of 1963 (3 U.S.C. 102 note) is amended—

16 (1) by striking “The terms” and inserting “(1)  
17 The terms”; and

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

19 “(2) The Administrator shall make the ascertainment  
20 under paragraph (1) as soon as practicable after the gen-  
21 eral elections.

22 “(3) If the Administrator does not make such ascer-  
23 tainment within 5 days after such elections, each eligible  
24 candidate for President and Vice President shall be treat-  
25 ed as if they are the apparent successful candidate for pur-

1 poses of this Act until the Administrator makes the ascer-  
2 tainment or until the House of Representatives and the  
3 Senate certify the results of the elections, whichever occurs  
4 first.”.

5 (b) REGULATIONS.—Not later than 270 days after  
6 the date of enactment of this Act, the Administrator of  
7 General Services shall promulgate regulations that estab-  
8 lish standards and procedures to be followed by the Ad-  
9 ministrator in making any future determination regarding  
10 ascertainment under section 3(c) of the Presidential Tran-  
11 sition Act of 1963, as amended by subsection (a).

12 **TITLE XII—PRESIDENTIAL AND**  
13 **VICE PRESIDENTIAL TAX**  
14 **TRANSPARENCY**

Sec. 1201. Presidential and Vice Presidential tax transparency.

15 **SEC. 1201. PRESIDENTIAL AND VICE PRESIDENTIAL TAX**  
16 **TRANSPARENCY.**

17 (a) DEFINITIONS.—In this section—

18 (1) The term “covered candidate” means a can-  
19 didate of a major party in a general election for the  
20 office of President or Vice President.

21 (2) The term “major party” has the meaning  
22 given the term in section 9002 of the Internal Rev-  
23 enue Code of 1986.

1           (3) The term “income tax return” means, with  
2           respect to an individual, any return (as such term is  
3           defined in section 6103(b)(1) of the Internal Rev-  
4           enue Code of 1986, except that such term shall not  
5           include declarations of estimated tax) of—

6                   (A) such individual, other than information  
7                   returns issued to persons other than such indi-  
8                   vidual; or

9                   (B) of any corporation, partnership, or  
10                  trust in which such individual holds, directly or  
11                  indirectly, a significant interest as the sole or  
12                  principal owner or the sole or principal bene-  
13                  ficial owner (as such terms are defined in regu-  
14                  lations prescribed by the Secretary of the  
15                  Treasury or his delegate).

16           (4) The term “Secretary” means the Secretary  
17           of the Treasury or the delegate of the Secretary.

18           (b) DISCLOSURE.—

19                   (1) IN GENERAL.—

20                           (A) CANDIDATES FOR PRESIDENT AND  
21                           VICE PRESIDENT.—Not later than the date that  
22                           is 15 days after the date on which an individual  
23                           becomes a covered candidate, the individual  
24                           shall submit to the Federal Election Commis-  
25                           sion a copy of the individual’s income tax re-



1 turns for the 10 most recent taxable years for  
2 which a return has been filed with the Internal  
3 Revenue Service.

4 (B) PRESIDENT AND VICE PRESIDENT.—  
5 With respect to an individual who is the Presi-  
6 dent or Vice President, not later than the due  
7 date for the return of tax for each taxable year,  
8 such individual shall submit to the Federal  
9 Election Commission a copy of the individual's  
10 income tax returns for the taxable year and for  
11 the 9 preceding taxable years.

12 (C) TRANSITION RULE FOR SITTING PRESI-  
13 DENTS AND VICE PRESIDENTS.—Not later than  
14 the date that is 30 days after the date of enact-  
15 ment of this section, an individual who is the  
16 President or Vice President on such date of en-  
17 actment shall submit to the Federal Election  
18 Commission a copy of the income tax returns  
19 for the 10 most recent taxable years for which  
20 a return has been filed with the Internal Rev-  
21 enue Service.

