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

SECTION 1. SHORT TITLE.

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

racy Act”.

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

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

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

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

(3) Division C—Miscellaneous.

(4) Division D—Severability.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—PREVENTING ABUSES OF PRESIDENTIAL POWER

TITLE I—ABUSE OF THE PARDON POWER PREVENTION

Sec. 101. Short title.
Sec. 102. Congressional oversight relating to certain pardons.
Sec. 103. Bribery in connection with pardons and commutations.
Sec. 104. Prohibition on presidential self-pardon.

TITLE II—ENSURING NO PRESIDENT IS ABOVE THE LAW

Sec. 201. Short title.
Sec. 203. Contracts by the President, the Vice President, or a cabinet member.
Sec. 204. Forfeiture of benefits for former Presidents convicted of a felony.
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.
Sec. 308. Rulemaking for ethics requirements for legal expense funds.
Sec. 309. Limitations and disclosure of certain donations to, and disbursements by, inaugural committees.

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

TITLE IV—ENFORCEMENT OF CONGRESSIONAL SUBPOENAS

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

TITLE V—REASSERTING CONGRESSIONAL POWER OF THE PURSE

Sec. 500. Short title.

Subtitle A—Strengthening Congressional Control and Review To Prevent Impoundment

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

Subtitle B—Strengthening Transparency and Reporting

PART 1—FUNDS MANAGEMENT AND REPORTING TO THE CONGRESS

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

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

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

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

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

TITLE VI—SECURITY FROM POLITICAL INTERFERENCE IN JUSTICE

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

TITLE VII—PROTECTING WHISTLEBLOWERS

Subtitle A—Whistleblower Protection Improvement

Sec. 701. Short title.
Sec. 702. Additional whistleblower protections.
Sec. 703. Enhancement of whistleblower protections.
Sec. 704. Classifying certain furloughs as adverse personnel actions.
Sec. 705. Codification of protections for disclosures of censorship related to research, analysis, or technical information.
Sec. 706. Title 5 technical and conforming amendments.

Subtitle B—Whistleblowers of the Intelligence Community

Sec. 711. Limitation on sharing of intelligence community whistleblower complaints with persons named in such complaints.
Sec. 712. Disclosures to Congress.
Sec. 713. Prohibition against disclosure of whistleblower identity as reprisal against whistleblower disclosure by employees and contractors in intelligence community.

TITLE VIII—ACCOUNTABILITY FOR ACTING OFFICIALS

Sec. 801. Short title.

TITLE IX—STRENGTHENING HATCH ACT ENFORCEMENT AND PENALTIES

Subtitle A—Strengthening Hatch Act Enforcement And Penalties

Sec. 901. Short title.
Sec. 902. Strengthening Hatch Act enforcement and penalties against political appointees.

Sec. 903. Including Executive Office of the President under limitation on nepotism in the civil service.

Sec. 904. Disclosure of Hatch Act investigations for certain political employees.

Sec. 905. Clarification on candidates visiting Federal property.

Sec. 906. Applying Hatch Act to President and Vice President while on Federal property.

Sec. 907. Granting the Office of Special Counsel rulemaking authority.

Sec. 908. Greater accountability for political appointees.

Sec. 909. Investigating former political employees.

Sec. 910. GAO review of reimbursable political events.

Subtitle B—Strengthening Ethics Enforcement And Penalties For Federal Executive Employees

Sec. 911. Definitions.

Sec. 912. Ethics pledge.

Sec. 913. Waivers.

Sec. 914. Administration.

Sec. 915. Enforcement.

Sec. 916. General provisions.

TITLE X—PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY

Sec. 1001. Presidential and Vice Presidential tax transparency.

DIVISION C—MISCELLANEOUS

TITLE XI—REPORTING FOREIGN INTERFERENCE IN ELECTIONS

Sec. 1101. Federal campaign reporting of foreign contacts.

Sec. 1102. Federal campaign foreign contact reporting compliance system.

Sec. 1103. Criminal penalties.

Sec. 1104. Report to congressional intelligence committees.

Sec. 1105. Rule of construction.

TITLE XII—ELIMINATING FOREIGN INTERFERENCE IN ELECTIONS

Sec. 1201. Clarification of application of foreign money ban.

Sec. 1202. Requiring acknowledgment of foreign money ban by political committees.

Sec. 1203. Prohibition on contributions and donations by foreign nationals in connections with ballot initiatives and referenda.

TITLE XIII—HONEST ADS

Sec. 1301. Short title.

Sec. 1302. Purpose.

Sec. 1303. Sense of Congress.

Sec. 1304. Expansion of definition of public communication.

Sec. 1305. Expansion of definition of electioneering communication.

Sec. 1306. Application of disclaimer statements to online communications.

Sec. 1307. Political record requirements for online platforms.
Sec. 1308. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.

Sec. 1309. Requiring online platforms to display notices identifying sponsors of political advertisements and to ensure notices continue to be present when advertisements are shared.

**TITLE XIV—PREVENTING A PATRONAGE SYSTEM**

Sec. 1401. Short title.

Sec. 1402. Limitations on excepting positions from competitive service and transferring positions.

**TITLE XV—USE OF FEDERAL PROPERTY; VISITOR RECORDS**

Sec. 1501. Prohibition on use of Federal property for political conventions.

Sec. 1502. Improving access to influential visitor access records.

**DIVISION D—SEVERABILITY**

**TITLE XVI—SEVERABILITY**

Sec. 1601. Severability.

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

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

Sec. 101. SHORT TITLE.

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

Sec. 102. CONGRESSIONAL OVERSIGHT RELATING TO CERTAIN PARDONS.

(a) Submission of Information.—Not later than 30 days after the date on which the President grants an individual a pardon for a covered offense, the Attorney General shall submit to the chair and ranking member of each appropriate congressional committee—
(1) all materials obtained or produced by the prosecution team, including the Attorney General and any United States Attorney, and all materials obtained or prepared by any investigative agency of the Federal Government, relating to the offense for which the individual was pardoned; and

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

(b) TREATMENT OF INFORMATION.—Rule 6(e) of the Federal Rules of Criminal Procedure may not be construed to prohibit the disclosure of information required by subsection (a) of this section.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term “appropriate congressional committee” means—

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

(B) if an investigation relates to intelligence or counterintelligence matters, the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.
(2) COVERED OFFENSE.—The term “covered offense” means—

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

(i) the President;

(ii) a relative of the President;

(iii) any individual who is serving or previously served as a political appointee (as defined in section 1216(f)(6) of title 5, United States Code, as added by title IX of this Act) under the President;

(iv) any individual who was an employee of an authorized committee (as defined in section 301(6) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(6))) of the President for any election to the office of President; or

(v) in the case of an offense motivated by a direct and significant personal or pecuniary interest of any individual described in clause (i), (ii), (iii), or (iv), any person or entity;
(B) an offense under section 102 of the Revised Statutes of the United States (2 U.S.C. 192); or

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

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

(4) RELATIVE.—The term “relative”, with respect to the President, means—

(A) a family member (as defined in section 1635.3(a) of title 29, Code of Federal Regulations, or any successor regulation) of the President who is a first-degree relative, second-degree relative, or third-degree relative (as those terms are defined in such section 1635.3(a) or any successor regulation) of the President; or

(B) a spouse of a family member described in subparagraph (A).

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

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

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

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

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

SEC. 104. PROHIBITION ON PRESIDENTIAL SELF-PARDON.

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

TITLE II—ENSURING NO PRESIDENT IS ABOVE THE LAW

SEC. 201. SHORT TITLE.

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

(sec)
SEC. 202. TOLLING OF STATUTE OF LIMITATIONS.

(a) Offenses Committed by the President or Vice President During or Prior to Tenure in Office.—Section 3282 of title 18, United States Code, is amended by adding at the end the following: “(c) Offenses Committed by the President or Vice President During or Prior to Tenure in Office.—In the case of any person serving as President or Vice President of the United States, the duration of that person’s tenure in office shall not be considered for purposes of any statute of limitations applicable to any Federal criminal offense committed by that person (including any offenses committed during any period of time preceding such tenure in office).”.

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

(c) Rule of Construction.—Nothing in this section may be construed to preclude the indictment or prosecution of a President or Vice President, during that President or Vice President’s tenure in office, for violations of the criminal laws of the United States.
SEC. 203. CONTRACTS BY THE PRESIDENT, THE VICE PRESIDENT, OR A CABINET MEMBER.

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

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

(2) in the first undesignated paragraph, by inserting “the President, the Vice President, in a position at level I of the Executive Schedule under section 5312 of title 5,” after “Whoever, being”.

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

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

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

The first section of the Act entitled “An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes”, approved August 25, 1958 (commonly known as the “Former Presidents Act of 1958”; 3 U.S.C. 102 note), is amended—
(1) in subsection (a), by striking “Each former President” and inserting “Subject to subsection (h), each former President”;

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

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

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

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

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

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

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

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

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

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

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

SEC. 301. SHORT TITLE.

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

SEC. 302. DEFINITIONS.

In this title:

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

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

(3) The term “government of a foreign country” has the meaning given such term in section 1(e) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(e)).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 305. DISCLOSURES CONCERNING FOREIGN AND DOMESTIC EMOLUMENTS.

(a) Disclosures.—Section 13104(a) of title 5, United States Code, is amended by adding at the end the following:

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

“(10) Business Interests Receiving Foreign Emoluments.—Each business interest that is reasonably expected to result in the receipt of any present or emolument from a government of a foreign country during the current calendar year.
“(11) Emoluments from United States.—

In addition, the President shall report—

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

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

(b) Reporting Requirements Related to Spouses and Dependent Children.—Section 13104(e)(1) of title 5, United States Code, is amended—

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

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

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

“(H) Emoluments from United States.—In the case of—
“(i) items described in paragraph (11)(A) of subsection (a), any such items received by spouse or dependent child of the President other than items related to the President’s services as President provided for by Federal law; and

“(ii) in the case of items described in paragraph (11)(B) of subsection (a), all information required to be reported under that paragraph.”.

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

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

(a) General Authority.—Section 13122(a) of title 5, United States Code, is amended—

(1) by striking “The Director” and inserting the following:

“(1) IN GENERAL.—The Director”; and

(2) by adding at the end the following:

“(2) OVERALL DIRECTION.—The Director shall—
“(A) provide overall direction of executive branch policies related to compliance with the Foreign and Domestic Emoluments Enforcement Act, and the amendments made by that Act; and

“(B) shall have the authority to—

“(i) issue administrative fines to individuals for violations;

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

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

(b) Specific Authorities.—Section 13122(b) of title 5, United States Code, is amended—

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

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

(3) by adding at the end the following:

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

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

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

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

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

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

(1) in subsection (a)—

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

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

(C) by adding at the end the following:

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

and

(2) by adding at the end the following:
“(d) If the Director of the Office of Government Ethics refers a matter for investigation pursuant to section 13122, or if the Special Counsel receives a credible complaint of a violation referred to in subsection (a)(6), the Special Counsel shall complete an investigation not later than 120 days thereafter. If the Special Counsel investigates any violation pursuant to subsection (a)(6), the Special Counsel shall report not later than 7 days after the completion of such investigation to the Director of the Office of Government Ethics and to Congress on the results of such investigation.”

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

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Government Ethics shall finalize a rule establishing ethics requirements for the establishment or operation of a legal expense fund for the benefit of the President, the Vice President, or any political appointee, consistent with the requirements of subsection (b).

(b) Limitations on Acceptance of Certain Payments.—

(1) In General.—A legal expense fund described in subsection (a) may not accept any contribution or other payment made by—
(A) an individual who is a registered lobbyist under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.); or

(B) an agent of a foreign principal.

(2) APPROPRIATE REMEDIAL ACTION.—In the case of a contribution described in paragraph (1)—

(A) the legal expense fund shall take appropriate remedial action; and

(B) the Director of the Office of Government Ethics may assess a fine against the individual or agent of a foreign principal, as defined in section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611).

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

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

"SEC. 325. INAUGURAL COMMITTEES.

"(a) PROHIBITED DONATIONS.—

"(1) IN GENERAL.—It shall be unlawful fo—

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

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

“(B) a person—

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

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

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

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

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

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

“(B) to benefit the personal business venture of the President or Vice President of the United States, the Inaugural Committee, or an immediate family member of such individuals.

“(3) NO EFFECT ON DISBURSEMENT OF UNUSED FUNDS TO NONPROFIT ORGANIZATIONS.—Nothing in this subsection may be construed to prohibit an Inaugural Committee from disbursing unused funds to an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

“(b) LIMITATION ON DONATIONS.—

“(1) IN GENERAL.—It shall be unlawful for an individual to make donations to an Inaugural Committee which, in the aggregate, exceed $50,000.

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

“(c) Disclosure of Certain Donations and Disbursements.—

“(1) Donations over $1,000.—

“(A) In general.—An Inaugural Committee shall file with the Commission a report disclosing any donation by an individual to the committee in an amount of $1,000 or more not later than 24 hours after the receipt of such donation.

“(B) Contents of report.—A report filed under subparagraph (A) shall contain—

“(i) the amount of the donation;

“(ii) the date the donation is received;

and

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

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

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

“(i) the amount of the donation;

“(ii) the date the donation is received;

and

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

“(B) The total amount of all disbursements, and all disbursements in the following categories:

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

“(ii) Repayment of all loans.

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

“(iv) Any other disbursements.

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

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

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

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

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

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

“(1) DONATION.—

“(A) IN GENERAL.—The term ‘donation’
includes—

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

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

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

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

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

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

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

(b) CONFIRMING AMENDMENTS RELATED TO REPORTING REQUIREMENTS.—

(1) Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104) is amended—

(A) by striking subsection (h); and
(B) by redesignating subsection (i) as subsection (h).

(2) Section 309(a)(4)(C)(iv)(I) is amended by striking “or (i)” and inserting “or (h)”.

(3) Section 313(c)(4) is amended by striking “section 304(i)(8)(B)” and inserting “section 304(h)(8)(B)”.

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

“§ 510. Disclosure of and prohibition on certain donations

“An committee shall not be considered to be the Inaugural Committee for purposes of this chapter unless the committee agrees to, and meets, the requirements of section 325 of the Federal Election Campaign Act of 1971.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to Inaugural Committees established under chapter 5 of title 36, United States Code, for inaugurations held in 2025 and any succeeding year.
DIVISION B—RESTORING
CHECKS AND BALANCES, ACCOUNTABILITY, AND TRANSPARENCY

TITLE IV—ENFORCEMENT OF CONGRESSIONAL SUBPOENAS

SEC. 401. SHORT TITLE.
This title may be cited as the “Congressional Subpoena Compliance and Enforcement Act”.

SEC. 402. FINDINGS.
The Congress finds as follows:

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

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

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

SEC. 403. ENFORCEMENT OF CONGRESSIONAL SUBPOENAS.

