



(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

14 (3) Division C—Miscellaneous.

15 (4) Division D—Severability.

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

Sec. 1. Short title.

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

DIVISION A—PREVENTING ABUSES OF PRESIDENTIAL POWER

TITLE I—ABUSE OF THE PARDON POWER PREVENTION

Sec. 101. Short title.

Sec. 102. Congressional oversight relating to certain pardons.

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

Sec. 104. Prohibition on presidential self-pardon.

TITLE II—ENSURING NO PRESIDENT IS ABOVE THE LAW

Sec. 201. Short title.

Sec. 202. Tolling of statute of limitations.

Sec. 203. Contracts by the President, the Vice President, or a cabinet member.

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

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.
- Sec. 802. Clarification of Federal Vacancies Reform Act of 1998.

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.

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

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

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

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

11 (a) SUBMISSION OF INFORMATION.—Not later than
12 30 days after the date on which the President grants an
13 individual a pardon for a covered offense, the Attorney
14 General shall submit to the chair and ranking member of
15 each appropriate congressional committee—

1 (1) all materials obtained or produced by the
2 prosecution team, including the Attorney General
3 and any United States Attorney, and all materials
4 obtained or prepared by any investigative agency of
5 the Federal Government, relating to the offense for
6 which the individual was pardoned; and

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

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

13 (c) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COM-
15 MITTEE.—The term “appropriate congressional com-
16 mittee” means—

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

20 (B) if an investigation relates to intel-
21 ligence or counterintelligence matters, the Se-
22 lect Committee on Intelligence of the Senate
23 and the Permanent Select Committee on Intel-
24 ligence of the House of Representatives.

1 (2) COVERED OFFENSE.—The term “covered
2 offense” means—

3 (A) an offense against the United States
4 that arises from an investigation in which a tar-
5 get or subject is—

6 (i) the President;

7 (ii) a relative of the President;

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

13 (iv) any individual who was an em-
14 ployee of an authorized committee (as de-
15 fined in section 301(6) of the Federal
16 Election Campaign Act of 1971 (52 U.S.C.
17 30101(6))) of the President for any elec-
18 tion to the office of President; or

19 (v) in the case of an offense motivated
20 by a direct and significant personal or pe-
21 cuniary interest of any individual described
22 in clause (i), (ii), (iii), or (iv), any person
23 or entity;

1 (B) an offense under section 102 of the
2 Revised Statutes of the United States (2 U.S.C.
3 192); or

4 (C) an offense under section 1001, 1505,
5 1512, or 1621 of title 18, United States Code,
6 if the offense occurred in relation to a congres-
7 sional proceeding or investigation.

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

10 (4) RELATIVE.—The term “relative”, with re-
11 spect to the President, means—

12 (A) a family member (as defined in section
13 1635.3(a) of title 29, Code of Federal Regula-
14 tions, or any successor regulation) of the Presi-
15 dent who is a first-degree relative, second-de-
16 gree relative, or third-degree relative (as those
17 terms are defined in such section 1635.3(a) or
18 any successor regulation) of the President; or

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

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

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

25 (1) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

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

15 (b) APPLICABILITY.—The amendment made by sub-
16 section (a) shall apply to any offense committed before the
17 date of enactment of this section, if the statute of limita-
18 tions applicable to that offense had not run as of such
19 date.

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

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

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

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

8 (2) in the first undesignated paragraph, by in-
9 serring “the President, the Vice President, in a posi-
10 tion at level I of the Executive Schedule under sec-
11 tion 5312 of title 5,” after “Whoever, being”.