22 (2) FAILURE TO DISCLOSE.—If any require-  
23 ment under paragraph (1) to submit an income tax  
24 return is not met, the chairman of the Federal Elec-  
25 tion Commission shall submit to the Secretary a

1 written request that the Secretary provide the Fed-  
2 eral Election Commission with the income tax re-  
3 turn.

4 (3) PUBLICLY AVAILABLE.—The chairman of  
5 the Federal Election Commission shall make publicly  
6 available each income tax return submitted under  
7 paragraph (1) in the same manner as a return pro-  
8 vided under section 6103(l)(23) of the Internal Rev-  
9 enue Code of 1986 (as added by this section).

10 (4) TREATMENT AS A REPORT UNDER THE  
11 FEDERAL ELECTION CAMPAIGN ACT OF 1971.—For  
12 purposes of the Federal Election Campaign Act of  
13 1971, any income tax return submitted under para-  
14 graph (1) or provided under section 6103(l)(23) of  
15 the Internal Revenue Code of 1986 (as added by  
16 this section) shall, after redaction under paragraph  
17 (3) or subparagraph (B)(ii) of such section, be treat-  
18 ed as a report filed under the Federal Election Cam-  
19 paign Act of 1971.

20 (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND  
21 VICE PRESIDENTS AND CERTAIN CANDIDATES FOR  
22 PRESIDENT AND VICE PRESIDENT.—

23 (1) IN GENERAL.—Section 6103(l) of the Inter-  
24 nal Revenue Code of 1986 is amended by adding at  
25 the end the following new paragraph:

1           “(23) DISCLOSURE OF RETURN INFORMATION  
2           OF PRESIDENTS AND VICE PRESIDENTS AND CER-  
3           TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-  
4           DENT.—

5           “(A) IN GENERAL.—Upon written request  
6           by the chairman of the Federal Election Com-  
7           mission under section 1201(b)(2) of the Pro-  
8           tecting Our Democracy Act, not later than the  
9           date that is 15 days after the date of such re-  
10          quest, the Secretary shall provide copies of any  
11          return which is so requested to officers and em-  
12          ployees of the Federal Election Commission  
13          whose official duties include disclosure or redac-  
14          tion of such return under this paragraph.

15          “(B) DISCLOSURE TO THE PUBLIC.—

16                 “(i) IN GENERAL.—The chairman of  
17                 the Federal Election Commission shall  
18                 make publicly available any return which is  
19                 provided under subparagraph (A).

20                 “(ii) REDACTION OF CERTAIN INFOR-  
21                 MATION.—Before making publicly available  
22                 under clause (i) any return, the chairman  
23                 of the Federal Election Commission shall  
24                 redact such information as the Federal  
25                 Election Commission and the Secretary

1 jointly determine is necessary for pro-  
2 tecting against identity theft, such as so-  
3 cial security numbers.”.

4 (2) CONFORMING AMENDMENTS.—Section  
5 6103(p)(4) of such Code is amended—

6 (A) in the matter preceding subparagraph  
7 (A) by striking “or (22)” and inserting “(22),  
8 or (23)”; and

9 (B) in subparagraph (F)(ii) by striking “or  
10 (22)” and inserting “(22), or (23)”.

11 (3) EFFECTIVE DATE.—The amendments made  
12 by this subsection shall apply to disclosures made on  
13 or after the date of enactment of this Act.

14 **DIVISION C—DEFENDING ELEC-**  
15 **TIONS AGAINST FOREIGN IN-**  
16 **TERFERENCE**

17 **TITLE XIII—REPORTING FOR-**  
18 **EIGN INTERFERENCE IN**  
19 **ELECTIONS**

20 **SEC. 1301. FEDERAL CAMPAIGN REPORTING OF FOREIGN**  
21 **CONTACTS.**

22 (a) INITIAL NOTICE.—

23 (1) IN GENERAL.—Section 304 of the Federal  
24 Election Campaign Act of 1971 (52 U.S.C. 30104)

1 is amended by adding at the end the following new  
2 subsection:

3 “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-  
4 TACTS.—

5 “(1) COMMITTEE OBLIGATION TO NOTIFY.—

6 Not later than 1 week after a reportable foreign con-  
7 tact, each political committee shall notify the Fed-  
8 eral Bureau of Investigation and the Commission of  
9 the reportable foreign contact and provide a sum-  
10 mary of the circumstances with respect to such re-  
11 portable foreign contact. The Federal Bureau of In-  
12 vestigation, not later than 1 week after receiving a  
13 notification from a political committee under this  
14 paragraph, shall submit to the political committee,  
15 the Permanent Select Committee on Intelligence of  
16 the House of Representatives, and the Select Com-  
17 mittee on Intelligence of the Senate written or elec-  
18 tronic confirmation of receipt of the notification.

19 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—

20 Not later than 3 days after a reportable foreign con-  
21 tact—

22 “(A) each candidate and each immediate  
23 family member of a candidate shall notify the  
24 treasurer or other designated official of the  
25 principal campaign committee of such candidate

1 of the reportable foreign contact and provide a  
2 summary of the circumstances with respect to  
3 such reportable foreign contact; and

4 “(B) each official, employee, or agent of a  
5 political committee shall notify the treasurer or  
6 other designated official of the committee of the  
7 reportable foreign contact and provide a sum-  
8 mary of the circumstances with respect to such  
9 reportable foreign contact.

10 “(3) REPORTABLE FOREIGN CONTACT.—In this  
11 subsection:

12 “(A) IN GENERAL.—The term ‘reportable  
13 foreign contact’ means any direct or indirect  
14 contact or communication that—

15 “(i) is between—

16 “(I) a candidate, an immediate  
17 family member of the candidate, a po-  
18 litical committee, or any official, em-  
19 ployee, or agent of such committee;  
20 and

21 “(II) an individual that the per-  
22 son described in subclause (I) knows,  
23 has reason to know, or reasonably be-  
24 lieves is a covered foreign national;  
25 and

1 “(ii) the person described in clause  
2 (i)(I) knows, has reason to know, or rea-  
3 sonably believes involves—

4 “(I) an offer or other proposal  
5 for a contribution, donation, expendi-  
6 ture, disbursement, or solicitation de-  
7 scribed in section 319; or

8 “(II) coordination or collabora-  
9 tion with, an offer or provision of in-  
10 formation or services to or from, or  
11 persistent and repeated contact with,  
12 a covered foreign national in connec-  
13 tion with an election.

14 “(B) EXCEPTIONS.—

15 “(i) CONTACTS IN OFFICIAL CAPACITY  
16 AS ELECTED OFFICIAL.—The term ‘report-  
17 able foreign contact’ shall not include any  
18 contact or communication with a covered  
19 foreign national by an elected official or an  
20 employee of an elected official solely in an  
21 official capacity as such an official or em-  
22 ployee.

23 “(ii) CONTACTS FOR PURPOSES OF  
24 ENABLING OBSERVATION OF ELECTIONS  
25 BY INTERNATIONAL OBSERVERS.—The

1 term ‘reportable foreign contact’ shall not  
2 include any contact or communication with  
3 a covered foreign national by any person  
4 which is made for purposes of enabling the  
5 observation of elections in the United  
6 States by a foreign national or the obser-  
7 vation of elections outside of the United  
8 States by a candidate, political committee,  
9 or any official, employee, or agent of such  
10 committee.

11 “(iii) EXCEPTIONS NOT APPLICABLE  
12 IF CONTACTS OR COMMUNICATIONS IN-  
13 VOLVE PROHIBITED DISBURSEMENTS.—A  
14 contact or communication by an elected of-  
15 ficial or an employee of an elected official  
16 shall not be considered to be made solely  
17 in an official capacity for purposes of  
18 clause (i), and a contact or communication  
19 shall not be considered to be made for pur-  
20 poses of enabling the observation of elec-  
21 tions for purposes of clause (ii), if the con-  
22 tact or communication involves a contribu-  
23 tion, donation, expenditure, disbursement,  
24 or solicitation described in section 319.