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

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§ 1365a. Congressional actions against subpoena recipients

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

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

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

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

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

“(1) Cases involving Government agencies.—

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

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

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

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

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

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

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

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

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

‘1365a. Congressional actions against subpoena recipients.’.

SEC. 404. COMPLIANCE WITH CONGRESSIONAL SUBPOENAS.

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

“SEC. 105. RESPONSE TO CONGRESSIONAL SUBPOENAS.

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

“(b) Failure to Produce Information.—

“(1) Grounds for Withholding Information.—Unless required by the Constitution or by
Federal statute, no claim of privilege or protection
from disclosure shall be a ground for withholding in-
formation responsive to the subpoena or required by
this section.

“(2) Identification of Information With-
held.—In the case of information that is withheld,
in whole or in part, by the subpoena recipient, the
subpoena recipient shall, without delay provide a log
containing the following:

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

“(B) The type of information.

“(C) The general subject matter.

“(D) The date, author, and addressee.

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

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

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

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

“105. Response to congressional subpoenas.”.

SEC. 405. RULE OF CONSTRUCTION.

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

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

Section 2954 of title 5, United States Code, is amended—
by striking “An Executive” and inserting
“(a) SUBMITTING INFORMATION.—An Executive”;
and
(2) by adding at the end the following:
“(b) FAILURE TO COMPLY.—For purposes of rem-
edying any failure to comply with a request under sub-
section (a), section 1365a of title 28 and section 105 of
the Revised Statutes of the United States shall apply to
such a request in the same manner as such sections 1365a
and 105 apply to a subpoena.”.

TITLE V—REASSERTING CON-
GRESSIONAL POWER OF THE
PURSE

SEC. 500. SHORT TITLE.
This title may be cited as the “Congressional Power
of the Purse Act”.

Subtitle A—Strengthening Con-
gressional Control and Review
To Prevent Impoundment

SEC. 501. STRENGTHENING CONGRESSIONAL CONTROL.
(a) IN GENERAL.—Part B of the Impoundment Con-
trol Act of 1974 (2 U.S.C. 682 et seq.) is amended by
adding at the end the following:
PRUDENT OBLIGATION OF BUDGET AUTHORITY AND
SPECIFIC REQUIREMENTS FOR EXPIRING BUDGET
AUTHORITY

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

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

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

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

“(1) to make available all amounts for obliga-
tion in sufficient time to be prudently obligated; and
“(2) to make available all amounts for obligation, without precondition (including footnotes) that shall be met prior to obligation, not later than 90 days before the expiration of the period of availability of such appropriation, including, if applicable, 90 days before the expiration of an initial period of availability for which such appropriation was provided.”.

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

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

SEC. 502. STRENGTHENING CONGRESSIONAL REVIEW.

(a) IN GENERAL.—Part B of the Impoundment Control Act of 1974 (2 U.S.C. 682 et seq.), as amended by section 501(a), is further amended by adding at the end the following:

“REPORTING ON APPORTIONMENT OF APPROPRIATIONS BY DEPARTMENTS AND AGENCIES

“SEC. 1019. Each department or agency shall—

“(1) notify the Committee on the Budget and the Committee on Appropriations of the House of Representatives, the Committee on the Budget and
the Committee on Appropriations of the Senate, and any other appropriate congressional committees if—

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

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

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

“(2) include in each notification under paragraph (1) information identifying the bureau, account name, appropriation name, and Treasury Appropriation Fund Symbol or fund account.”.

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

“1019. Reporting on apportionment of appropriations by departments and agencies.”.
SEC. 503. UPDATED AUTHORITIES FOR AND REPORTING BY THE COMPTROLLER GENERAL.

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

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

(2) by adding at the end the following:

“(c) REVIEW.—

“(1) IN GENERAL.—The Comptroller General shall—

“(A) review compliance with this part; and

“(B) submit to the Committee on the Budget, the Committee on Appropriations, and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Budget, the Committee on Appropriations, and the Committee on Oversight and Reform of the House of Representatives, and any other appropriate congressional committee of the Senate or the House of Representatives a report, and any relevant information related to the report, on any noncompliance with this part.

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

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

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

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

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

(3) by adding at the end the following:
“(5) affecting or limiting in any way the author-
ties provided to the Comptroller General under
chapter 7 of title 31, United States Code.”.

SEC. 504. ADVANCE CONGRESSIONAL NOTIFICATION AND
LITIGATION.

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

“SUITS BY COMPTROLLER GENERAL

“Sec. 1016. (a) In General.—If, under this title,
budget authority is required to be made available for obli-
gation and such budget authority is not made available
for obligation or information, documentation, views, or ac-
cess are required to be produced and such information,
documentation, views, or access are not produced, the
Comptroller General is expressly empowered, through at-
torneys selected by the Comptroller General, to bring a
civil action in the United States District Court for the Dis-
trict of Columbia to require such budget authority to be
made available for obligation or such information, docu-
mentation, views, or access to be produced.

“(b) Court Authority.—In a civil action under
subsection (a), the court is expressly empowered to enter,
against any department, agency, officer, or employee of
the United States, any decree, judgment, or order which
may be necessary or appropriate to make such budget au-
authority available for obligation or compel production of such information, documentation, views, or access.

“(c) NOTICE.—No civil action shall be brought by the Comptroller General to require budget authority be made available under this section until the expiration of 15 calendar days following the date on which an explanatory statement by the Comptroller General of the circumstances giving rise to the action contemplated is filed with the Speaker of the House of Representatives and the President of the Senate, except that expiration of such period shall not be required if the Comptroller General finds (and incorporates the finding in the explanatory statement filed) that such delay would be contrary to the public interest.”.

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

(a) IN GENERAL.—Part B of the Impoundment Control Act of 1974 (2 U.S.C. 682 et seq.), as amended by section 502(a), is further amended by adding at the end the following:

“PENALTIES FOR FAILURE TO COMPLY

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

“(b) REPORTING VIOLATIONS.—

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

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

“(3) OPPORTUNITY TO RESPOND.—If any such report identifies the position of any officer or employee as involved in the violation, such officer or employee shall be provided a reasonable opportunity to respond in writing, and any such response shall be appended to the report.”.

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

“1020. Penalties for failure to comply.”.
Subtitle B—Strengthening Transparency and Reporting

PART 1—FUNDS MANAGEMENT AND REPORTING

TO THE CONGRESS

SEC. 511. EXPIRED BALANCE REPORTING IN THE PRESIDENT'S BUDGET.

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

“(40) for the budget for each of fiscal years 2025 through 2029, a report—

“(A) identifying unobligated expired balances as of the beginning of the current fiscal year and the beginning of each of the preceding 2 fiscal years by agency and the applicable Treasury Appropriation Fund Symbol or fund account; and

“(B) providing explanation of unobligated expired balances in any Treasury Appropriation Fund Symbol or fund account that exceed the lesser of 5 percent of total appropriations made available for that account or $100,000,000.”.
SEC. 512. CANCELLED BALANCE REPORTING IN THE PRESIDENT'S BUDGET.

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

“(41) for the budget for each of fiscal years 2025 through 2029, a report—

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

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

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

“(i) the head of the agency concerned or the President has determined that the
purposes for which the appropriation was
made have been carried out; or
“(ii) no disbursement has been made
against the appropriation—
“(I) in the prior year and the
preceding fiscal year; or
“(II) in the prior year and which
the budget estimates zero disburse-
ments in the current year.”.

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

Section 1105(a) of title 31, United States Code, as
amended by section 512, is further amended by adding
at the end the following:
“(42) a report—
“(A) identifying any obligation or expendi-
ture made by a department or agency affected
in whole or in part by any lapse in appropri-
tions of 5 consecutive days or more during the
preceding fiscal year for which amounts were
not available; and
“(B) with respect to any such obligation or
expenditure, providing—
“(i) the amount so obligated or ex-
pended;
“(ii) the account affected;

“(iii) an explanation of the exception under subchapter III of chapter 13 or subchapter II of chapter 15 of this title, or another legal authority, that permitted the department or agency, as the case may be, to incur such obligation or expenditure; and

“(iv) an explanation of any change in the application of any exception under subchapter III of chapter 13 or subchapter II of chapter 15 of this title for a program, project, or activity from any explanations previously reported on pursuant to this paragraph.”.

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

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

“(43) for the budget for fiscal year 2025, a report—

“(A) identifying any transfer authority or other authority to repurpose appropriations pro-
vided in a law other than an appropriation act; and

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

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

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

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

“Any remaining balance (whether obligated or unobligated) from an appropriation available for an indefinite period in an appropriation account available for an indefinite period that does not meet the requirements for closure under section 1555 shall be canceled, and thereafter shall not be available for obligation or expenditure for any purpose, if—

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

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

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

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

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

SEC. 521. REQUIREMENT TO RESPOND TO REQUESTS FOR INFORMATION FROM THE COMPTROLLER GENERAL FOR BUDGET AND APPROPRIATIONS LAW DECISIONS.

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

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

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

“(b) If an agency fails to provide the requested infor-
mation, documentation, or views within the time required
by subsection (a)—

“(1) the Comptroller General shall notify, in
writing, Committee on Homeland Security and Gov-
ernmental Affairs of the Senate, the Committee on
Oversight and Accountability of the House of Rep-
resentatives, and any other appropriate congres-
sional committee of such failure;

“(2) the Comptroller General is hereby ex-
pressly empowered, through attorneys selected by
the Comptroller General, to bring a civil action in
the United States District Court for the District of
Columbia to require such information, documenta-
tion, or views to be produced; and

“(3) the court in a civil action brought under
paragraph (2) is expressly empowered to enter
against any department, agency, officer, or employee
of the United States any decree, judgment, or order
which may be necessary or appropriate to require
such production.
“(c) Nothing in this section shall be construed as affect- 
1 ing or otherwise limiting the authorities provided to 
2 the Comptroller General in section 716 of this title.”.

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

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

SEC. 522. REPORTING REQUIREMENTS FOR 
ANTIDEFICIENCY ACT VIOLATIONS.

(a) VIOLATIONS OF SECTION 1341 OR 1342.—Sec-
tion 1351 of title 31, United States Code, is amended— 
(1) by striking “If” and inserting “(a) If”;

(2) by inserting “or if the Comptroller General 
determines that an officer or employee of an execu-
tive agency or of the District of Columbia govern-
ment violated section 1341(a) or 1342,” before “the 
head of the agency”;

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

(4) by adding at the end the following:

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

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

(1) in subsection (b)—

(A) by inserting “or if the Comptroller General determines that an officer or employee
of an executive agency or of the District of Columbia government violated subsection (a),” before “the head of the executive agency”; and

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

(2) by adding at the end the following:

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

SEC. 523. DEPARTMENT OF JUSTICE REPORTING TO CONGRESS FOR ANTIDEFICIENCY ACT VIOLATIONS.

(a) Violations of Sections 1341 or 1342.—Section 1350 of title 31, United States Code, is amended—

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

(2) by adding at the end the following:

“(b)(1) If an executive agency or the District of Columbia government reports, under section 1351, a violation of section 1341(a) or 1342, the Attorney General shall promptly review such report and investigate to the extent necessary to determine whether there are reasonable grounds to believe that the responsible officer or employee knowingly and willfully violated such section 1341(a) or 1342, as applicable. If the Attorney General determines that there are such reasonable grounds, the Attorney General diligently shall investigate a criminal violation under this section.
“(2) The Attorney General shall submit to Congress and the Comptroller General on or before March 31 of each calendar year an annual report detailing separately for each executive agency and for the District of Columbia government—

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

“(B) the number of reports reviewed in accordance with paragraph (1) during the preceding calendar year;

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

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

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

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

(2) by adding at the end the following:
(b)(1) If an executive agency or the District of Columbia government reports, under section 1517(b), a violation of section 1517(a), the Attorney General shall promptly review such report and investigate to the extent necessary to determine whether there are reasonable grounds to believe that the responsible officer or employee knowingly and willfully violated such section 1517(a). If the Attorney General determines that there are such reasonable grounds, the Attorney General diligently shall investigate a criminal violation under this section.

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

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

(B) the number of reports reviewed in accordance with paragraph (1) during the preceding calendar year;

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

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

SEC. 524. PUBLICATION OF BUDGET OR APPROPRIATIONS

LAW OPINIONS OF THE DEPARTMENT OF JUS-
TICE OFFICE OF LEGAL COUNSEL.

(a) Schedule of Publication for Final OLC
Opinions.—Each final OLC opinion shall be made avail-
able on its public website in a manner that is searchable,
sortable, and downloadable in its entirety as soon as is
practicable, but—

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

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

(3) not later than 2 years after the date of en-
actment of this Act for an opinion issued on or after
January 20, 1981, and before or on January 19,
1993;
(4) not later than 3 years after the date of enactment of this Act for an opinion issued on or after January 20, 1969, and before or on January 19, 1981; and

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

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

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

(A) information contained in the opinion was—

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

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

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

(iv) put through declassification review within the past two years;
(B) information contained in the opinion relates to the appointment of a specific individual not confirmed to Federal office;

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

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

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

(D) information in the opinion includes trade secrets and commercial or financial information obtained from a person and privileged or confidential whose disclosure would likely cause substantial harm to the competitive position of the person from whom the information was obtained;

(E) the President, in his or her sole and nondelegable determination, formally and personally claims in writing that executive privilege prevents the release of the information and disclosure would cause specific identifiable harm to
an interest protected by an exception or the dis-
closure is prohibited by law; or

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

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

(A) in writing;

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

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

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

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

(4) NO LIMITATION ON FREEDOM OF INFORMATION.—Nothing in this subsection shall be construed as limiting the availability of information under section 552 of title 5, United States Code or construed as an exemption under paragraph (3) of subsection (b) of such section.

(5) NO LIMITATION ON RELIEF.—A decision by the Attorney General to release or withhold information pursuant to this title shall not preclude any action or relief conferred by statutory or regulatory regime that empowers any person to request or demand the release of information.

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

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

(1) with respect to each opinion—

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

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

(i) the title of the opinion;

(ii) the date of publication or revision;

or

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

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

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

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

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

(d) DEFINITIONS.—In this section:

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

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

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

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

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

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

(A) the Attorney General, Assistant Attorney General for the Office of Legal Counsel, or a Deputy Assistant Attorney General for the Office of Legal Counsel, has determined is final; or

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

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

Section 552(d) of title 5, United States Code (commonly known as the “Freedom of Information Act”), is
amended, in the second sentence, by inserting “or any Member of Congress” before the period at the end.

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

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

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

“SEC. 201. DECLARATIONS OF NATIONAL EMERGENCIES.

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

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

“(1) a proclamation declaring a national emergency under subsection (a); or

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

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

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

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

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

“(e) Limitations.—

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

“(2) Authorization or Funding Withheld.—No authority available to the President during a national emergency declared under this section may be used to provide authorization or funding for any program, project, or activity for which Congress, on or after the date of the events giving rise to the emergency declaration, has withheld authorization or funding.
SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMERGENCIES.