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

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

16 **SEC. 204. FORFEITURE OF BENEFITS FOR FORMER PRESI-**
17 **DENTS CONVICTED OF A FELONY.**

18 The first section of the Act entitled “An Act to pro-
19 vide retirement, clerical assistants, and free mailing privi-
20 leges to former Presidents of the United States, and for
21 other purposes”, approved August 25, 1958 (commonly
22 known as the “Former Presidents Act of 1958”; 3 U.S.C.
23 102 note), is amended—

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

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

6 “(2) who has not been impeached by the House
7 of Representatives and convicted by the Senate pur-
8 suant to the impeachment; and”;

9 (3) by adding at the end the following new sub-
10 section:

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

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

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

24 “(C) such former President shall repay any
25 amounts received under subsection (a) during the

1 period beginning on the date on which such former
2 President is initially convicted of the felony and end-
3 ing on the date such former President is finally con-
4 victed of the felony.

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

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

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

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

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

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

19 **SEC. 302. DEFINITIONS.**

20 In this title:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(9) FOREIGN EMOLUMENTS.—Any present,
15 emolument, office, or title received from a govern-
16 ment of a foreign country, including the source,
17 date, type, and amount or value of each present or
18 emolument accepted on or before the date of filing
19 during the preceding calendar year.

20 “(10) BUSINESS INTERESTS RECEIVING FOR-
21 EIGN EMOLUMENTS.—Each business interest that is
22 reasonably expected to result in the receipt of any
23 present or emolument from a government of a for-
24 eign country during the current calendar year.

1 “(11) EMOLUMENTS FROM UNITED STATES.—

2 In addition, the President shall report—

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

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

11 (b) REPORTING REQUIREMENTS RELATED TO
12 SPOUSES AND DEPENDENT CHILDREN.—Section
13 13104(e)(1) of title 5, United States Code, is amended—

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

17 (2) by inserting after subparagraph (F) the fol-
18 lowing:

19 “(G) FOREIGN EMOLUMENTS.—In the case
20 of items described in paragraphs (9) and (10)
21 of subsection (a), all information required to be
22 reported under these paragraphs.

23 “(H) EMOLUMENTS FROM UNITED
24 STATES.—In the case of—

1 “(i) items described in paragraph
2 (11)(A) of subsection (a), any such items
3 received by spouse or dependent child of
4 the President other than items related to
5 the President’s services as President pro-
6 vided for by Federal law; and

7 “(ii) in the case of items described in
8 paragraph (11)(B) of subsection (a), all in-
9 formation required to be reported under
10 that paragraph.”.

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

15 **SEC. 306. ENFORCEMENT AUTHORITY OF THE DIRECTOR**
16 **OF THE OFFICE OF GOVERNMENT ETHICS.**

17 (a) **GENERAL AUTHORITY.**—Section 13122(a) of title
18 5, United States Code, is amended—

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

21 “(1) **IN GENERAL.**—The Director”; and

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

23 “(2) **OVERALL DIRECTION.**—The Director
24 shall—

1 “(A) provide overall direction of executive
2 branch policies related to compliance with the
3 Foreign and Domestic Emoluments Enforce-
4 ment Act, and the amendments made by that
5 Act; and

6 “(B) shall have the authority to—

7 “(i) issue administrative fines to indi-
8 viduals for violations;

9 “(ii) order individuals to take correc-
10 tive action, including disgorgement, divesti-
11 ture, and recusal, as the Director deems
12 necessary; and

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

15 (b) SPECIFIC AUTHORITIES.—Section 13122(b) of
16 title 5, United States Code, is amended—

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

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

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

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

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

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

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

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

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

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

15 (1) in subsection (a)—

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

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

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

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

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

1 “(d) If the Director of the Office of Government Eth-
2 ics refers a matter for investigation pursuant to section
3 13122, or if the Special Counsel receives a credible com-
4 plaint of a violation referred to in subsection (a)(6), the
5 Special Counsel shall complete an investigation not later
6 than 120 days thereafter. If the Special Counsel inves-
7 tigate any violation pursuant to subsection (a)(6), the
8 Special Counsel shall report not later than 7 days after
9 the completion of such investigation to the Director of the
10 Office of Government Ethics and to Congress on the re-
11 sults of such investigation.”.