1                   “(C) COVERED FOREIGN NATIONAL DE-  
2                   FINED.—

3                   “(i) IN GENERAL.—In this paragraph,  
4                   the term ‘covered foreign national’  
5                   means—

6                   “(I) a foreign principal (as de-  
7                   fined in section 1(b) of the Foreign  
8                   Agents Registration Act of 1938 (22  
9                   U.S.C. 611(b)) that is a government  
10                  of a foreign country or a foreign polit-  
11                  ical party;

12                  “(II) any person who acts as an  
13                  agent, representative, employee, or  
14                  servant, or any person who acts in  
15                  any other capacity at the order, re-  
16                  quest, or under the direction or con-  
17                  trol, of a foreign principal described in  
18                  subclause (I) or of a person any of  
19                  whose activities are directly or indi-  
20                  rectly supervised, directed, controlled,  
21                  financed, or subsidized in whole or in  
22                  major part by a foreign principal de-  
23                  scribed in subclause (I); or

24                  “(III) any person included in the  
25                  list of specially designated nationals

1 and blocked persons maintained by  
2 the Office of Foreign Assets Control  
3 of the Department of the Treasury  
4 pursuant to authorities relating to the  
5 imposition of sanctions relating to the  
6 conduct of a foreign principal de-  
7 scribed in subclause (I).

8 “(ii) CLARIFICATION REGARDING AP-  
9 PPLICATION TO CITIZENS OF THE UNITED  
10 STATES.—In the case of a citizen of the  
11 United States, subclause (II) of clause (i)  
12 applies only to the extent that the person  
13 involved acts within the scope of that per-  
14 son’s status as the agent of a foreign prin-  
15 cipal described in subclause (I) of clause  
16 (i).

17 “(4) IMMEDIATE FAMILY MEMBER.—In this  
18 subsection, the term ‘immediate family member’  
19 means, with respect to a candidate, a parent, parent-  
20 in-law, spouse, adult child, or sibling.”.

21 (2) EFFECTIVE DATE.—The amendment made  
22 by paragraph (1) shall apply with respect to report-  
23 able foreign contacts which occur on or after the  
24 date of the enactment of this Act.

25 (b) INFORMATION INCLUDED ON REPORT.—

1           (1) IN GENERAL.—Section 304(b) of such Act  
2           (52 U.S.C. 30104(b)) is amended—

3                   (A) by striking “and” at the end of para-  
4                   graph (7);

5                   (B) by striking the period at the end of  
6                   paragraph (8) and inserting “; and”; and

7                   (C) by adding at the end the following new  
8                   paragraph:

9                   “(9) for any reportable foreign contact (as de-  
10                  fined in subsection (j)(3))—

11                   “(A) the date, time, and location of the  
12                   contact;

13                   “(B) the date and time of when a des-  
14                   ignated official of the committee was notified of  
15                   the contact;

16                   “(C) the identity of individuals involved;  
17                   and

18                   “(D) a description of the contact, including  
19                   the nature of any contribution, donation, ex-  
20                   penditure, disbursement, or solicitation involved  
21                   and the nature of any activity described in sub-  
22                   section (j)(3)(A)(ii)(II) involved.”.

23           (2) EFFECTIVE DATE.—The amendment made  
24           by paragraph (1) shall apply with respect to reports  
25           filed on or after the expiration of the 60-day period

1 which begins on the date of the enactment of this  
2 Act.

3 **SEC. 1302. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**  
4 **PORTING COMPLIANCE SYSTEM.**

5 (a) IN GENERAL.—Section 302 of the Federal Elec-  
6 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended  
7 by adding at the end the following new subsection:

8 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE  
9 POLICY.—

10 “(1) REPORTING.—Each political committee  
11 shall establish a policy that requires all officials, em-  
12 ployees, and agents of such committee to notify the  
13 treasurer or other appropriate designated official of  
14 the committee of any reportable foreign contact (as  
15 defined in section 304(j)) not later than 3 days after  
16 such contact was made.