(a) Temporary Effective Periods.—

(1) In general.—Unless previously terminated pursuant to a proclamation of the President or an Act of Congress under subsection (c), a declaration of a national emergency shall remain in effect for 20 session days, in the case of the Senate, and 20 legislative days, in the case of the House, from the issuance of the proclamation under section 201(a) (not counting the day on which the proclamation was issued) and shall terminate when that period expires unless there is enacted into law a joint resolution of approval under section 203 with respect to the proclamation.

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

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

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

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

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

“(2) there is enacted into law a joint resolution
of approval renewing the emergency pursuant to sec-
tion 203 before the termination of the emergency or
previous renewal of the emergency.
“(c) Termination of National Emergencies.—

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

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

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

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

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

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

“(A) any powers or authorities exercised by reason of the emergency shall cease to be exercised;

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

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

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

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

“(1) A provision approving one or more—

“(A) proclamations declaring national emergencies under section 201(a);

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

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

“(2) A provision approving a list of all or a portion of the provisions of law specified by the President under section 201(b) in the proclamations or Executive orders that are the subject of the joint resolution.
“(b) JOINT RESOLUTION OF TERMINATION DEFINED.—In this section, the term ‘joint resolution of termination’ means a resolution introduced in the House or Senate to terminate—

“(1) a national emergency declared under section 201; or

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

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

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

“(2) CONSIDERATION IN SENATE.—In the Senate, the following shall apply:

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

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

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

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

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

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

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

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

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

“(B)(i) PROCEEDING TO CONSIDER-
ATION.—Beginning on the third legislative day
after each committee to which a joint resolution
of approval or joint resolution of termination
has been referred reports it to the House or has
been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution of approval or joint resolution of termination in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of another motion to proceed on the joint resolution of approval or joint resolution of termination. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(ii) MOTION.—A motion to proceed to the consideration of a joint resolution of approval of an Executive order described in subsection (a)(1) or a list described in subsection (a)(2) shall not be in order before the enactment of a joint resolution of approval of the proclamation described in subsection (a)(1) that is the subject of such Executive order or list.

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

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

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

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

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

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

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

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

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

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

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

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

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

“(1) as an exercise of the rulemaking power of
the Senate and the House of Representatives, re-
spectively, and as such is deemed a part of the rules
of each House, respectively, but applicable only with
respect to the procedure to be followed in the House
in the case of joint resolutions described in this sec-
tion, and supersedes other rules only to the extent
that it is inconsistent with such other rules; and
“(2) with full recognition of the constitutional
right of either House to change the rules (so far as
relating to the procedure of that House) at any time,
in the same manner, and to the same extent as in
the case of any other rule of that House.

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

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

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

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

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

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

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

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

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

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

“(1) A description of the circumstances necessi-
tating the declaration of a national emergency, the
renewal of such an emergency, or the use of a new
emergency power or authority specified in the Exec-
utive order, as the case may be.

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

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

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

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

“(f) Periodic Reports on Status of Emergencies.—If the President declares a national emergency under section 201(a), the President shall, not less frequently than every 90 days for the duration of the emergency, report to Congress on the status of the emergency and the actions the President or other officers have taken and authorities the President and such officers have relied on in addressing the emergency.”.


(1) by redesignating subsection (e) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c)(1) The authority granted to the President by this section does not include the authority to impose duties or tariff-rate quotas or (subject to paragraph (2)) other quotas on articles entering the United States.
“(2) The limitation under paragraph (1) does not prohibit the President from excluding all articles imported from a country from entering the United States.”.

(d) CONFORMING AMENDMENTS.—

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

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

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

(e) EFFECTIVE DATE; APPLICABILITY.—

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

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

SEC. 532. NATIONAL EMERGENCIES ACT DECLARATION

SPENDING REPORTING IN THE PRESIDENT'S

BUDGET.

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

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

“(B) Obligations and expenditures contained in
the report under subparagraph (A) shall be orga-
ized by Treasury Appropriation Fund Symbol or
fund account and by program, project, and activity,
and include—
“(i) a description of each such program, project, and activity;
“(ii) the authorities under which such funding actions are taken; and
“(iii) the purpose and progress of such obligations and expenditures toward addressing the applicable national emergency.
“(C) Such report shall include, with respect to any transfer, reprogramming, or repurposing of funds to address the applicable national emergency—
“(i) the amount of such transfer, reprogramming, or repurposing;
“(ii) the authority authorizing each such transfer, reprogramming, or repurposing; and
“(iii) a description of programs, projects, and activities affected by such transfer, reprogramming, or repurposing, including by a reduction in funding.”.

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

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

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

(e) DEFINITIONS.—In this section:

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

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate;

(B) the Committee on Oversight and Accountability, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

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

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

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

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

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

(ii) is designed to implement a presidential decision or transmit a presidential request when an emergency disrupts normal governmental or legislative processes.

SEC. 534. CONGRESSIONAL DESIGNATIONS.

Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)) is amended—
(1) in clause (i), by striking “and the President subsequently so designates”; and
(2) in clause (ii), by striking “and the President subsequently so designates”.

TITLE VI—SECURITY FROM POLITICAL INTERFERENCE IN JUSTICE

SEC. 601. SHORT TITLE.

This title may be cited as the “Security from Political Interference in Justice Act of 2023”.

SEC. 602. DEFINITIONS.

In this title:

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

(2) COVERED COMMUNICATION.—

(A) IN GENERAL.—The term “covered communication” means any communication relating to any contemplated or ongoing investigation or litigation conducted by the Department of Justice in any civil or criminal matter (regardless of whether a civil action or criminal indictment or information has been filed); and
(B) EXCEPTIONS.—The term ‘‘covered
communication’’ does not include a communica-
tion that is any of the following:

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

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

(II) Any individual working in
the Executive Office of the President
who is compensated at a rate of pay
at or above level II of the Executive
Schedule under section 5313 of title
5, United States Code.
(III) The current or former chair
or treasurer of any national campaign
committee that sought the election or
seeks the reelection of the President,
or any officer of such a committee ex-
ereising authority at the national
level, during the tenure in office of the
President.

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

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

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

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

(iii) A communication that involves contact from or to the Deputy Counsel to the President for National Security Affairs, the staff of the National Security
Council, or the staff of the Homeland Security Council that relates to a national security matter, except to the extent that the communication concerns a pending civil or criminal action that may have national security implications.

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

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

(3) IMMEDIATE FAMILY OF THE PRESIDENT OR VICE PRESIDENT.—The term “immediate family of the President or Vice President” means the persons to whom the President or Vice President—

(A) is related by blood, marriage, or adoption; or
(B) stands in loco parentis.

SEC. 603. COMMUNICATIONS LOGS.

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

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

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

(2) the topic of the covered communication; and

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

(c) OVERSIGHT.—

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

(2) NOTICE OF INAPPROPRIATE OR IMPROPER
COMMUNICATIONS.—The Office of the Inspector
General of the Department of Justice shall—
(A) review each communications log received under paragraph (1); and

(B) notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives if the Inspector General determines that a covered communication described in the communications log—

(i) is inappropriate from a law enforcement perspective; or

(ii) raises concerns about improper political interference.

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

SEC. 604. RULE OF CONSTRUCTION.

Nothing in this title may be construed to affect any requirement to report pursuant to title I of this Act or the amendments made by that title.
TITLE VII—PROTECTING WHISTLEBLOWERS

Subtitle A—Whistleblower Protection Improvement

SEC. 701. SHORT TITLE.

This title may be cited as the “Whistleblower Protection Improvement Act of 2023”.

SEC. 702. ADDITIONAL WHISTLEBLOWER PROTECTIONS.

(a) INVESTIGATIONS AS PERSONNEL ACTIONS.—

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

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

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

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

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

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

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

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to any investigation commenced, expanded, or extended, or to any referral made, as described in clause (xii) of section 2302(a)(2)(A) of title 5, United States Code, as amended by such paragraph, on or after the date of enactment of this Act.

(b) RIGHT TO PETITION CONGRESS.—

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

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

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

(C) by adding at the end the following:
“(E) the exercise of any right protected under section 7211;”.

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

(e) PROHIBITION ON DISCLOSURE OF WHISTLEBLOWER IDENTITY.—

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

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

“(A) the other employee provides express written consent prior to the communication or transmission of their identity or personally identifiable information;
“(B) the communication or transmission is made in accordance with the provisions of section 552a;

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

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

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

“(A) the President;

“(B) a Member of Congress;

“(C) a member of the uniformed services;

“(D) an employee, as that term is defined in section 2105, including an employee of the United States Postal Service, the Postal Regulatory Commission, or the Department of Veterans Affairs (including any employee appointed pursuant to chapter 73 or 74 of title 38); and

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

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

(d) Right to Petition Congress.—

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

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

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

“(1) petition Congress or a Member of Congress;

“(2) furnish information, documents, or testimony to either House of Congress, any Member of Congress, or any committee or subcommittee of Congress; or

“(3) respond to any request for information, documents, or testimony from either House of Congress or any Committee or subcommittee of Congress.

“(b) Prohibited Actions.—No officer or employee of the Federal Government may interfere with or deny the right set forth in subsection (a), including by—
“(1) prohibiting or preventing, or attempting or threatening to prohibit or prevent, any other officer or employee of the Federal Government from engaging in activity protected under subsection (a); or

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

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

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

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

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

“(1) the President;
“(2) a Member of Congress;
“(3) a member of the uniformed services;
“(4) an employee (as that term is defined in section 2105);
“(5) an employee of the United States Postal Service or the Postal Regulatory Commission; and
“(6) an employee appointed under chapter 73 or 74 of title 38.”.

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

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

SEC. 703. ENHANCEMENT OF WHISTLEBLOWER PROTECTIONS.

(a) DISCLOSURES RELATING TO OFFICERS OR EMPLOYEES OF AN OFFICE OF INSPECTOR GENERAL.—Section 1213(c) of title 5, United States Code, is amended by adding at the end the following:

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

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

“(3) In any case in which the Special Counsel determines that a referral to an Inspector General of an entity of the Federal Government was in retaliation for a disclosure or protected activity described in section 2302(b)(8) or in retaliation for exercising a right described in section 2302(b)(9)(A)(i), the Special Counsel shall transmit that finding in writing to the Inspector General within 7 days of making the finding. The Inspector General shall consider that finding and make a determination on whether to initiate an investigation or continue an investigation based on the referral that the Special Counsel found to be retaliatory.”.

(e) Ensuring Timely Relief.—

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

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

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

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

“(B) otherwise determines that such a stay would be appropriate.”.

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

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

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

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

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

(ii) by adding at the end the following:

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

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

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

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

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

(B) APPLICATION.—

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

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

(I) provides written notice to the Office of Special Counsel and the Merit Systems Protection Board not later than 90 days after the date of enactment of this Act; and
(II) brings such action not later than 20 days after providing such notice.

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

(e) ATTORNEY FEES.—

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

“(3) If an employee, former employee, or applicant for employment is the prevailing party under a proceeding brought under this section, the employee, former employee, or applicant for employment shall be entitled to attorney fees for all representation carried out pursuant to this section. In such an action for attorney fees, the agency responsible for
taking the personnel action shall be the respondent and shall be responsible for paying the fees.”.

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

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

(1) IN GENERAL.—Section 2302(a)(2)(A) of title 5, United States Code, is amended, in the matter following clause (xiii), as redesignated by section 702(a)(1)(B)—

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

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

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

(A) in subsection (a)—

(i) by striking paragraph (8); and

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

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

(3) APPLICATION.—

(A) IN GENERAL.—With respect to an officer or applicant for employment in the commissioned officer corps of the National Oceanic and Atmospheric Administration, the amendments made by paragraphs (1) and (2) shall apply to any personnel action taken against such officer or applicant on or after December 23, 2020, for
making any disclosure protected under section 2302(b)(8) of title 5, United States Code.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any personnel action with respect to which an allegation has been submitted pursuant to section 1034 of title 10, United States Code, and a final decision has been made regarding such allegation under subsection (h) of such section.

(C) DEFINITIONS.—In this paragraph, the terms “disclosure” and “personnel action” have the meanings given those terms in section 2302(a) of title 5, United States Code.

(g) RELIEF.—

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

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

SEC. 704. CLASSIFYING CERTAIN FURLoughs AS ADVERSE PERSONNEL ACTIONS.

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

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

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

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

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

(b) Application.—The amendment made by subsection (a) shall apply to any furlough covered by paragraph (5) or (6) of section 7512 of title 5, United States Code (as amended by such subsection), occurring on or after the date of enactment of this Act.
SEC. 705. CODIFICATION OF PROTECTIONS FOR DISCLOSURES OF CENSORSHIP RELATED TO RESEARCH, ANALYSIS, OR TECHNICAL INFORMATION.

(a) In General.—Section 2302 of title 5, United States Code, as amended by section 702(c)(1), is further amended by adding at the end the following:

“(h)(1) In this subsection—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) REPEAL.—

(1) IN GENERAL.—Section 110 of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note) is hereby repealed.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or otherwise affect any action under section 110 of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note) commenced before the date of enactment of this Act or any protections afforded by such section with respect to such action.
Title 5, United States Code, is amended—

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

(2) in section 1214—

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

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

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

(4) in section 2302—

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

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

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

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

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

(7) in section 7703(b)(1)(B), by striking “section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D)” and inserting “section 2302(b)(8), section 2302(b)(9)(A)(i), (B), (C), (D), or (E), section 2302(b)(13), or section 2302(g)”. 

July 18, 2023 (11:08 a.m.)
Subtitle B—Whistleblowers of the Intelligence Community

SEC. 711. LIMITATION ON SHARING OF INTELLIGENCE COMMUNITY WHISTLEBLOWER COMPLAINTS WITH PERSONS NAMED IN SUCH COMPLAINTS.

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

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

“SEC. 1202. LIMITATION ON SHARING OF INTELLIGENCE COMMUNITY WHISTLEBLOWER COMPLAINTS WITH PERSONS NAMED IN SUCH COMPLAINTS.

“(a) Whistleblower Disclosure Information Defined.—In this section, the term ‘whistleblower disclosure information’ means, with respect to a whistleblower disclosure—

“(1) the disclosure;

“(2) confirmation of the fact of the existence of the disclosure; or
“(3) the identity, or other identifying information, of the whistleblower who made the disclosure.

“(b) IN GENERAL.—It shall be unlawful for any employee or officer of the Federal Government to knowingly and willfully share any whistleblower disclosure information with any individual named as a subject of the whistleblower disclosure and alleged in the disclosure to have engaged in misconduct, unless—

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

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

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

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

“(3) an attorney for the Federal Government—

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

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

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

(A) Section 1104 (50 U.S.C. 3234) is—

   (i) transferred to title XII of such Act, as added by subsection (a);
   
   (ii) inserted before section 1202 of such Act, as added by such subsection; and
   
   (iii) redesignated as section 1201.