12 **SEC. 308. RULEMAKING FOR ETHICS REQUIREMENTS FOR**
13 **LEGAL EXPENSE FUNDS.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Director of the Office
16 of Government Ethics shall finalize a rule establishing eth-
17 ics requirements for the establishment or operation of a
18 legal expense fund for the benefit of the President, the
19 Vice President, or any political appointee, consistent with
20 the requirements of subsection (b).

21 (b) LIMITATIONS ON ACCEPTANCE OF CERTAIN PAY-
22 MENTS.—

23 (1) IN GENERAL.—A legal expense fund de-
24 scribed in subsection (a) may not accept any con-
25 tribution or other payment made by—

1 (A) an individual who is a registered lob-
2 byist under the Lobbying Disclosure Act of
3 1995 (2 U.S.C. 1601 et seq.); or

4 (B) an agent of a foreign principal.

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

7 (A) the legal expense fund shall take ap-
8 propriate remedial action; and

9 (B) the Director of the Office of Govern-
10 ment Ethics may assess a fine against the indi-
11 vidual or agent of a foreign principal, as de-
12 fined in section 1 of the Foreign Agents Reg-
13 istration Act of 1938, as amended (22 U.S.C.
14 611).

15 **SEC. 309. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-**
16 **NATIONS TO, AND DISBURSEMENTS BY, INAUG-**
17 **URAL COMMITTEES.**

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

22 **“SEC. 325. INAUGURAL COMMITTEES.**

23 **“(a) PROHIBITED DONATIONS.—**

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

25 **“(A) an Inaugural Committee—**

1 “(i) to solicit, accept, or receive a do-
2 nation from a person that is not an indi-
3 vidual; or

4 “(ii) to solicit, accept, or receive a do-
5 nation from a foreign national;

6 “(B) a person—

7 “(i) to make a donation to an Inau-
8 gural Committee in the name of another
9 person, or to knowingly authorize his or
10 her name to be used to effect such a dona-
11 tion;

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

15 “(iii) to convert a donation to an In-
16 augural Committee to personal use as de-
17 scribed in paragraph (2); or

18 “(C) a foreign national to, directly or indi-
19 rectly, make a donation, or make an express or
20 implied promise to make a donation, to an In-
21 augural Committee.

22 “(2) CONVERSION OF DONATION TO PERSONAL
23 USE.—For purposes of paragraph (1)(B)(iii), a do-
24 nation shall be considered to be converted to per-

1 sonal use if any part of the donated amount is
2 used—

3 “(A) to fulfill a commitment, obligation, or
4 expense of a person that would exist irrespec-
5 tive of the responsibilities of the Inaugural
6 Committee; or

7 “(B) to benefit the personal business ven-
8 ture of the President or Vice President of the
9 United States, the Inaugural Committee, or an
10 immediate family member of such individuals.

11 “(3) NO EFFECT ON DISBURSEMENT OF UN-
12 USED FUNDS TO NONPROFIT ORGANIZATIONS.—
13 Nothing in this subsection may be construed to pro-
14 hibit an Inaugural Committee from disbursing un-
15 used funds to an organization which is described in
16 section 501(c)(3) of the Internal Revenue Code of
17 1986 and is exempt from taxation under section
18 501(a) of such Code.

19 “(b) LIMITATION ON DONATIONS.—

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

23 “(2) INDEXING.—At the beginning of each
24 Presidential election year (beginning with 2028), the
25 amount described in paragraph (1) shall be in-

1 creased by the cumulative percent difference deter-
2 mined in section 315(c)(1)(A) since the previous
3 Presidential election year. If any amount after such
4 increase is not a multiple of \$1,000, such amount
5 shall be rounded to the nearest multiple of \$1,000.

6 “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-
7 BURSEMENTS.—

8 “(1) DONATIONS OVER \$1,000.—

9 “(A) IN GENERAL.—An Inaugural Com-
10 mittee shall file with the Commission a report
11 disclosing any donation by an individual to the
12 committee in an amount of \$1,000 or more not
13 later than 24 hours after the receipt of such do-
14 nation.