17 “(2) RETENTION AND PRESERVATION OF  
18 RECORDS.—Each political committee shall establish  
19 a policy that provides for the retention and preserva-  
20 tion of records and information related to reportable  
21 foreign contacts (as so defined) for a period of not  
22 less than 3 years.

23 “(3) CERTIFICATION.—

24 “(A) IN GENERAL.—Upon filing its state-  
25 ment of organization under section 303(a), and

1 with each report filed under section 304(a), the  
2 treasurer of each political committee (other  
3 than an authorized committee) shall certify  
4 that—

5 “(i) the committee has in place poli-  
6 cies that meet the requirements of para-  
7 graphs (1) and (2);

8 “(ii) the committee has designated an  
9 official to monitor compliance with such  
10 policies; and

11 “(iii) not later than 1 week after the  
12 beginning of any formal or informal affili-  
13 ation with the committee, all officials, em-  
14 ployees, and agents of such committee  
15 will—

16 “(I) receive notice of such poli-  
17 cies;

18 “(II) be informed of the prohibi-  
19 tions under section 319; and

20 “(III) sign a certification affirm-  
21 ing their understanding of such poli-  
22 cies and prohibitions.

23 “(B) AUTHORIZED COMMITTEES.—With  
24 respect to an authorized committee, the can-

1           didate shall make the certification required  
2           under subparagraph (A).”.

3           (b) EFFECTIVE DATE.—

4           (1) IN GENERAL.—The amendment made by  
5           subsection (a) shall apply with respect to political  
6           committees which file a statement of organization  
7           under section 303(a) of the Federal Election Cam-  
8           paign Act of 1971 (52 U.S.C. 30103(a)) on or after  
9           the date of the enactment of this Act.

10           (2) TRANSITION RULE FOR EXISTING COMMIT-  
11           TEES.—Not later than 30 days after the date of the  
12           enactment of this Act, each political committee  
13           under the Federal Election Campaign Act of 1971  
14           shall file a certification with the Federal Election  
15           Commission that the committee is in compliance  
16           with the requirements of section 302(j) of such Act  
17           (as added by subsection (a)).

18   **SEC. 1303. CRIMINAL PENALTIES.**

19           Section 309(d)(1) of the Federal Election Campaign  
20   Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-  
21   ing at the end the following new subparagraphs:

22           “(E) Any person who knowingly and willfully com-  
23   mits a violation of subsection (j) or (b)(9) of section 304  
24   or section 302(j) shall be fined not more than \$500,000,  
25   imprisoned not more than 5 years, or both.

1           “(F) Any person who knowingly and willfully conceals  
2 or destroys any materials relating to a reportable foreign  
3 contact (as defined in section 304(j)) shall be fined not  
4 more than \$1,000,000, imprisoned not more than 5 years,  
5 or both.”.

6 **SEC. 1304. REPORT TO CONGRESSIONAL INTELLIGENCE**  
7 **COMMITTEES.**

8           (a) **IN GENERAL.**—Not later than 1 year after the  
9 date of enactment of this Act, and annually thereafter,  
10 the Director of the Federal Bureau of Investigation shall  
11 submit to the congressional intelligence committees a re-  
12 port relating to notifications received by the Federal Bu-  
13 reau of Investigation under section 304(j)(1) of the Fed-  
14 eral Election Campaign Act of 1971 (as added by section  
15 1301(a) of this Act).

16           (b) **ELEMENTS.**—Each report under subsection (a)  
17 shall include, at a minimum, the following with respect  
18 to notifications described in subsection (a):

19               (1) The number of such notifications received  
20 from political committees during the year covered by  
21 the report.

22               (2) A description of protocols and procedures  
23 developed by the Federal Bureau of Investigation re-  
24 lating to receipt and maintenance of records relating  
25 to such notifications.

1           (3) With respect to such notifications received  
2           during the year covered by the report, a description  
3           of any subsequent actions taken by the Director re-  
4           sulting from the receipt of such notifications.