(B) Section 1106 (50 U.S.C. 3236) is—

   (i) amended by striking “section 1104” each place it appears and inserting “section 1201”;
   
   (ii) transferred to title XII of such Act, as added by subsection (a);
   
   (iii) inserted after section 1202 of such Act, as added by such subsection; and
   
   (iv) redesignated as section 1203.

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

   (A) by striking the items relating to section 1104 and section 1106; and
   
   (B) by adding after the items relating to title XI the end the following new items:
"TITLE XII—MATTERS REGARDING INSPECTORS GENERAL OF ELEMENTS OF THE INTELLIGENCE COMMUNITY"

Sec. 1201. Prohibited personnel practices in the intelligence community.

Sec. 1202. Limitation on sharing of intelligence community whistleblower complaints with persons named in such complaints.

Sec. 1203. Inspector general external review panel.”.

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

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

“(A) The Inspector General of the Intelligence Community.

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


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

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

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

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

“(10) The term ‘whistleblower disclosure’ means a disclosure that is protected under section 1201 of this Act or section 3001(j)(1) of the Intel-
ligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)).”.

(d) CONFORMING AMENDMENT.—Section 5331 of the
Damon Paul Nelson and Matthew Young Pollard Intel-
ligence Authorization Act for Fiscal Years 2018, 2019,
and 2020 (division E of Public Law 116–92; 50 U.S.C.
3033 note) is amended by striking “section 1104 of the
National Security Act of 1947 (50 U.S.C. 3234)” and in-
serting “section 1201 of the National Security Act of
1947”.

SEC. 712. DISCLOSURES TO CONGRESS.

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

“SEC. 1204. PROCEDURES REGARDING DISCLOSURES TO
CONGRESS.

“(a) GUIDANCE.—

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

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

“(A) the identity of the whistleblower; or

“(B) the element at which such whistleblower is employed, detailed, or assigned as a contractor employee.

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

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

(b) ClERICAL AMENDMENT.—The table of sections at the beginning of the National Security Act of 1947 is amended by inserting after the item relating to section 1203, as added by section 711(b)(2), the following new item:

“Sec. 1204. Procedures regarding disclosures to Congress.”.

c) ConFORMING AMENDMENT.—Section 103H(k)(5)(D)(i) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)(D)(i)) is amended by adding at the end the following: “The employee may request information pursuant to section 1204 with respect to contacting such committees.”.

SEC. 713. PROHIBITION AGAINST DISCLOSURE OF WHISTLEBLOWER IDENTITY AS REPRISAL AGAINST WHISTLEBLOWER DISCLOSURE BY EMPLOYEES AND CONTRACTORS IN INTELLIGENCE COMMUNITY.

(a) In general.—Paragraph (3) of subsection (a) of section 1201 of the National Security Act of 1947, as designated by section 711(b)(1)(A), is amended—

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

(2) by redesignating subparagraph (J) as subparagraph (K); and
(3) by inserting after subparagraph (I) the following new subparagraph:

“(J) a knowing and willful disclosure revealing the identity or other personally identifiable information of such employee or such contractor employee without the express written consent of such employee or such contractor employee or if the Inspector General determines such disclosure is necessary for the exclusive purpose of investigating a complaint or information received under section 416 of title 5, United States Code; or”.

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

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

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

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

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

SEC. 801. SHORT TITLE.
This title may be cited as the “Accountability for Acting Officials Act”.

SEC. 802. CLARIFICATION OF FEDERAL VACANCIES RE-
FORM ACT OF 1998.
(a) ELIGIBILITY REQUIREMENTS.—Section 3345 of title 5, United States Code, is amended as follows:

(1) In subsection (a)—

(A) in paragraph (1), by adding before the semicolon at the end the following: “, but, and except as provided in subsection (e), only if the individual serving in the position of first assistant has occupied such position for a period of at least 30 days during the 365-day period preceding the date of the death, resignation, or beginning of inability to serve of the applicable officer”; and

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

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

(2) By adding at the end the following:

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

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

“(1)(A) the office of such first assistant is an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate; and

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

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

134
(b) QUALIFICATIONS.—Section 3345(b) of title 5, United States Code, is amended by adding at the end the following:

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

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

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

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

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

(c) TIME LIMITATION FOR PRINCIPAL OFFICES.—

Section 3346 of title 5, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “or as provided in subsection (d)” after “sickness”; and

(2) by adding at the end the following:

“(d) With respect to the vacancy of the position of head of any agency listed in section 901(b) of title 31 (or of any other Executive department) and to which this section applies, subsections (a) through (c) of this section and sections 3348(c), 3349(b), and 3349a(b) shall be applied by substituting ‘120’ for ‘210’ in each instance.”.

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

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

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

(g) REPORTING OF VACANCIES.—

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

(A) in subsection (a)—

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

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

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

and

(iv) by adding at the end the following:

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

(B) in subsection (b), in the matter preceding paragraph (1), by striking “immediately” and inserting “not later than 14 days after the date of such determination”.

(2) TECHNICAL CORRECTIONS.—Paragraphs (1) and (2) of section 3349(b) of title 5, United States Code, are amended to read as follows:

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

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

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

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

“(1) for no longer than 300 days beginning on such day; or
“(2) subject to section 3346(b), once a first or second nomination for the office is submitted to the Senate, from the date of such nomination for the period that the nomination is pending in the Senate.”.

TITLE IX—STRENGTHENING HATCH ACT ENFORCEMENT AND PENALTIES

Subtitle A—Strengthening Hatch Act Enforcement And Penalties

SEC. 901. SHORT TITLE.
This title may be cited as the “Hatch Act Accountability Act”.

SEC. 902. STRENGTHENING HATCH ACT ENFORCEMENT AND PENALTIES AGAINST POLITICAL APPOINTEES.

(a) INVESTIGATIONS BY OFFICE OF SPECIAL COUNSEL.—Section 1216 of title 5, United States Code, as amended by section 307, is amended—

(1) in subsection (e), by striking “(1)”; and

(2) by adding at the end the following:

“(e)(1) In addition to the authority otherwise provided in this chapter, the Special Counsel—

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

“(B) may, regardless of whether the Special Counsel has received an allegation, conduct any investigation as the Special Counsel considers necessary concerning political activity prohibited under subchapter III of chapter 73.

“(2) With respect to any investigation under paragraph (1), the Special Counsel may seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.

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

“(2) Notwithstanding section 7326, a final order of the Board on a complaint of a violation of section 7323 or 7324 by a political appointee may impose an assessment of a civil penalty not to exceed $50,000.
“(3) The Special Counsel may not present a complaint under paragraph (1) of this subsection—

“(A) unless no disciplinary action or civil penalty has been taken or assessed, respectively, against the political appointee pursuant to section 7326; and

“(B) until on or after the date that is 90 days after the date that the complaint regarding the political appointee was presented to the President under section 1215(b), notwithstanding whether the President submits a written statement pursuant to paragraph (4) of this subsection.

“(4)(A) Not later than 90 days after receiving from the Special Counsel a complaint recommending disciplinary action under section 1215(b) with respect to a political appointee for a violation of section 7323 or 7324, the President shall provide a written statement to the Special Counsel on whether the President imposed the recommended disciplinary action, imposed another form of disciplinary action and the nature of that disciplinary action, or took no disciplinary action against the political appointee.

“(B) Not later than 14 days after the date on which the Special Counsel receives a written statement under subparagraph (A) of this paragraph, the Special Counsel shall—
“(i) submit the written statement to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Accountability of the House of Representatives; and

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

“(5) Not later than 14 days after the date on which the Special Counsel determines a political appointee has violated section 7323 or 7324, the Special Counsel shall—

“(A) submit a report on the investigation into such political appointee, and any communications sent from the Special Counsel to the President recommending discipline of such political appointee, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Accountability of the House of Representatives; and

“(B) publish the report and the communications described in subparagraph (A) on the public website of the Office of Special Counsel.

“(6) In this subsection, the term ‘political appointee’ means any individual, other than the President and the Vice President, employed or holding office—
“(A) in the Executive Office of the President, the Office of the Vice President, or any other office of the White House, but not including any career employee; or

“(B) in a confidential, policy-making, policy-determining, or policy-advocating position appointed by the President, by and with the advice and consent of the Senate (other than an individual in the Foreign Service).”.

(b) CLARIFICATION ON APPLICATION OF HATCH ACT TO EOP AND OVP EMPLOYEES.—Section 7322(1)(A) of title 5, United States Code, is amended by inserting after “Executive agency” the following: “, including the Executive Office of the President, the Office of the Vice President, and any other office of the White House, ”.

(c) CRIMINAL PENALTY.—

(1) IN GENERAL.—Subchapter III of chapter 73 of title 5, United States Code, is amended by adding at the end the following:

“§ 7327. Criminal penalty for Hatch Act violations

“(a) IN GENERAL.—Any person who knowingly violates section 7323 or 7324 shall be fined $50,000 (notwithstanding section 3571(e) of title 18), imprisoned for not more than 1 year, or both. Notwithstanding section 3571(e) of title 18, for each violation after the first, the
fine applicable under this section shall be double the
amount of the fine assessed for the previous violation.

“(b) ATTORNEY FEES.—A court may assess against
the United States reasonable attorney fees and other litiga-
tion costs reasonably incurred in any case under this
section in which an employee has established, by a prepon-
derance of the evidence, that a superior ordered or other-
wise coerced the employee into taking any act that re-
sulted in a violation of section 7323 or 7324.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions for subchapter III of chapter 73 of title 5,
United States Code, is amended by inserting after
the item relating to section 7326 the following:

“7327. Criminal penalty for Hatch Act violations.”.

(3) TRAINING.—After the first violation by an
individual of section 7323 or 7324 of title 5, United
States Code, that individual shall be provided train-
ing by the employing agency of the individual on
how to avoid subsequent violations of either such
section.

SEC. 903. INCLUDING EXECUTIVE OFFICE OF THE PRESI-
DENT UNDER LIMITATION ON NEPOTISM IN
THE CIVIL SERVICE.

Section 3110(a)(1)(A) of title 5, United States Code,
is amended by inserting “including the Executive Office
of the President” after “Executive agency”.

144
SEC. 904. DISCLOSURE OF HATCH ACT INVESTIGATIONS FOR CERTAIN POLITICAL EMPLOYEES.

Section 1216 of title 5, United States Code, is amended by adding at the end the following:

“(d)(1) With respect to any investigation of an allegation of prohibited activity under subsection (a)(1) against a political employee, not later than 14 days after the date on which the Special Counsel makes a final determination under that investigation with respect to whether a violation occurred, the Special Counsel shall—

“(A) publish, on the website of the Office of Special Counsel, that determination and a report on that determination; and

“(B) submit the report required under subparagraph (A) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Accountability of the House of Representatives.

“(2) In this subsection, the term ‘political employee’ means any individual occupying any of the following positions in the executive branch of Government (including an individual carrying out the duties of such a position in an acting capacity):

“(A) Any position required to be filled by an appointment by the President, by and with the advice and consent of the Senate.
“(B) Any position in the executive branch of
the Government of a confidential or policy-deter-
mining character under schedule C of subpart C of
part 213 of title 5, Code of Federal Regulations, or
any successor regulations.
“(C) Any position in or under the Executive Of-

“(D) Any position in or under the Office of the
Vice President.
“(E) Any position in the Senior Executive Serv-

sec. 905. clarification on candidates visiting fed-
eral property.

(a) In general.—Section 7323 of title 5, United
States Code, is amended by adding at the end the fol-

“(d) Nothing in this section or section 7324 shall be
construed to prohibit an employee from allowing a Mem-
ber of Congress or any other elected official from visiting
Federal facilities for an official purpose, including receiv-
ing briefings, tours, or other official information.”.

(b) technical and conforming amendments.—
Section 7323 of title 5, United States Code, is amended—
(1) in subsection (a)(1), by striking “his official authority or influence” and inserting “the official authority or influence of the employee”; and

(2) in subsection (c)—

(A) by striking “he” and inserting “the employee”; and

(B) by striking “his opinion” and inserting “the opinion of the employee”.

SEC. 906. APPLYING HATCH ACT TO PRESIDENT AND VICE PRESIDENT WHILE ON FEDERAL PROPERTY.

(a) In General.—Subchapter III of chapter 73 of title 5, United States Code, as amended by section 902(c), is further amended—

(1) by redesignating sections 7326 and 7327 as sections 7327 and 7328, respectively; and

(2) by inserting after section 7325 the following:

“§ 7326. Limitations on political activity of President and Vice President while on White House grounds

“Notwithstanding section 7322(1), the prohibitions on political activity under sections 7323(a) and 7324 shall apply to the President and Vice President while the President and Vice President are on or in any part of the White

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House, or any part of the White House grounds, that is regularly used in the discharge of official duties.”.

(b) CLERICAL AMENDMENT.—The table of sections of subchapter III of chapter 73 of title 5, United States Code, as amended by section 902(c), is further amended by striking the items relating to sections 7326 and 7327 and inserting the following:

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7326. Limitations on political activity of President and Vice President while on Federal property
7327. Penalties
7327. Criminal penalty for Hatch Act violations.”.
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SEC. 907. GRANTING THE OFFICE OF SPECIAL COUNSEL RULEMAKING AUTHORITY.

Notwithstanding any other law, rule, or regulation, the Office of Special Counsel shall have exclusive authority to promulgate regulations with respect to authority granted to the Office under subchapter III of chapter 73 of title 5, United States Code.

SEC. 908. GREATER ACCOUNTABILITY FOR POLITICAL APPOINTEES.

Section 1204(c) of title 5, United States Code, is amended by adding at the end the following: “Notwithstanding the previous sentences, in the case of contumacy or failure by an individual to obey a subpoena issued under subsection (b)(2)(A) or section 1214(b) with respect to an investigation into any violation of section 7323 or 7324, the Board may issue an order requiring that individual
to appear at any designated place to testify or to produce
documentary or other evidence.”.

SEC. 909. INVESTIGATING FORMER POLITICAL EMPLOYEES.

(a) DEFINITION.—In this section, the term “employee” has the meaning given the term in section 7322
of title 5, United States Code.

(b) CONTINUATION OF INVESTIGATION.—Notwith-
standing any other provision of law, the Office of Special
Counsel may continue an investigation of a violation of
section 7323 or 7324 of title 5, United States Code, of
an individual who is a former employee only if that inves-
tigation commenced while the individual was an employee.

SEC. 910. GAO REVIEW OF REIMBURSABLE POLITICAL
EVENTS.

(a) IN GENERAL.—Not later than 60 days after the
date of enactment of this Act, the Comptroller General
of the United States shall submit to Congress a report
on reimbursable political events held at the White House
or on the White House grounds during the period begin-
ing on January 1, 1997, and ending on the date of enact-
ment of this Act (referred to in this section as the “cov-
ered period”).