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

17 “(i) the amount of the donation;

18 “(ii) the date the donation is received;

19 and

20 “(iii) the name and address of the in-
21 dividual making the donation.

22 “(2) FINAL REPORT.—Not later than the date
23 that is 90 days after the date of the Presidential in-
24 augural ceremony, the Inaugural Committee shall

1 file with the Commission a report containing the fol-
2 lowing information:

3 “(A) For each donation of money or any-
4 thing of value made to the committee in an ag-
5 gregate amount equal to or greater than
6 \$200—

7 “(i) the amount of the donation;

8 “(ii) the date the donation is received;

9 and

10 “(iii) the name and address of the in-
11 dividual making the donation.

12 “(B) The total amount of all disburse-
13 ments, and all disbursements in the following
14 categories:

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

17 “(ii) Repayment of all loans.

18 “(iii) Donation refunds and other off-
19 sets to donations.

20 “(iv) Any other disbursements.

21 “(C) The name and address of each per-
22 son—

23 “(i) to whom a disbursement in an ag-
24 gregate amount or value in excess of \$200
25 is made by the committee to meet a com-

1 mittee operating expense, together with
2 date, amount, and purpose of such oper-
3 ating expense;

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

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

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

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

17 “(1) DONATION.—

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

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

24 “(ii) the payment by any person of
25 compensation for the personal services of

1 another person which are rendered to the
2 committee without charge for any purpose.

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

7 “(2) FOREIGN NATIONAL.—The term ‘foreign
8 national’ has the meaning given that term by section
9 319(b).

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

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

16 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to limit the authority of a Federal
18 agency to enforce a Federal law with respect to an Inau-
19 gural Committee.”.

20 (b) CONFIRMING AMENDMENTS RELATED TO RE-
21 PORTING REQUIREMENTS.—

22 (1) Section 304 of the Federal Election Cam-
23 paign Act of 1971 (52 U.S.C. 30104) is amended—

24 (A) by striking subsection (h); and

1 (B) by redesignating subsection (i) as sub-
2 section (h).

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

5 (3) Section 313(e)(4) is amended by striking
6 “section 304(i)(8)(B)” and inserting “section
7 304(h)(8)(B)”.

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

11 **“§ 510. Disclosure of and prohibition on certain dona-**
12 **tions**

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

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

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

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

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

10 **SEC. 402. FINDINGS.**

11 The Congress finds as follows:

12 (1) As the Supreme Court of the United States
13 has repeatedly affirmed, including in its July 9,
14 2020, holding in *Trump v. Mazars*, Congress’s
15 “power of inquiry—with process to enforce it—is an
16 essential and appropriate auxiliary to the legislative
17 function”. Congress’s power to obtain information,
18 including through the issuance of subpoenas and the
19 enforcement of such subpoenas, is “broad and indis-
20 pensable”.

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

1 recognized in its August 7, 2020, en banc decision
2 in *Committee on the Judiciary of the U.S. House of*
3 *Representatives v. McGahn*.

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

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

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

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

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

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

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

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

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

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

1 “(c) PENALTIES.—

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

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

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

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

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

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

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

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

17 “(e) RULES OF PROCEDURE.—The Supreme Court of
18 the United States and the Judicial Conference of the
19 United States shall prescribe rules of procedure to ensure
20 the expeditious treatment of actions described in sub-
21 section (a). Such rules shall be prescribed and submitted
22 to the Congress pursuant to sections 2072, 2073, and
23 2074. This shall include procedures for expeditiously con-
24 sidering any assertion of constitutional or Federal statu-
25 tory privilege made in connection with testimony by any

1 recipient of a subpoena from a congressional committee
2 or subcommittee. The Supreme Court shall transmit such
3 rules to Congress within 6 months after the effective date
4 of this section and then pursuant to section 2074 there-
5 after.

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

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

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

18 **SEC. 404. COMPLIANCE WITH CONGRESSIONAL SUB-**
19 **POENAS.**

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

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

24 “(a) SUBPOENA BY CONGRESSIONAL COMMITTEE.—
25 Any recipient of any subpoena from a congressional com-

1 mittee or subcommittee shall appear and testify, produce,
2 or otherwise disclose information in a manner consistent
3 with the subpoena and this section.