5           (c) CONGRESSIONAL INTELLIGENCE COMMITTEES  
6   DEFINED.—In this section, the term “congressional intel-  
7   ligence committees” has the meaning given that term in  
8   section 3 of the National Security Act of 1947 (50 U.S.C.  
9   3003).

10 **SEC. 1305. RULE OF CONSTRUCTION.**

11         Nothing in this title or the amendments made by this  
12         title shall be construed—

13           (1) to impede legitimate journalistic activities;

14         or

15           (2) to impose any additional limitation on the  
16         right to express political views or to participate in  
17         public discourse of any individual who—

18           (A) resides in the United States;

19           (B) is not a citizen of the United States or  
20         a national of the United States, as defined in  
21         section 101(a)(22) of the Immigration and Na-  
22         tionality Act (8 U.S.C. 1101(a)(22)); and

23           (C) is not lawfully admitted for permanent  
24         residence, as defined by section 101(a)(20) of



1           the Immigration and Nationality Act (8 U.S.C.  
2           1101(a)(20)).

3   **TITLE XIV—ELIMINATING FOR-**  
4   **EIGN INTERFERENCE IN**  
5   **ELECTIONS**

6   **SEC. 1401. CLARIFICATION OF APPLICATION OF FOREIGN**  
7           **MONEY BAN.**

8           (a) CLARIFICATION OF TREATMENT OF PROVISION  
9   OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-  
10   TION OF A THING OF VALUE.—Section 319 of the Federal  
11   Election Campaign Act of 1971 (52 U.S.C. 30121) is  
12   amended by adding at the end the following new sub-  
13   section:

14           “(c) CLARIFICATION OF TREATMENT OF PROVISION  
15   OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-  
16   TION OF A THING OF VALUE.—For purposes of this sec-  
17   tion, a ‘contribution or donation of money or other thing  
18   of value’ includes the provision of opposition research,  
19   polling, or other non-public information relating to a can-  
20   didate for election for a Federal, State, or local office for  
21   the purpose of influencing the election, regardless of  
22   whether such research, polling, or information has mone-  
23   etary value, except that nothing in this subsection shall be  
24   construed to treat the mere provision of an opinion about

1 a candidate as a thing of value for purposes of this sec-  
2 tion.”.

3 (b) CLARIFICATION OF APPLICATION OF FOREIGN  
4 MONEY BAN TO ALL CONTRIBUTIONS AND DONATIONS  
5 OF THINGS OF VALUE AND TO ALL SOLICITATIONS OF  
6 CONTRIBUTIONS AND DONATIONS OF THINGS OF  
7 VALUE.—Section 319(a) of such Act (52 U.S.C.  
8 30121(a)) is amended—

9 (1) in paragraph (1)(A), by striking “promise  
10 to make a contribution or donation” and inserting  
11 “promise to make such a contribution or donation”;

12 (2) in paragraph (1)(B), by striking “donation”  
13 and inserting “donation of money or other thing of  
14 value, or to make an express or implied promise to  
15 make such a contribution or donation,”; and

16 (3) by amending paragraph (2) to read as fol-  
17 lows:

18 “(2) a person to solicit, accept, or receive (di-  
19 rectly or indirectly) a contribution or donation de-  
20 scribed in subparagraph (A) or (B) of paragraph  
21 (1), or to solicit, accept, or receive (directly or indi-  
22 rectly) an express or implied promise to make such  
23 a contribution or donation, from a foreign na-  
24 tional.”.

1           (c) ENHANCED PENALTY FOR CERTAIN VIOLA-  
2 TIONS.—

3           (1) IN GENERAL.—Section 309(d)(1) of such  
4 Act (52 U.S.C. 30109(d)(1)), as amended by section  
5 1303, is further amended by adding at the end the  
6 following new subparagraph:

7           “(G)(i) Any person who knowingly and willfully com-  
8 mits a violation of section 319 which involves a foreign  
9 national which is a government of a foreign country or  
10 a foreign political party, or which involves a thing of value  
11 consisting of the provision of opposition research, polling,  
12 or other non-public information relating to a candidate for  
13 election for a Federal, State, or local office for the purpose  
14 of influencing the election, shall be fined under title 18,  
15 United States Code, or imprisoned for not more than 5  
16 years, or both.