(b) CONTENTS.—The report required under sub-
section (a) shall include the following:
(1) Whether, during the covered period, the requirements in annual appropriations Acts with respect to reimbursable political events have been followed, including the requirements under the heading “Executive Residence At the White House—Reimbursable Expenses” in title II of division D of the Consolidated Appropriations Act, 2019 (Public Law 116–6).

(2) An assessment of what constitutes a political event during the covered period.

(3) Whether an event that was not classified as a political event during the covered period should have been classified as such an event.

(4) A review of any payment made by a political entity under the terms of the requirements described in paragraph (1).

(5) Recommendations for Congress on—

   (A) a definition for the term “political event”;

   (B) how to assess whether presidential administrations are following the requirements described in paragraph (1); and

   (C) how to hold presidential administrations accountable if the requirements described in paragraph (1) are not followed.
Subtitle B—Strengthening Ethics
Enforcement And Penalties For
Federal Executive Employees

SEC. 911. DEFINITIONS.

(a) In General.—Subject to subsection (b), in this subtitle:

(1) Administration.—“Administration” means each term of office of the incumbent President serving at the time of the appointment of an appointee.

(2) Appointee.—The term “appointee”—

(A) includes each individual appointed—

(i) to a full-time, noncareer position by the President or the Vice President;

(ii) to a position on the Executive Schedule under sections 5312 through 5316 of title 5, United States Code;

(iii) to a position as a noncareer appointee in the Senior Executive Service, as defined in section 3132(a) of title 5, United States Code, or as a noncareer appointee under another comparable personnel system for senior personnel; or

(iv) to a position in an Executive agency excepted from the competitive serv-
ice by reason of being of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, or another position excepted from the competitive service under comparable criteria; and

(B) does not include any individual appointed to a position in the Senior Foreign Service or solely as a uniformed service commissioned officer.

(3) COVERED EXECUTIVE BRANCH OFFICIAL;


(4) DIRECTLY AND SUBSTANTIALLY RELATED TO MY FORMER EMPLOYER OR ANY FORMER CLIENT.—The term “directly and substantially related to my former employer or any former client” means any matter in which the former employer or a former client of an appointee is a party or represents a party to the matter.

(5) EXECUTIVE AGENCY.—The term “Executive agency” has the meaning given the term “Executive
agency” in section 105 of title 5, United States Code, except that such term—

(A) includes—

(i) the Executive Office of the President;

(ii) the United States Postal Service; and

(iii) the Postal Regulatory Commission; and

(B) does not include the Government Accountability Office.

(6) FORMER CLIENT.—The term “former client”—

(A) means any person for whom an appointee, during the 2-year period before the date of the appointment of the appointee, served personally as agent, attorney, or consultant, except that such service as an agent, attorney, or consultant shall not include any instance in which the service provided was limited to speeches or similar appearances; and

(B) does not include any clients of the former employer of the appointee to whom the appointee did not personally provide services.
(7) FORMER EMPLOYER.—The term “former employer”—

(A) means any person for whom an appointee, during the 2-year period before the date of appointment of the appointee, served as an employee, officer, director, trustee, or general partner; and

(B) does not include any Executive agency or other entity of the Federal Government, any State or local government, the government of the District of Columbia, any Tribal government, any government of a United States territory or possession, or any international organization of which the United States is a member state.

(8) GIFT.—The term “gift”—

(A) has the meaning given the term in section 2635.203(b) of title 5, Code of Federal Regulations;

(B) includes any gift that is indirectly solicited or accepted, as defined under section 2635.203(f) of title 5, Code of Federal Regulations; and

(C) does not include any item excepted under subsections (b), (e), (e)(1), (e)(3), (j), or
(l) of section 2635.204 of title 5, Code of Federal Regulations.

(9) **GOVERNMENT OFFICIAL.**—The term “Government official” means any employee of the executive branch of the Government.

(10) **LOBBY.**—The term “lobby” means to act or have acted as a registered lobbyist.

(11) **MATERIALLY ASSIST.**—The term “materially assist”—

(A) means to provide substantive assistance; and

(B) does not include—

(i) the provision of background or general education on a matter of law or policy based upon the subject matter expertise of an individual; or

(ii) any conduct or assistance permitted under section 207(j) of title 18, United States Code.

(12) **PARTICIPATE.**—The term “participate” means to participate personally and substantially.

(13) **PARTICULAR MATTER.**—The term “particular matter” has the meaning given the term in section 207 of title 18, United States Code, and sec-
tion 2635.402(b)(3) of title 5, Code of Federal Regulations.

(14) PARTICULAR MATTER INVOLVING SPECIFIC
PARTIES.—The term “particular matter involving
specific parties” has the meaning given the term in
section 2641.201(h) of title 5, Code of Federal Reg-
ulations, except that the term shall also include any
meeting or other communication relating to the per-
formance of the official duties of an individual with
a former employer or former client of the individual,
unless—

(A) the communication applies to a par-
ticular matter of general applicability; and

(B) participation in the meeting or other
event is open to all interested parties.

(15) PLEDGE.—The term “pledge” means the
ethics pledge under section 912.

(16) REGISTERED LOBBYIST OR LOBBYING OR-
GANIZATION.—The term “registered lobbyist or lob-
bying organization” means—

(A) any lobbyist or an organization filing a
registration pursuant to section 4 of the Lob-
bying Disclosure Act of 1995 (2 U.S.C. 1603);
and
157

(B) in the case of an organization filing such a registration, includes each of the lobby-
ists of the organization identified therein.

(17) SENIOR WHITE HOUSE STAFF.—The term “Senior White House staff” means any person ap-
pointed by—

(A) the President to a position under sub-
paragraph (A) or (B) of section 105(a)(2) of title 3, United States Code; or

(B) the Vice President to a position under subparagraph (A) or (B) of section 106(a)(1) of title 3, United States Code.

(b) RULE OF CONSTRUCTION.—Any reference to a provision of Federal law, including any regulation, under this subtitle shall be construed to refer to any such provi-

SEC. 912. ETHICS PLEDGE.

Each appointee in each Executive agency appointed on or after January 20, 2021, shall sign, and upon signing shall be contractually committed to, an ethics pledge that states the following:

“I recognize that this pledge is part of a broader eth-
ics in Government plan designed to restore and maintain public trust in Government, and I commit myself to con-
duct consistent with that plan. I commit to decision-mak-
ing on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I com-
mit to conduct that upholds the independence of law en-
forcement and precludes improper interference with inves-
tigative or prosecutorial decisions of the Department of
Justice. I commit to ethical choices of post-Government
employment that do not raise the appearance that I have
used my Government service for private gain, including
by using confidential information acquired and relation-
ships established for the benefit of future clients.

“Accordingly, as a condition, and in consideration, of
my employment in the United States Government in a po-
sition invested with the public trust, I commit myself to
the following obligations, which I understand are binding
on me and are enforceable under law:

“(1) LOBBYIST GIFT BAN.—I will not accept
any gift from any registered lobbyist or lobbying or-
ganization for the duration of my service as an ap-
pointee.

“(2) REVOLVING DOOR BAN; ALL APPOINTEES
ENTERING GOVERNMENT.—For a period of 2 years
beginning on the date of my appointment, I will not
participate in any particular matter involving spe-
cific parties that is directly and substantially related
to my former employer or former clients, including regulations and contracts.

“(3) REVOLVING DOOR BAN; LOBBYISTS AND REGISTERED AGENTS ENTERING GOVERNMENT.—If, during the 2 year period before the date of my appointment, I was registered under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) or the Foreign Agents Registration Act of 1938, as amended, (22 U.S.C. 611 et seq.), in addition to abiding by the limitations of paragraph (2), I will not, for a period of 2 years beginning on the date of my appointment—

“(A) participate in any particular matter with respect to which I lobbied, or engaged in any activity that would require registration under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), during the 2-year period before the date of my appointment;

“(B) participate in the specific issue area involving the particular matter described in subparagraph (A); or

“(C) seek or accept employment with any Executive agency with respect to which I lobbied, or engaged in any activity that would re-
quire registration under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), during the 2-year period before the date of my appointment.

“(4) REVOLVING DOOR BAN; APPOINTEES LEAVING GOVERNMENT.—If, upon my departure from the Government, the post-employment restrictions relating to communicating with employees of my former Executive agency under section 207(c) of title 18, United States Code, and any implementing regulations, apply to me, I agree that I will abide by those restrictions for a period of 2 years beginning on the last date of my appointment. I will abide by those same restrictions with respect to communicating with the Senior White House staff.

“(5) REVOLVING DOOR BAN; SENIOR AND VERY SENIOR APPOINTEES LEAVING GOVERNMENT.—If, upon my departure from the Government, the post-employment restrictions under subsections (c) or (d) of section 207 of title 18, United States Code, and any implementing regulations, apply to me, I agree that, in addition to abiding by those restrictions, for a period of 1 year beginning on the last date of my appointment, I will not materially assist any other
person in making any communication or appearance that I am prohibited from undertaking myself by—

“(A) holding myself out as being available to engage in lobbying activities in support of any such communication or appearance; or

“(B) engaging in any such lobbying activities.

“(6) REVOLVING DOOR BAN; APPOINTEES LEAVING GOVERNMENT TO LOBBY.—In addition to abiding by the limitations under paragraph (4), I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party that, if such activity was undertaken on January 20, 2021, would require that I register under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), for the remainder of the Administration or the 2-year period beginning on the last date of my appointment, whichever is later.

“(7) GOLDEN PARACHUTE BAN.—I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment
of which is limited to individuals accepting a position
in the United States Government. I also have not ac-
cepted and will not accept any non-cash benefit from
my former employer that is provided in lieu of such
a prohibited cash payment.

“(8) EMPLOYMENT QUALIFICATION COMMIT-
MENT.—I agree that any hiring or other employment
decisions I make will be based on the qualifications,
competence, and experience of the candidate.

“(9) ASSENT TO ENFORCEMENT.—I acknowl-
edge that subtitle B of title IX of the Protecting
Our Democracy Act, which I have read before sign-
ing this document, defines certain of the terms ap-
licable to the foregoing obligations and sets forth
the methods for enforcing them. I expressly accept
the provisions of that subtitle as a part of this
agreement and as binding on me. I understand that
the terms of this pledge are in addition to any statu-
tory or other legal restrictions applicable to me by
virtue of Federal Government service.”.

SEC. 913. WAIVERS.

(a) IN GENERAL.—

(1) REQUIREMENTS FOR WAIVER.—The Direc-
tor of the Office of Management and Budget, in con-
sultation with the Counsel to the President, may
grant to any current or former appointee a written waiver of any restrictions contained in the pledge signed by such appointee if, and to the extent that, the Director of the Office of Management and Budget certifies in writing—

(A) that the literal application of the restriction is inconsistent with the purposes of the restriction; or

(B) that, subject to subsection (c), it is in the public interest to grant the waiver.

(2) CONTENTS.—Any waiver granted under paragraph (1) shall—

(A) reflect the basis for the waiver; and

(B) in the case of a waiver of the restrictions under subparagraph (B) or (C) of paragraph (3) of the pledge, include a discussion of the findings with respect to the considerations set forth in subsection (e)(2) of this section.

(b) EFFECTIVE DATE; PUBLICATION.—

(1) EFFECTIVE DATE.—A waiver granted under subsection (a) shall take effect on the date on which the Director of the Office of Management and Budget signs the waiver.

(2) PUBLICATION.—The Director of the Office of Management and Budget shall make any waiver
granted under subsection (a) public not later than
10 days after the waiver is granted.

(c) PUBLIC INTEREST.—

(1) IN GENERAL.—With respect to consider-
ation of the public interest under subsection
(a)(2)(B), the public interest shall include exigent
circumstances relating to national security, the econ-
omy, public health, or the environment.

(2) SPECIFIC CONSIDERATIONS.—In deter-
mining whether it is in the public interest to grant
a waiver under subsection (a)(2)(B) of the restric-
tions under subparagraph (B) or (C) of paragraph
(3) of the pledge, the responsible official may con-
sider the following factors—

(A) the need of the Government for the
services of the individual, including the exist-
ence of special circumstances related to national
security, the economy, public health, or the en-
vironment of the United States;

(B) the uniqueness of the qualifications of
the individual to meet the needs of the Govern-
ment;

(C) the scope and nature of the prior lob-
bying activities of the individual, including
whether such activities were de minimis or rendered on behalf of a nonprofit organization; and

(D) the extent to which the purposes of the restriction may be satisfied through other limitations on the services of the individual, such as those required by paragraph (3)(A) of the pledge.

SEC. 914. ADMINISTRATION.

(a) IN GENERAL.—The head of each Executive agency shall, in consultation with the Director of the Office of Government Ethics, establish such rules or procedures (conforming as nearly as practicable to the general ethics rules and procedures of the Executive agency, including those relating to designated agency ethics officials) as are necessary or appropriate to ensure—

(1) that every appointee in the Executive agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee;

(2) that compliance with paragraph (3) of the pledge is addressed in a written ethics agreement with each appointee to whom it applies, which agreement shall also be approved by the Counsel to the President prior to the appointee commencing work;

(3) that any spousal employment issue or other conflict not expressly addressed by the pledge is ad-
dressed in ethics agreements with appointees or, where no such agreements are required, through ethics counseling; and

(4) that the Executive agency generally complies with this subtitle.

(b) EXECUTIVE OFFICE OF THE PRESIDENT.—With respect to the Executive Office of the President, the duties set forth in subsection (a) shall be the responsibility of the Counsel to the President.

c) DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS GENERAL RESPONSIBILITIES.—The Director of the Office of Government Ethics shall—

(1) ensure that the pledge and a copy of this subtitle are made available for use by each Executive agency in fulfilling the duties of the Executive agency under subsection (a);

(2) in consultation with the Attorney General or the Counsel to the President, when appropriate, assist designated agency ethics officials in providing advice to current or former appointees regarding the application of the pledge; and

(3) in consultation with the Attorney General and the Counsel to the President, adopt such rules or procedures as are necessary or appropriate—
(A) to carry out the foregoing responsibilities;

(B) to authorize limited exceptions to the lobbyist gift ban under paragraph (1) of the pledge for circumstances that do not implicate the purposes of the ban;

(C) to make clear that no individual shall have violated the lobbyist gift ban under paragraph (1) of the pledge if the individual properly disposes of a gift as provided under section 2635.206 of title 5, Code of Federal Regulations;

(D) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by the official actions of the employees do not affect the integrity of the programs and operations of the Government; and

(E) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph (6) of the pledge is honored by every employee of the executive branch;
(4) in consultation with the Director of the Office of Management and Budget, submit a report to the President on whether full compliance is being achieved with existing Federal laws and regulations governing executive branch procurement lobbying disclosure, provided that such report shall include—

(A) recommendations relating to steps the executive branch can take to expand, to the fullest extent practicable, disclosure of both executive branch procurement lobbying and of lobbying for presidential pardons; and

(B) recommendations relating to both immediate actions the executive branch can take and, if necessary, recommendations for legislation; and

(5) provide an annual report on the administration of the pledge and this subtitle.