4 “(b) FAILURE TO PRODUCE INFORMATION.—

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

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

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

19 “(B) The type of information.

20 “(C) The general subject matter.

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

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

24 “(F) The custodian of the information.

1 “(G) Any other descriptive information
2 that may be produced or disclosed regarding
3 the information that will enable the congress-
4 sional committee or subcommittee issuing the
5 subpoena to assess the ground asserted for
6 withholding the information.

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

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

 “105. Response to congressional subpoenas.”.

15 **SEC. 405. RULE OF CONSTRUCTION.**

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

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

24 Section 2954 of title 5, United States Code, is
25 amended—

1 (1) by striking “An Executive” and inserting
2 “(a) SUBMITTING INFORMATION.—An Executive”;
3 and

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

5 “(b) FAILURE TO COMPLY.—For purposes of rem-
6 edying any failure to comply with a request under sub-
7 section (a), section 1365a of title 28 and section 105 of
8 the Revised Statutes of the United States shall apply to
9 such a request in the same manner as such sections 1365a
10 and 105 apply to a subpoena.”.

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

14 **SEC. 500. SHORT TITLE.**

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

17 **Subtitle A—Strengthening Con-**
18 **gressional Control and Review**
19 **To Prevent Impoundment**

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

21 (a) IN GENERAL.—Part B of the Impoundment Con-
22 trol Act of 1974 (2 U.S.C. 682 et seq.) is amended by
23 adding at the end the following:

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

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

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

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

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

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

1 “(2) to make available all amounts for obliga-
 2 tion, without precondition (including footnotes) that
 3 shall be met prior to obligation, not later than 90
 4 days before the expiration of the period of avail-
 5 ability of such appropriation, including, if applicable,
 6 90 days before the expiration of an initial period of
 7 availability for which such appropriation was pro-
 8 vided.”.

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

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

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

15 (a) **IN GENERAL.**—Part B of the Impoundment Con-
 16 trol Act of 1974 (2 U.S.C. 682 et seq.), as amended by
 17 section 501(a), is further amended by adding at the end
 18 the following:

19 “REPORTING ON APPORTIONMENT OF APPROPRIATIONS
 20 BY DEPARTMENTS AND AGENCIES

21 “SEC. 1019. Each department or agency shall—

22 “(1) notify the Committee on the Budget and
 23 the Committee on Appropriations of the House of
 24 Representatives, the Committee on the Budget and

1 the Committee on Appropriations of the Senate, and
2 any other appropriate congressional committees if—

3 “(A) an apportionment is not made in the
4 required time period provided in section
5 1513(b) of title 31, United States Code;

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

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

15 “(2) include in each notification under para-
16 graph (1) information identifying the bureau, ac-
17 count name, appropriation name, and Treasury Ap-
18 propriation Fund Symbol or fund account.”.

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

“1019. Reporting on apportionment of appropriations by departments and agen-
cies.”.

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

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

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

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

8 “(c) REVIEW.—

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

11 “(A) review compliance with this part; and

12 “(B) submit to the Committee on the
13 Budget, the Committee on Appropriations, and
14 the Committee on Homeland Security and Gov-
15 ernmental Affairs of the Senate, the Committee
16 on the Budget, the Committee on Appropria-
17 tions, and the Committee on Oversight and Re-
18 form of the House of Representatives, and any
19 other appropriate congressional committee of
20 the Senate or the House of Representatives a
21 report, and any relevant information related to
22 the report, on any noncompliance with this
23 part.

24 “(2) INFORMATION, DOCUMENTATION, AND
25 VIEWS.—The President or the head of the relevant
26 department or agency of the United States shall pro-

1 vide information, documentation, and views to the
2 Comptroller General, as is determined by the Comptroller General to be necessary to determine such
3 compliance, not later than 20 days after the date on
4 which the request from the Comptroller General is
5 received, or if the Comptroller General determines
6 that a shorter or longer period is appropriate based
7 on the specific circumstances, within such shorter or
8 longer period.