17           “(ii) In clause (i), each of the terms ‘government of  
18 a foreign country’ and ‘foreign political party’ has the  
19 meaning given such term in section 1 of the Foreign  
20 Agents Registration Act of 1938, as Amended (22 U.S.C.  
21 611).”.

22           (2) EFFECTIVE DATE.—The amendment made  
23 by paragraph (1) shall apply with respect to viola-  
24 tions committed on or after the date of the enact-  
25 ment of this Act.

1 **SEC. 1402. REQUIRING ACKNOWLEDGMENT OF FOREIGN**  
2 **MONEY BAN BY POLITICAL COMMITTEES.**

3 (a) PROVISION OF INFORMATION BY FEDERAL ELEC-  
4 TION COMMISSION.—Section 303 of the Federal Election  
5 Campaign Act of 1971 (52 U.S.C. 30103) is amended by  
6 adding at the end the following new subsection:

7 “(e) ACKNOWLEDGMENT OF FOREIGN MONEY  
8 BAN.—

9 “(1) NOTIFICATION BY COMMISSION.—Not later  
10 than 30 days after a political committee files its  
11 statement of organization under subsection (a), and  
12 biennially thereafter until the committee terminates,  
13 the Commission shall provide the committee with a  
14 written explanation of section 319.

15 “(2) ACKNOWLEDGMENT BY COMMITTEE.—

16 “(A) IN GENERAL.—Not later than 30  
17 days after receiving the written explanation of  
18 section 319 under paragraph (1), the committee  
19 shall transmit to the Commission a signed cer-  
20 tification that the committee has received such  
21 written explanation and has provided a copy of  
22 the explanation to all members, employees, con-  
23 tractors, and volunteers of the committee.

24 “(B) PERSON RESPONSIBLE FOR SIGNA-  
25 TURE.—The certification required under sub-  
26 paragraph (A) shall be signed—

1                   “(i) in the case of an authorized com-  
2                   mittee of a candidate, by the candidate; or

3                   “(ii) in the case of any other political  
4                   committee, by the treasurer of the com-  
5                   mittee.”.

6           (b) EFFECTIVE DATE; TRANSITION FOR EXISTING  
7 COMMITTEES.—

8           (1) IN GENERAL.—The amendment made by  
9           subsection (a) shall apply with respect to political  
10          committees which file statements of organization  
11          under section 303 of the Federal Election Campaign  
12          Act of 1971 (52 U.S.C. 30103) on or after the date  
13          of the enactment of this Act.

14          (2) TRANSITION FOR EXISTING COMMITTEES.—

15               (A) NOTIFICATION BY FEDERAL ELECTION  
16               COMMISSION.—Not later than 90 days after the  
17               date of the enactment of this Act, the Federal  
18               Election Commission shall provide each political  
19               committee under such Act with the written ex-  
20               planation of section 319 of such Act, as re-  
21               quired under section 303(e)(1) of such Act (as  
22               added by subsection (a)).

23               (B) ACKNOWLEDGMENT BY COMMITTEE.—

24               Not later than 30 days after receiving the writ-  
25               ten explanation under subparagraph (A), each

1 political committee under such Act shall trans-  
2 mit to the Federal Election Commission the  
3 signed certification, as required under section  
4 303(e)(2) of such Act (as added by subsection  
5 (a)).

## 6 **DIVISION D—SEVERABILITY**

### 7 **TITLE XV—SEVERABILITY**

#### 8 **SEC. 1501. SEVERABILITY.**

9 If any provision of this Act or any amendment made  
10 by this Act, or the application of a provision of this Act  
11 or an amendment made by this Act to any person or cir-  
12 cumstance, is held to be unconstitutional, the remainder  
13 of this Act, and the application of the provisions to any  
14 person or circumstance, shall not be affected by the hold-  
15 ing.