(d) Revolving Door Ban Report.—The Director of the Office of Government Ethics shall, in consultation with the Attorney General, the Counsel to the President, and the Director of the Office of Personnel Management, report to the President on steps the executive branch can take to expand to the fullest extent practicable the revolving door ban under paragraph (5) of the pledge to all executive branch employees who are involved in the procure-
ment process such that those employees may not for 2
years after leaving Government service lobby any Govern-
ment official regarding a Government contract that was
under the official responsibility of the employee during the
last 2 years of Government service of the employee. This
report shall include both immediate actions the executive
branch can take and, if necessary, recommendations for
legislation.

(e) FILING AND RETENTION.—Each pledge signed by
an appointee, and any waiver granted under section 913
with respect thereto, shall be filed with the head of the
agency of the relevant appointee for permanent retention
in the official personnel folder of the appointee or any
equivalent folder.

SEC. 915. ENFORCEMENT.

(a) IN GENERAL.—The contractual, fiduciary, and
ethical commitments in the pledge provided for herein are
solely enforceable by the United States pursuant to this
section by any legally available means, including—

(1) debarment proceedings within any affected
Executive agency; or

(2) judicial civil proceedings for declaratory, in-
junctive, or monetary relief.

(b) BAR ON LOBBYING.—
(1) **IN GENERAL.**—Any former appointee who is determined, after notice and hearing, by the duly designated authority within any Executive agency, to have violated the pledge signed by the appointee may be barred from lobbying any officer or employee of the Executive agency to which the appointee was appointed for not more than 5 years in addition to any other restriction on lobbying under the pledge signed by the appointee.

(2) **PROCEDURES.**—The head of each Executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which shall include providing for fact-finding and investigation of possible violations of this subtitle and for referrals to the Attorney General for consideration pursuant to subsection (c).

(c) **AUTHORITY OF THE ATTORNEY GENERAL.**—

(1) **IN GENERAL.**—The Attorney General may—

(A) upon receiving information regarding the possible breach of any commitment in a signed pledge by an appointee, request any appropriate Federal investigative authority to con-
duct an investigation of the alleged breach, as
may be appropriate; and

(B) upon determining that there is a rea-
sonable basis to believe that a breach of a com-
mitment in a signed pledge by an appointee has
occurred, will occur, or will continue to occur if
not enjoined, commence a civil action against
the former employee in any United States Dis-
trict Court with jurisdiction to consider the
matter.

(2) CIVIL RELIEF.—In any civil action com-
menced under paragraph (1)(B), the Attorney Gen-
eral may request any and all relief authorized by
Federal law, including—

(A) such temporary restraining orders and
preliminary and permanent injunctions as may
be appropriate to restrain future, recurring, or
continuing conduct by the former appointee in
breach of the commitments in the pledge he or
she signed; and

(B) establishment of a constructive trust
for the benefit of the United States, requiring
an accounting and payment to the United
States Treasury of all money and other things
of value received by, or payable to, the former

employee arising out of any breach or attempted breach of the pledge signed by the former appointee.

SEC. 916. GENERAL PROVISIONS.

(a) SEVERABILITY.—If any provision of this subtitle or the application of such provision is held to be invalid, the remainder of this subtitle and other dissimilar applications of such provision shall not be affected.

(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to impair or otherwise affect—

(1) the authority granted by Federal law to any Executive agency, or the head thereof; or

(2) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) IMPLEMENTATION.—This subtitle shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) RULE OF CONSTRUCTION.—This subtitle is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
TITLE X—PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY

SEC. 1001. PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY.

(a) DEFINITIONS.—In this section—

(1) The term “covered candidate” means a candidate of a major party in a general election for the office of President or Vice President.

(2) The term “income tax return” means, with respect to an individual, any return (as such term is defined in section 6103(b)(1) of the Internal Revenue Code of 1986, except that such term shall not include declarations of estimated tax) of—

(A) such individual, other than information returns issued to persons other than such individual; or

(B) of any corporation, partnership, or trust in which such individual holds, directly or indirectly, a significant interest as the sole or principal owner or the sole or principal beneficial owner (as such terms are defined in regulations prescribed by the Secretary).
The term “major party” has the meaning given the term in section 9002 of the Internal Revenue Code of 1986.

The term “Secretary” means the Secretary of the Treasury or the delegate of the Secretary.

(b) Disclosure.—

(1) In general.—

(A) Candidates for president and vice president.—Not later than the date that is 15 days after the date on which an individual becomes a covered candidate, the individual shall submit to the Federal Election Commission a copy of the individual’s income tax returns for the 10 most recent taxable years for which a return has been filed with the Internal Revenue Service.

(B) President and vice president.—

With respect to an individual who is the President or Vice President, not later than the due date for the return of tax for each taxable year, such individual shall submit to the Federal Election Commission a copy of the individual’s income tax returns for the taxable year and for the 9 preceding taxable years.
(C) **Transition rule for sitting presidents and vice presidents.**—Not later than the date that is 30 days after the date of enactment of this section, an individual who is the President or Vice President on such date of enactment shall submit to the Federal Election Commission a copy of the income tax returns for the 10 most recent taxable years for which a return has been filed with the Internal Revenue Service.

(2) **Failure to disclose.**—If any requirement under paragraph (1) to submit an income tax return is not met, the chairman of the Federal Election Commission shall submit to the Secretary a written request that the Secretary provide the Federal Election Commission with the income tax return.

(3) **Publicly available.**—The chairman of the Federal Election Commission shall make publicly available each income tax return submitted under paragraph (1) in the same manner as a return provided under section 6103(l)(23) of the Internal Revenue Code of 1986 (as added by this section).

(4) **Treatment under the Federal Election Campaign Act of 1971.**—Section 304(a)(11)
of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(a)(11)) is amended by adding at the end the following:

“(E) An income tax return filed under the Protecting Our Democracy Act shall be filed in electronic form accessible by computers and shall be treated as a report filed under and required by this Act for purposes of subparagraphs (B) and (C), except that if it would require considerable, extensive, and significant time for the Commission to make redactions to such a return, as required under section 1001(b)(3) of the Protecting Our Democracy Act or subparagraph (B)(ii) of section 6103(l)(23) of the Internal Revenue Code of 1986, the Commission may make the return available for public inspection more than 48 hours after receipt by the Commission, but in no event later than 30 days after receipt by the Commission.”.

(c) Disclosure of Returns of Presidents and Vice Presidents and Certain Candidates for President and Vice President.—
177

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(23) DISCLOSURE OF RETURN INFORMATION OF PRESIDENTS AND VICE PRESIDENTS AND CERTAIN CANDIDATES FOR PRESIDENT AND VICE PRESIDENT.—

“(A) IN GENERAL.—Upon written request by the chairman of the Federal Election Commission under section 1001(b)(2) of the Protecting Our Democracy Act, not later than the date that is 15 days after the date of such request, the Secretary shall provide copies of any return which is so requested to officers and employees of the Federal Election Commission whose official duties include disclosure or redaction of such return under this paragraph.

“(B) DISCLOSURE TO THE PUBLIC.—

“(i) IN GENERAL.—The chairman of the Federal Election Commission shall make publicly available any return which is provided under subparagraph (A).

“(ii) REDACTION OF CERTAIN INFORMATION.—Before making publicly available under clause (i) any return, the chairman
of the Federal Election Commission shall
redact such information as the Federal
Election Commission and the Secretary
jointly determine is necessary for pro-
tecting against identity theft, such as so-
cial security numbers.”.

(2) Conforming Amendments.—Section
6103(p)(4) of such Code is amended—
(A) in the matter preceding subparagraph
(A) by striking “or (22)” and inserting “(22),
or (23)”; and
(B) in subparagraph (F)(ii) by striking “or
(22)” and inserting “(22), or (23)”.

(3) Effective Date.—The amendments made
by this subsection shall apply to disclosures made on
or after the date of enactment of this Act.

DIVISION C—MISCELLANEOUS
TITLE XI—REPORTING FOREIGN
INTERFERENCE IN ELECTIONS

SEC. 1101. FEDERAL CAMPAIGN REPORTING OF FOREIGN
CONTACTS.
(a) Initial Notice.—
(1) In General.—Section 304 of the Federal
Election Campaign Act of 1971 (52 U.S.C. 30104),
as amended by section 309, is amended by adding at the end the following new subsection:

“(i) Disclosure of Reportable Foreign Contacts.—

“(1) Committee obligation to notify.— Not later than 1 week after a reportable foreign contact, each political committee shall notify the Federal Bureau of Investigation and the Commission of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact. The Federal Bureau of Investigation, not later than 1 week after receiving a notification from a political committee under this paragraph, shall submit to the political committee, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate written or electronic confirmation of receipt of the notification.

“(2) Individual obligation to notify.— Not later than 3 days after a reportable foreign contact—

“(A) each candidate and each immediate family member of a candidate shall notify the treasurer or other designated official of the principal campaign committee of such candidate
of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact; and

“(B) each official, employee, or agent of a political committee shall notify the treasurer or other designated official of the committee of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

“(3) REPORTABLE FOREIGN CONTACT.—In this subsection:

“(A) IN GENERAL.—The term ‘reportable foreign contact’ means any direct or indirect contact or communication that—

“(i) is between—

“(I) a candidate, an immediate family member of the candidate, a political committee, or any official, employee, or agent of such committee; and

“(II) an individual that the person described in subclause (I) knows, has reason to know, or reasonably believes is a covered foreign national; and

“(B) each official, employee, or agent of a political committee shall notify the treasurer or other designated official of the committee of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.
“(ii) the person described in clause (i)(I) knows, has reason to know, or reasonably believes involves—

“(I) an offer or other proposal for a contribution, donation, expenditure, disbursement, or solicitation described in section 319; or

“(II) coordination or collaboration with, an offer or provision of information or services to or from, or persistent and repeated contact with, a covered foreign national in connection with an election.

“(B) EXCEPTIONS.—

“(i) CONTACTS IN OFFICIAL CAPACITY AS ELECTED OFFICIAL.—The term ‘reportable foreign contact’ shall not include any contact or communication with a covered foreign national by an elected official or an employee of an elected official solely in an official capacity as such an official or employee.

“(ii) CONTACTS FOR PURPOSES OF ENABLING OBSERVATION OF ELECTIONS BY INTERNATIONAL OBSERVERS.—The
term ‘reportable foreign contact’ shall not include any contact or communication with a covered foreign national by any person which is made for purposes of enabling the observation of elections in the United States by a foreign national or the observation of elections outside of the United States by a candidate, political committee, or any official, employee, or agent of such committee.

“(iii) EXCEPTIONS NOT APPLICABLE IF CONTACTS OR COMMUNICATIONS INVOLVE PROHIBITED DISBURSEMENTS.—A contact or communication by an elected official or an employee of an elected official shall not be considered to be made solely in an official capacity for purposes of clause (i), and a contact or communication shall not be considered to be made for purposes of enabling the observation of elections for purposes of clause (ii), if the contact or communication involves a contribution, donation, expenditure, disbursement, or solicitation described in section 319.
“(C) COVERED FOREIGN NATIONAL DEFINED.—

“(i) IN GENERAL.—In this paragraph, the term ‘covered foreign national’ means—

“(I) a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b))) that is a government of a foreign country or a foreign political party;

“(II) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal described in subclause (I) or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal described in subclause (I); or

“(III) any person included in the list of specially designated nationals
and blocked persons maintained by
the Office of Foreign Assets Control
of the Department of the Treasury
pursuant to authorities relating to the
imposition of sanctions relating to the
conduct of a foreign principal de-
described in subclause (I).

“(ii) CLARIFICATION REGARDING AP-
PLICATION TO CITIZENS OF THE UNITED
STATES.—In the case of a citizen of the
United States, subclause (II) of clause (i)
applies only to the extent that the person
involved acts within the scope of that per-
son’s status as the agent of a foreign prin-
cipal described in subclause (I) of clause
(i).

“(4) IMMEDIATE FAMILY MEMBER.—In this
subsection, the term ‘immediate family member’
means, with respect to a candidate, a parent, parent-
in-law, spouse, adult child, or sibling.”.

(2) EFFECTIVE DATE.—The amendment made
by paragraph (1) shall apply with respect to report-
able foreign contacts which occur on or after the
date of the enactment of this Act.

(b) INFORMATION INCLUDED ON REPORT.—
(1) IN GENERAL.—Section 304(b) of such Act (52 U.S.C. 30104(b)) is amended—

(A) by striking “and” at the end of para-
graph (7);

(B) by striking the period at the end of paragraph (8) and inserting “; and”; and

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

“(9) for any reportable foreign contact (as de-
defined in subsection (i)(3))—

“(A) the date, time, and location of the contact;

“(B) the date and time of when a des-
ignated official of the committee was notified of the contact;

“(C) the identity of individuals involved;

and

“(D) a description of the contact, including the nature of any contribution, donation, ex-
penditure, disbursement, or solicitation involved and the nature of any activity described in sub-
section (i)(3)(A)(ii)(II) involved.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to reports filed on or after the expiration of the 60-day period
which begins on the date of the enactment of this Act.

SEC. 1102. FEDERAL CAMPAIGN FOREIGN CONTACT REPORTING COMPLIANCE SYSTEM.

(a) IN GENERAL.—Section 302 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30102) is amended by adding at the end the following new subsection:

“(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE POLICY.—

“(1) REPORTING.—Each political committee shall establish a policy that requires all officials, employees, and agents of such committee to notify the treasurer or other appropriate designated official of the committee of any reportable foreign contact (as defined in section 304(i)) not later than 3 days after such contact was made.

“(2) RETENTION AND PRESERVATION OF RECORDS.—Each political committee shall establish a policy that provides for the retention and preservation of records and information related to reportable foreign contacts (as so defined) for a period of not less than 3 years.

“(3) CERTIFICATION.—

“(A) IN GENERAL.—Upon filing its statement of organization under section 303(a), and
with each report filed under section 304(a), the treasurer of each political committee (other than an authorized committee) shall certify that—

“(i) the committee has in place policies that meet the requirements of paragraphs (1) and (2);

“(ii) the committee has designated an official to monitor compliance with such policies; and

“(iii) not later than 1 week after the beginning of any formal or informal affiliation with the committee, all officials, employees, and agents of such committee will—

“(I) receive notice of such policies;

“(II) be informed of the prohibitions under section 319; and

“(III) sign a certification affirming their understanding of such policies and prohibitions.

“(B) AUTHORIZED COMMITTEES.—With respect to an authorized committee, the can-
didate shall make the certification required
under subparagraph (A).”.

(b) Effective Date.—

(1) In general.—The amendment made by
subsection (a) shall apply with respect to political
committees which file a statement of organization
under section 303(a) of the Federal Election Cam-
paign Act of 1971 (52 U.S.C. 30103(a)) on or after
the date of the enactment of this Act.