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

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

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

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

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

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

4 **SEC. 504. ADVANCE CONGRESSIONAL NOTIFICATION AND**
5 **LITIGATION.**

6 Section 1016 of the Impoundment Control Act of
7 1974 (2 U.S.C. 687) is amended to read as follows:

8 “SUITS BY COMPTROLLER GENERAL

9 “SEC. 1016. (a) IN GENERAL.—If, under this title,
10 budget authority is required to be made available for obli-
11 gation and such budget authority is not made available
12 for obligation or information, documentation, views, or ac-
13 cess are required to be produced and such information,
14 documentation, views, or access are not produced, the
15 Comptroller General is expressly empowered, through at-
16 torneys selected by the Comptroller General, to bring a
17 civil action in the United States District Court for the Dis-
18 trict of Columbia to require such budget authority to be
19 made available for obligation or such information, docu-
20 mentation, views, or access to be produced.

21 “(b) COURT AUTHORITY.—In a civil action under
22 subsection (a), the court is expressly empowered to enter,
23 against any department, agency, officer, or employee of
24 the United States, any decree, judgment, or order which
25 may be necessary or appropriate to make such budget au-

1 thority available for obligation or compel production of
2 such information, documentation, views, or access.

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

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

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

21 “PENALTIES FOR FAILURE TO COMPLY

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

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

3 “(b) REPORTING VIOLATIONS.—

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

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

1 action taken to prevent recurrence of the same type
2 of violation, and any written response by any officer
3 or employee identified by position as involved in the
4 violation. In the case that the Comptroller General
5 issues a legal decision concluding that a department,
6 agency, or office of the United States violated this
7 part and the relevant department, agency, or office
8 does not agree that a violation has occurred, the re-
9 port provided to Congress, the Comptroller General,
10 and relevant inspector general will explain the posi-
11 tion of the department, agency, or office.

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

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

“1020. Penalties for failure to comply.”.

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

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

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

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

9 “(40) for the budget for each of fiscal years
10 2025 through 2029, a report—

11 “(A) identifying unobligated expired bal-
12 ances as of the beginning of the current fiscal
13 year and the beginning of each of the preceding
14 2 fiscal years by agency and the applicable
15 Treasury Appropriation Fund Symbol or fund
16 account; and

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

1 **SEC. 512. CANCELLED BALANCE REPORTING IN THE PRESI-**
2 **DENT'S BUDGET.**

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

6 “(41) for the budget for each of fiscal years
7 2025 through 2029, a report—

8 “(A) identifying cancelled balances (pursu-
9 ant to section 1552(a)) for the preceding 3 fis-
10 cal years by agency and Treasury Appropriation
11 Fund Symbol or fund account;

12 “(B) providing explanation of cancelled
13 balances in any Treasury Appropriation Fund
14 Symbol or fund account that exceed the lesser
15 of 5 percent of total appropriations made avail-
16 able for that account or \$100,000,000; and

17 “(C) including a tabulation, by Treasury
18 Appropriation Fund Symbol or fund account
19 and appropriation, of all balances of appropria-
20 tions available for an indefinite period in an ap-
21 propriation account available for an indefinite
22 period that do not meet the criteria for closure
23 under section 1555, but for which either—

24 “(i) the head of the agency concerned
25 or the President has determined that the

1 purposes for which the appropriation was
2 made have been carried out; or

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

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

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

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

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

15 “(42) a report—

16 “(A) identifying any obligation or expendi-
17 ture made by a department or agency affected
18 in whole or in part by any lapse in appropria-
19 tions of 5 consecutive days or more during the
20 preceding fiscal year for which amounts were
21 not available; and

22 “(B) with respect to any such obligation or
23 expenditure, providing—

24 “(i) the amount so obligated or ex-
25 pended;

1 “(ii) the account affected;