(2) Transition rule for existing commit-
tees.—Not later than 30 days after the date of the
enactment of this Act, each political committee
under the Federal Election Campaign Act of 1971
shall file a certification with the Federal Election
Commission that the committee is in compliance
with the requirements of section 302(j) of such Act
(as added by subsection (a)).

SEC. 1103. CRIMINAL PENALTIES.

Section 309(d)(1) of the Federal Election Campaign
Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-
ing at the end the following new subparagraphs:

“(E) Any person who knowingly and will-
fully commits a violation of subsection (i) or
(b)(9) of section 304 or section 302(j) shall be
fined not more than $500,000, imprisoned not
more than 5 years, or both.

“(F) Any person who knowingly and will-
fully conceals or destroys any materials relating
to a reportable foreign contact (as defined in
section 304(i)) shall be fined not more than
$1,000,000, imprisoned not more than 5 years,
or both.”.

SEC. 1104. REPORT TO CONGRESSIONAL INTELLIGENCE
COMMITTEES.

(a) In general.—Not later than 1 year after the
date of enactment of this Act, and annually thereafter,
the Director of the Federal Bureau of Investigation shall
submit to the congressional intelligence committees a re-
port relating to notifications received by the Federal Bu-
reau of Investigation under section 304(i)(1) of the Fed-
eral Election Campaign Act of 1971 (as added by section
1101(a) of this Act).

(b) Elements.—Each report under subsection (a)
shall include, at a minimum, the following with respect
to notifications described in subsection (a):

(1) The number of such notifications received
from political committees during the year covered by
the report.
(2) A description of protocols and procedures
developed by the Federal Bureau of Investigation rel-
lating to receipt and maintenance of records relating
to such notifications.

(3) With respect to such notifications received
during the year covered by the report, a description
of any subsequent actions taken by the Director re-
sulting from the receipt of such notifications.

congressional intelligence committees Defined.—In this section, the term “congressional intel-
ligence committees” has the meaning given that term in
section 3 of the National Security Act of 1947 (50 U.S.C.
3003).

SEC. 1105. RULE OF CONSTRUCTION.

Nothing in this title or the amendments made by this
title shall be construed—

(1) to impede legitimate journalistic activities;
or

(2) to impose any additional limitation on the
right to express political views or to participate in
public discourse of any individual who—

(A) resides in the United States;

(B) is not a citizen of the United States or

a national of the United States, as defined in
section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

(C) is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

TITLE XII—ELIMINATING FOREIGN INTERFERENCE IN ELECTIONS

SEC. 1201. CLARIFICATION OF APPLICATION OF FOREIGN MONEY BAN.

(a) Clarification of Treatment of Provision of Certain Information as Contribution or Donation of a Thing of Value.—Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121) is amended by adding at the end the following new subsection:

“(c) Clarification of Treatment of Provision of Certain Information as Contribution or Donation of a Thing of Value.—For purposes of this section, a ‘contribution or donation of money or other thing of value’ includes the provision of opposition research, polling, or other non-public information relating to a candidate for election for a Federal, State, or local office for the purpose of influencing the election, regardless of
whether such research, polling, or information has monetary value, except that nothing in this subsection shall be construed to treat the mere provision of an opinion about a candidate as a thing of value for purposes of this section.”.

(b) Clarification of Application of Foreign Money Ban to All Contributions and Donations of Things of Value and to All Solicitations of Contributions and Donations of Things of Value.—Section 319(a) of such Act (52 U.S.C. 30121(a)) is amended—

(1) in paragraph (1)(A), by striking “promise to make a contribution or donation” and inserting “promise to make such a contribution or donation”;

(2) in paragraph (1)(B), by striking “donation” and inserting “donation of money or other thing of value, or to make an express or implied promise to make such a contribution or donation,”; and

(3) by amending paragraph (2) to read as follows:

“(2) a person to solicit, accept, or receive (directly or indirectly) a contribution or donation described in subparagraph (A) or (B) of paragraph (1), or to solicit, accept, or receive (directly or indirectly) an express or implied promise to make such
a contribution or donation, from a foreign na-

tional.”.

(c) ENHANCED PENALTY FOR CERTAIN VIOLA-

TIONS.—

(1) IN GENERAL.—Section 309(d)(1) of such
Act (52 U.S.C. 30109(d)(1)), as amended by section
1103, is further amended by adding at the end the
following new subparagraph:

“(G)(i) Any person who knowingly and
willfully commits a violation of section 319
which involves a foreign national which is a
government of a foreign country or a foreign
political party, or which involves a thing of
value consisting of the provision of opposition
research, polling, or other non-public informa-
tion relating to a candidate for election for a
Federal, State, or local office for the purpose of
influencing the election, shall be fined under
title 18, United States Code, or imprisoned for
not more than 5 years, or both.

“(ii) In clause (i), each of the terms ‘gov-
ernment of a foreign country’ and ‘foreign polit-
ical party’ has the meaning given such term in
section 1 of the Foreign Agents Registration
Act of 1938, as Amended (22 U.S.C. 611).”.
(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to violations committed on or after the date of the enactment of this Act.

SEC. 1202. REQUIRING ACKNOWLEDGMENT OF FOREIGN MONEY BAN BY POLITICAL COMMITTEES.

(a) Provision of Information by Federal Election Commission.—Section 303 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30103) is amended by adding at the end the following new subsection:

“(e) ACKNOWLEDGMENT OF FOREIGN MONEY BAN.—

“(1) Notification by Commission.—Not later than 30 days after a political committee files its statement of organization under subsection (a), and biennially thereafter until the committee terminates, the Commission shall provide the committee with a written explanation of section 319.

“(2) Acknowledgment by Committee.—

“(A) In general.—Not later than 30 days after receiving the written explanation of section 319 under paragraph (1), the committee shall transmit to the Commission a signed certification that the committee has received such written explanation and has provided a copy of
the explanation to all members, employees, contractors, and volunteers of the committee.

“(B) PERSON RESPONSIBLE FOR SIGNATURE.—The certification required under subparagraph (A) shall be signed—

“(i) in the case of an authorized committee of a candidate, by the candidate; or

“(ii) in the case of any other political committee, by the treasurer of the committee.”.

(b) EFFECTIVE DATE; TRANSITION FOR EXISTING COMMITTEES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to political committees which file statements of organization under section 303 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30103) on or after the date of the enactment of this Act.

(2) TRANSITION FOR EXISTING COMMITTEES.—

(A) NOTIFICATION BY FEDERAL ELECTION COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the Federal Election Commission shall provide each political committee under such Act with the written explanation of section 319 of such Act, as re-
required under section 303(e)(1) of such Act (as added by subsection (a)).

(B) ACKNOWLEDGMENT BY COMMITTEE.—Not later than 30 days after receiving the written explanation under subparagraph (A), each political committee under such Act shall transmit to the Federal Election Commission the signed certification, as required under section 303(e)(2) of such Act (as added by subsection (a)).

SEC. 1203. PROHIBITION ON CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS IN CONNECTIONS WITH BALLOT INITIATIVES AND REFERENDA.

(a) IN GENERAL.—Section 319(a)(1)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is amended by striking “State, or local election” and inserting the following: “State, or local election, including a State or local ballot initiative or referendum”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections held in 2024 or any succeeding year.
TITLE XIII—HONEST ADS

SEC. 1301. SHORT TITLE.
This title may be cited as the “Honest Ads Act”.

SEC. 1302. PURPOSE.
The purpose of this title is to enhance the integrity of American democracy and national security by improving disclosure requirements for online political advertisements in order to uphold the Supreme Court’s well-established standard that the electorate bears the right to be fully informed.

SEC. 1303. SENSE OF CONGRESS.
It is the sense of Congress that—

(1) the dramatic increase in digital political advertisements, and the growing centrality of online platforms in the lives of Americans, requires the Congress and the Federal Election Commission to take meaningful action to ensure that laws and regulations provide the accountability and transparency that is fundamental to our democracy;

(2) free and fair elections require both transparency and accountability which give the public a right to know the true sources of funding for political advertisements, be they foreign or domestic, in order to make informed political choices and hold elected officials accountable; and
(3) transparency of funding for political advertisements is essential to enforce other campaign finance laws, including the prohibition on campaign spending by foreign nationals.

SEC. 1304. EXPANSION OF DEFINITION OF PUBLIC COMMUNICATION.

(a) In General.—Paragraph (22) of section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(22)) is amended by striking “or satellite communication” and inserting “satellite, paid internet, or paid digital communication”.

(b) Treatment of Contributions and Expenditures.—Section 301 of such Act (52 U.S.C. 30101) is amended—

(1) in paragraph (8)(B)(v), by striking “on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising” and inserting “in any public communication”; and

(2) in paragraph (9)(B)—

(A) by amending clause (i) to read as follows:

“(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print,
online, or digital newspaper, magazine, publication, periodical, blog, or platform, unless such broadcasting, print, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;”; and 

(B) in clause (iv), by striking “on broadcast-
ing stations, or in newspapers, magazines, or similar types of general public political ad-
vertising” and inserting “in any public commu-
nication”.

(c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
Subsection (a) of section 318 of such Act (52 U.S.C. 30120) is amended—

(1) by striking “financing any communication through any broadcasting station, newspaper, maga-
azine, outdoor advertising facility, mailing, or any other type of general public political advertising” and inserting “financing any public communication”; and

(2) by striking “solicits any contribution through any broadcasting station, newspaper, maga-
azine, outdoor advertising facility, mailing, or any other type of general public political advertising”
and inserting “solicits any contribution through any
public communication”.

(d) EFFECTIVE DATE.—The amendments made by
this section shall take effect on the date of the enactment
of this Act and shall take effect without regard to whether
or not the Federal Election Commission has promulgated
the final regulations necessary to carry out this part and
the amendments made by this part by the deadline set
forth in subsection (e).

(e) REGULATION.—Not later than 1 year after the
date of the enactment of this Act, the Federal Election
Commission shall promulgate regulations on what con-
stitutes a paid internet or paid digital communication for
purposes of paragraph (22) of section 301 of the Federal
Election Campaign Act of 1971 (52 U.S.C. 30101(22)),
as amended by subsection (a), except that such regulation
shall not define a paid internet or paid digital communica-
tion to include communications for which the only pay-
ment consists of internal resources, such as employee com-
pensation, of the entity paying for the communication.

SEC. 1305. EXPANSION OF DEFINITION OF ELECTION-
EERING COMMUNICATION.

(a) EXPANSION TO ONLINE COMMUNICATIONS.—

(1) APPLICATION TO QUALIFIED INTERNET AND

DIGITAL COMMUNICATIONS.—
(A) IN GENERAL.—Subparagraph (A) of section 304(f)(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(f)(3)(A)) is amended by striking “or satellite communication” each place it appears in clauses (i) and (ii) and inserting “satellite, or qualified internet or digital communication”.

(B) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—Paragraph (3) of section 304(f) of such Act (52 U.S.C. 30104(f)) is amended by adding at the end the following new subparagraph:

“(D) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—The term ‘qualified internet or digital communication’ means any communication which is placed or promoted for a fee on an online platform (as defined in subsection (j)(3)).”.

(2) NONAPPLICATION OF RELEVANT ELECTORATE TO ONLINE COMMUNICATIONS.—Section 304(f)(3)(A)(i)(III) of such Act (52 U.S.C. 30104(f)(3)(A)(i)(III)) is amended by inserting “any broadcast, cable, or satellite” before “communication”.
(3) NEWS EXEMPTION.—Section 304(f)(3)(B)(i) of such Act (52 U.S.C. 30104(f)(3)(B)(i)) is amended to read as follows:

“(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station or any online or digital newspaper, magazine, publication, periodical, blog, or platform, unless such broadcasting, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to communications made on or after January 1, 2024, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SEC. 1306. APPLICATION OF DISCLAIMER STATEMENTS TO ONLINE COMMUNICATIONS.

(a) CLEAR AND CONSPICUOUS MANNER REQUIREMENT.—Subsection (a) of section 318 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120(a)) is amended—
(1) by striking “shall clearly state” each place it appears in paragraphs (1), (2), and (3) and inserting “shall state in a clear and conspicuous manner”; and

(2) by adding at the end the following flush sentence: “For purposes of this section, a communication does not make a statement in a clear and conspicuous manner if it is difficult to read or hear or if the placement is easily overlooked.”.

(b) Special Rules for Qualified Internet or Digital Communications.—

(1) In General.—Section 318 of such Act (52 U.S.C. 30120) is amended by adding at the end the following new subsection:

“(e) Special Rules for Qualified Internet or Digital Communications.—

“(1) Special Rules with Respect to Statements.—In the case of any qualified internet or digital communication (as defined in section 304(f)(3)(D)) which is disseminated through a medium in which the provision of all of the information specified in this section is not possible, the communication shall, in a clear and conspicuous manner—

“(A) state the name of the person who paid for the communication; and
“(B) provide a means for the recipient of
the communication to obtain the remainder of
the information required under this section with
minimal effort and without receiving or viewing
any additional material other than such re-
quired information.

“(2) SAFE HARBOR FOR DETERMINING CLEAR
AND CONSPICUOUS MANNER.—A statement in quali-
fied internet or digital communication (as defined in
section 304(f)(3)(D)) shall be considered to be made
in a clear and conspicuous manner as provided in
subsection (a) if the communication meets the fol-
lowing requirements:

“(A) TEXT OR GRAPHIC COMMUNICA-
TIONS.—In the case of a text or graphic com-
munication, the statement—

“(i) appears in letters at least as large
as the majority of the text in the commu-
nication; and

“(ii) meets the requirements of para-
graphs (2) and (3) of subsection (c).

“(B) AUDIO COMMUNICATIONS.—In the
case of an audio communication, the statement
is spoken in a clearly audible and intelligible
manner at the beginning or end of the communication and lasts at least 3 seconds.

“(C) VIDEO COMMUNICATIONS.—In the case of a video communication which also includes audio, the statement—

“(i) is included at either the beginning or the end of the communication; and

“(ii) is made both in—

“(I) a written format that meets the requirements of subparagraph (A) and appears for at least 4 seconds; and

“(II) an audible format that meets the requirements of subparagraph (B).

“(D) OTHER COMMUNICATIONS.—In the case of any other type of communication, the statement is at least as clear and conspicuous as the statement specified in subparagraph (A), (B), or (C).”.

(2) NONAPPLICATION OF CERTAIN EXCEPTIONS.—The exceptions provided in section 110.11(f)(1)(i) and (ii) of title 11, Code of Federal Regulations, or any successor to such rules, shall have no application to qualified internet or digital
communications (as defined in section 304(f)(3)(D)

(c) MODIFICATION OF ADDITIONAL REQUIREMENTS
FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
Act (52 U.S.C. 30120(d)) is amended—

(1) in paragraph (1)(A)—

(A) by striking “which is transmitted
through radio” and inserting “which is in an
audio format”; and

(B) by striking “BY RADIO” in the heading
and inserting “AUDIO FORMAT”;  

(2) in paragraph (1)(B)—

(A) by striking “which is transmitted
through television” and inserting “which is in
video format”; and

(B) by striking “BY TELEVISION” in the
heading and inserting “VIDEO FORMAT”; and

(3) in paragraph (2)—

(A) by striking “transmitted through radio
or television” and inserting “made in audio or
video format”; and

(B) by striking “through television” in the
second sentence and inserting “in video for-
mat”.


(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SEC. 1307. POLITICAL RECORD REQUIREMENTS FOR ONLINE PLATFORMS.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104), as amended by sections 309 and 1101, is amended by adding at the end the following new subsection:

“(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISEMENTS.—

“(1) IN GENERAL.—

“(A) REQUIREMENTS FOR ONLINE PLATFORMS.—

“(i) IN GENERAL.—An online platform shall maintain, and make available for online public inspection in machine readable format, a complete record of any qualified political advertisement which is purchased by a person whose aggregate purchases of qualified political advertisements on such online platform during the calendar year exceeds $500.
“(ii) REQUIREMENT RELATING TO POLITICAL ADS SOLD BY THIRD PARTY ADVERTISING VENDORS.—An online platform that displays a qualified political advertisement sold by a third party advertising vendor shall include on its own platform—

“(I) an easily accessible and identifiable link to the records maintained by the third-party advertising vendor under clause (i) regarding such qualified political advertisement; or

“(II) in any case in which the third party advertising vendor does not make such records available, a statement that no records from the third party advertising vendors records are available.

“(B) REQUIREMENTS FOR ADVERTISERS.—Any person who purchases a qualified political advertisement on an online platform shall provide the online platform with such information as is necessary for the online platform to comply with the requirements of subparagraph (A).
“(2) CONTENTS OF RECORD.—A record main-
tained under paragraph (1)(A) shall contain—

“(A) a digital copy of the qualified political
advertisement;

“(B) a description of the audience that re-
ceived the advertisement, the number of views
generated from the advertisement, and the date
and time that the advertisement is first dis-
played and last displayed; and

“(C) information regarding—

“(i) the total cost of the advertise-
ment (which may be rounded to the near-
est $100);

“(ii) the name of the candidate to
which the advertisement refers and the of-
fice to which the candidate is seeking elec-
tion, the election to which the advertise-
ment refers, or the national legislative
issue to which the advertisement refers (as
applicable);

“(iii) in the case of a request made
by, or on behalf of, a candidate, the name
of the candidate, the authorized committee
of the candidate, and the treasurer of such
committee; and
“(iv) in the case of any request not described in clause (iii), the name of the person purchasing the advertisement, the name and address of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

“(3) **ONLINE PLATFORM.—**

“(A) **IN GENERAL.—**For purposes of this subsection, subject to subparagraph (B), the term ‘online platform’ means any public-facing website, web application, or digital application (including a social network, ad network, or search engine) which—

“(i)(I) sells qualified political advertisements; and

“(II) has 50,000,000 or more unique monthly United States visitors or users for a majority of months during the preceding 12 months; or

“(ii) is a third-party advertising vendor that has 50,000,000 or more unique monthly United States visitors in the aggregate on any advertisement space that it
has sold or bought for a majority of
months during the preceding 12 months,
as measured by an independent digital rat-
ings service accredited by the Media Rat-
ings Council (or its successor).

“(B) EXEMPTION.—Such term shall not
include any online platform that is a distribu-
tion facility of any broadcasting station or
newspaper, magazine, blog, publication, or peri-
odical.

“(C) THIRD-PARTY ADVERTISING VENDOR
DEFINED.—For purposes of this subsection, the
term ‘third-party advertising vendor’ includes
any third-party advertising vendor network, ad-
vertising agency, advertiser, or third-party ad-
vertisement serving company that buys and
sells advertisement space on behalf of unaffili-
ated third-party websites, search engines, dig-
ital applications, or social media sites.

“(4) QUALIFIED POLITICAL ADVERTISEMENT.—
For purposes of this subsection, the term ‘qualified
political advertisement’ means any advertisement
(including search engine marketing, display adver-
tisements, video advertisements, native advertise-
ments, and sponsorships) that—
“(A) is made by or on behalf of a candidate; or

“(B) communicates a message relating to any political matter of national importance, including—

“(i) a candidate;

“(ii) any election to Federal office; or

“(iii) a national legislative issue of public importance.

“(5) TIME TO MAINTAIN FILE.—The information required under this subsection shall be made available as soon as possible and shall be retained by the online platform for a period of not less than 4 years.

“(6) SPECIAL RULE.—For purposes of this subsection, multiple versions of an advertisement that contain no material differences (such as versions that differ only because they contain a recipient’s name, or differ only in size, color, font, or layout) may be treated as a single qualified political advertisement.

“(7) PENALTIES.—For penalties for failure by online platforms, and persons requesting to purchase a qualified political advertisement on online plat-
forms, to comply with the requirements of this sub-
section, see section 309.”.

(b) EFFECTIVE DATE.—The amendments made by
this section shall take effect on the date of the enactment
of this Act and shall take effect without regard to whether
or not the Federal Election Commission has promulgated
the final regulations necessary to carry out this part and
the amendments made by this part by the deadline set
forth in subsection (c).

(c) RULEMAKING.—Not later than 120 days after the
date of the enactment of this Act, the Federal Election
Commission shall establish rules—

(1) for determining whether an advertisement
communicates a national legislative issue for pur-
poses of section 304(j) of the Federal Election Cam-
paign Act of 1971 (as added by subsection (a));

(2) requiring common data formats for the
record required to be maintained under such section
304(j) so that all online platforms submit and main-
tain data online in a common, machine-readable and
publicly accessible format; and

(3) establishing search interface requirements
relating to such record, including searches by can-
didate name, issue, purchaser, and date.
(d) REPORTING.—Not later than 2 years after the date of the enactment of this Act, and biannually thereafter, the Chairman of the Federal Election Commission shall submit a report to Congress on—

(1) matters relating to compliance with and the enforcement of the requirements of section 304(j) of the Federal Election Campaign Act of 1971, as added by subsection (a);

(2) recommendations for any modifications to such section to assist in carrying out its purposes; and

(3) identifying ways to bring transparency and accountability to political advertisements distributed online for free.

SEC. 1308. PREVENTING CONTRIBUTIONS, EXPENDITURES, INDEPENDENT EXPENDITURES, AND DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS BY FOREIGN NATIONALS IN THE FORM OF ONLINE ADVERTISING.

Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121), as amended by section 1201, is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:
“(b) Responsibilities of Broadcast Stations, Providers of Cable and Satellite Television, and Online Platforms.—

“(1) In general.—Each television or radio broadcast station, provider of cable or satellite television, or online platform (as defined in section 304(j)(3)) shall make reasonable efforts to ensure that communications described in section 318(a) and made available by such station, provider, or platform are not purchased by a foreign national, directly or indirectly.

“(2) Regulations.—Not later than 1 year after the date of the enactment of this subsection, the Commission shall promulgate regulations on what constitutes reasonable efforts under paragraph (1).”.

SEC. 1309. REQUIRING ONLINE PLATFORMS TO DISPLAY NOTICES IDENTIFYING SPONSORS OF POLITICAL ADVERTISEMENTS AND TO ENSURE NOTICES CONTINUE TO BE PRESENT WHEN ADVERTISEMENTS ARE SHARED.

(a) In general.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104), as amended by sections 309, 1101, and 1307(a), is amended by adding at the end the following new subsection:
“(k) Ensuring Display and Sharing of Sponsor Identification in Online Political Advertisements.—

“(1) Requirement.—Any online platform that displays a qualified political advertisement (regardless of whether such qualified political advertisement was purchased directly from the online platform) shall—

“(A) display with the advertisement a visible notice identifying the sponsor of the advertisement (or, if it is not practical for the platform to display such a notice, a notice that the advertisement is sponsored by a person other than the platform); and

“(B) ensure that the notice will continue to be displayed if a viewer of the advertisement shares the advertisement with others on that platform.

“(2) Safe Harbor.—An online platform shall not be treated as having failed to comply with the requirements of paragraph (1)(A) for the misidentification of a person as the sponsor of the advertisement if—
“(A) the person placing the online advertisement designated the person displayed in the advertisement as the sponsor; and

“(B) the online platform relied on such designation in good faith.

“(3) DEFINITIONS.—In this subsection—

“(A) the term ‘online platform’ has the meaning given such term in subsection (j)(3);

“(B) the term ‘qualified political advertisement’ has the meaning given such term in subsection (j)(4); and

“(C) the term ‘sponsor’ means the person purchasing the advertisement.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to advertisements displayed on or after the 120-day period which begins on the date of the enactment of this Act and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

TITLE XIV—PREVENTING A PATRONAGE SYSTEM

SEC. 1401. SHORT TITLE.

This title may be cited as the “Saving the Civil Service Act”.

217
SEC. 1402. LIMITATIONS ON EXCEPTING POSITIONS FROM COMPETITIVE SERVICE AND TRANSFERRING POSITIONS.

(a) IN GENERAL.—A position in the competitive service may not be excepted from the competitive service unless such position is placed—

(1) in any of the schedules A through E as described in section 6.2 of title 5, Code of Federal Regulations, as in effect on September 30, 2020; and

(2) under the terms and conditions under part 6 of such title as in effect on such date.

(b) TRANSFERS.—

(1) WITHIN EXCEPTED SERVICE.—A position in the excepted service may not be transferred to any schedule other than a schedule described in subsection (a)(1).

(2) OPM CONSENT REQUIRED.—An agency may not transfer any occupied position from the competitive service or excepted service into schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, without the prior consent of the Director.

(3) LIMIT DURING PRESIDENTIAL TERM.—During any 4-year presidential term, an agency may not transfer from the competitive service into the excepted service.
cepted service a total number of employees that is
more than 1 percent of the total number of employ-
ees at such agency as of the first day of such term,
or 5 employees, whichever is greater.

(4) Employee consent required.—Notwith-
standing any other provision of this section—

(A) an employee who occupies a position in
the excepted service may not be transferred to
an excepted service schedule other than the
schedule in which such position is located with-
out the prior written consent of the employee;
and

(B) an employee who occupies a position in
the competitive service may not be transferred
to the excepted service without the employee’s
prior written consent.

(c) Other Matters.—

(1) APPLICATION.—Notwithstanding section
7425(b) of title 38, United States Code, this section
shall apply to positions under chapters 73 and 74 of
such title.

(2) REGULATIONS.—The Director shall issue
regulations to implement this section.

(d) DEFINITIONS.—In this section—
(1) the term “agency” means any department, agency, or instrumentality of the Federal Government;

(2) the term “competitive service” has the meaning given that term in section 2102 of title 5, United States Code;

(3) the term “Director” means the Director of the Office of Personnel Management; and

(4) the term “excepted service” has the meaning given that term in section 2103 of title 5, United States Code.

TITLE XV—USE OF FEDERAL PROPERTY; VISITOR RECORDS

SEC. 1501. PROHIBITION ON USE OF FEDERAL PROPERTY FOR POLITICAL CONVENTIONS.

(a) In general.—Chapter 29 of title 18, United States Code, is amended by inserting after section 611 the following:

“§ 612. Prohibition on use of federal property for certain political activities

“(a) A convention of a national political party held to nominate a candidate for the office of President or Vice President may not be held on or in any Federal property.

“(b) Any candidate or the authorized committee of the candidate under the Federal Election Campaign Act
of 1971 which was responsible for a convention in violation
of subsection (a) shall be subject to an assessment of a
civil penalty equal to the fair market value of the cost of
the convention or $50,000, whichever is greater, or impris-
one not more than five years, or both.

“(c) In this section, the term ‘Federal property’
means any building, land, or other real property owned,
leased, or occupied by any department, agency, or instru-
mentality of the United States, including the White House
grounds and the White House (including the Old Execu-
tive Office Building, the West Wing, the East Wing, the
Rose Garden, and the Executive Residence, but not includ-
ing the second floor of the Executive Residence).”.

(b) CLERICAL AMENDMENT.—The table of sections
for such chapter is amended by inserting after the item
relating to section 611 the following:

“612. Prohibition on use of Federal property for certain political activities.”.

(c) APPLICATION.—

(1) IN GENERAL.—This Act and the amend-
ments made by this Act shall apply to any conven-
tion described in section 612(a) of title 18, United
States Code, as added by subsection (a), occurring
on or after the date of enactment of this Act.

(2) TRAVEL.—Nothing in this Act or the
amendments made by this Act shall be construed to
limit or otherwise prevent the President or Vice
President from using vehicles (including aircraft) owned or leased by the Government for travel to or from any such convention.

SEC. 1502. IMPROVING ACCESS TO INFLUENTIAL VISITOR ACCESS RECORDS.

(a) DEFINITIONS.—In this section:

(1) COVERED LOCATION.—The term “covered location” means—

(A) the White House;

(B) the residence of the Vice President; and

(C) any other location at which the President or the Vice President regularly conducts official business.

(2) COVERED RECORDS.—The term “covered records” means information relating to a visit at a covered location, which shall include—

(A) the name of each visitor at the covered location;

(B) the name of each individual with whom each visitor described in subparagraph (A) met at the covered location; and

(C) the purpose of the visit.

(b) REQUIREMENT.—Except as provided in subsection (c), not later than 90 days after the date of enact-
ment of this Act, the President shall establish and update, every 90 days thereafter, a publicly available database that contains covered records for the preceding 90-day period, on a publicly available website in an easily searchable and downloadable format.

(c) EXCEPTIONS.—

(1) IN GENERAL.—The President shall not include in the database established under subsection (b) any covered record—

(A) the posting of which would implicate personal privacy or law enforcement concerns or threaten national security;

(B) relating to a purely personal guest at a covered location; or

(C) that reveals the social security number, taxpayer identification number, birth date, home address, or personal phone number of an individual, the name of an individual who is less than 18 years old, or a financial account number.

(2) SENSITIVE MEETINGS.—With respect to a particularly sensitive meeting at a covered location, the President shall—
(A) include the number of visitors at the
covered location in the database established
under subsection (b);

(B) post the applicable covered records in
the database established under subsection (b)
when the President determines that release of
the covered records is no longer sensitive; and

(C) post any reasonably segregable portion
that is not covered by an exception described in
subsection (c) of any such excepted record on
the website described under subsection (b).

DIVISION D—SEVERABILITY

TITLE XVI—SEVERABILITY

SEC. 1601. SEVERABILITY.

If any provision of this Act or any amendment made
by this Act, or the application of a provision of this Act
or an amendment made by this Act to any person or cir-
sumstance, is held to be unconstitutional, the remainder
of this Act, and the application of the provisions to any
person or circumstance, shall not be affected by the hold-
ing.