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

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

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

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

22 “(43) for the budget for fiscal year 2025, a re-
23 port—

24 “(A) identifying any transfer authority or
25 other authority to repurpose appropriations pro-

1 vided in a law other than an appropriation act;
2 and

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

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

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

14 **“§ 1555a. Cancellation of appropriations available for**
15 **indefinite periods within an account**

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

23 “(1) the head of the agency concerned or the
24 President determines that the purposes for which

1 the appropriation was made have been carried out;
2 and

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

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

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

9 **PART 2—EMPOWERING CONGRESSIONAL REVIEW**
10 **THROUGH NONPARTISAN CONGRESSIONAL**
11 **AGENCIES AND TRANSPARENCY INITIATIVES**
12 **SEC. 521. REQUIREMENT TO RESPOND TO REQUESTS FOR**
13 **INFORMATION FROM THE COMPTROLLER**
14 **GENERAL FOR BUDGET AND APPROPRIA-**
15 **TIONS LAW DECISIONS.**

16 (a) IN GENERAL.—Subchapter II of chapter 7 of title
17 31, United States Code, is amended by adding at the end
18 the following:

19 **“§ 722. Requirement to respond to requests for infor-**
20 **mation from the Comptroller General for**
21 **budget and appropriations law decisions**

22 “(a) If an agency receives a written request for infor-
23 mation, documentation, or views from the Comptroller
24 General relating to a decision or opinion on budget or ap-

1 appropriations law, the agency shall provide the requested
2 information, documentation, or views not later than 20
3 days after receiving the written request, unless such writ-
4 ten request specifically provides otherwise.

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

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

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

20 “(3) the court in a civil action brought under
21 paragraph (2) is expressly empowered to enter
22 against any department, agency, officer, or employee
23 of the United States any decree, judgment, or order
24 which may be necessary or appropriate to require
25 such production.

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

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

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

8 **SEC. 522. REPORTING REQUIREMENTS FOR**
9 **ANTIDEFICIENCY ACT VIOLATIONS.**

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

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

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

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

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

22 “(b) Any such report shall include a statement of the
23 provision violated, a summary of the facts pertaining to
24 the violation, the title and Treasury Appropriation Fund

1 Symbol of the appropriation or fund account, the amount
2 involved for each violation, the date on which the violation
3 occurred, the position of any officer or employee respon-
4 sible for the violation, a statement of the administrative
5 discipline imposed and any further action taken with re-
6 spect to any officer or employee involved in the violation,
7 a statement of any additional action taken to prevent re-
8 currence of the same type of violation, a statement of any
9 determination that the violation was not knowing and will-
10 ful that has been made by the executive agency or the Dis-
11 trict of Columbia government, and any written response
12 by any officer or employee identified by position as in-
13 volved in the violation. In the case that the Comptroller
14 General issues a legal decision concluding that section
15 1341(a) or 1342 was violated and the executive agency
16 or the District of Columbia government does not agree
17 that a violation has occurred, the report provided to the
18 President, the Congress, and the Comptroller General will
19 explain the position of the executive agency or the District
20 of Columbia government.”.

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

23 (1) in subsection (b)—

24 (A) by inserting “or if the Comptroller
25 General determines that an officer or employee

1 of an executive agency or of the District of Co-
2 lumbia government violated subsection (a),” be-
3 fore “the head of the executive agency”; and

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

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

8 “(c) Any such report shall include a statement of the
9 provision violated, a summary of the facts pertaining to
10 the violation, the title and Treasury Appropriation Fund
11 Symbol of the appropriation or fund account, the amount
12 involved for each violation, the date on which the violation
13 occurred, the position of any officer or employee respon-
14 sible for the violation, a statement of the administrative
15 discipline imposed and any further action taken with re-
16 spect to any officer or employee involved in the violation,
17 a statement of any additional action taken to prevent re-
18 currence of the same type of violation, a statement of any
19 determination that the violation was not knowing and will-
20 ful that has been made by the executive agency or the Dis-
21 trict of Columbia government, and any written response
22 by any officer or employee identified by position as in-
23 volved in the violation. In the case that the Comptroller
24 General issues a legal decision concluding that subsection
25 (a) was violated and the executive agency or the District

1 of Columbia government does not agree that a violation
2 has occurred, the report provided to the President, the
3 Congress, and the Comptroller General will explain the po-
4 sition of the executive agency or the District of Columbia
5 government.”.

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

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

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

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

14 “(b)(1) If an executive agency or the District of Co-
15 lumbia government reports, under section 1351, a viola-
16 tion of section 1341(a) or 1342, the Attorney General
17 shall promptly review such report and investigate to the
18 extent necessary to determine whether there are reason-
19 able grounds to believe that the responsible officer or em-
20 ployee knowingly and willfully violated such section
21 1341(a) or 1342, as applicable. If the Attorney General
22 determines that there are such reasonable grounds, the
23 Attorney General diligently shall investigate a criminal
24 violation under this section.

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

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

9 “(B) the number of reports reviewed in accord-
10 ance with paragraph (1) during the preceding cal-
11 endar year;

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

17 “(D) without identification of any individual of-
18 ficer or employee, an explanation of any update to
19 the status of any review or investigation previously
20 reported pursuant to this paragraph.”.

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

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

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

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

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

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

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

22 “(C) without identification of any individual of-
23 ficer or employee, a description of each investigation
24 undertaken in accordance with paragraph (1) during

1 the preceding calendar year and an explanation of
2 the status of any such investigation; and

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

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

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

10 (a) SCHEDULE OF PUBLICATION FOR FINAL OLC
11 OPINIONS.—Each final OLC opinion shall be made avail-
12 able on its public website in a manner that is searchable,
13 sortable, and downloadable in its entirety as soon as is
14 practicable, but—

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

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

21 (3) not later than 2 years after the date of en-
22 actment of this Act for an opinion issued on or after
23 January 20, 1981, and before or on January 19,
24 1993;

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

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

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

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

11 (A) information contained in the opinion
12 was—

13 (i) specifically authorized to be kept
14 secret, under criteria established by an Ex-
15 ecutive order, in the interest of national
16 defense or foreign policy;

17 (ii) properly classified, including all
18 procedural and marking requirements, pur-
19 suant to such Executive order;

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

24 (iv) put through declassification re-
25 view within the past two years;

1 (B) information contained in the opinion
2 relates to the appointment of a specific indi-
3 vidual not confirmed to Federal office;

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

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

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

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

21 (E) the President, in his or her sole and
22 nondelegable determination, formally and per-
23 sonally claims in writing that executive privilege
24 prevents the release of the information and dis-
25 closure would cause specific identifiable harm to

1 an interest protected by an exception or the dis-
2 closure is prohibited by law; or

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

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

12 (A) in writing;

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

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

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

22 (3) FINAL OPINIONS.—For final OLC opinions
23 for which the text is withheld in full or in substan-
24 tial part, a detailed unclassified summary of the
25 opinion shall be made available to the public, in the

1 same timeframe as required of the final OLC opin-
2 ion, that conveys the essence of the opinion, includ-
3 ing any interpretations of a statute, the Constitu-
4 tion, or other legal authority. A notation shall be in-
5 cluded in any published list of final OLC opinions
6 regarding the extent of the withholdings.

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

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

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

1 the opinion, unless including that indication would
2 harm an interest protected by the exemption in this
3 paragraph under which the withholding is made. If
4 technically feasible, the amount of the information
5 withheld, and the exemption under which the with-
6 holding is made, shall be indicated at the place in
7 the opinion where such withholding is made.

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

12 (1) with respect to each opinion—

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

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

21 (i) the title of the opinion;

22 (ii) the date of publication or revision;

23 or

24 (iii) the full text of the opinion;

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

5 (D) provides a permanent means of access-
6 ing the opinion electronically;

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

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

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

16 (d) DEFINITIONS.—In this section:

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

1 tions 511–513 of title 28, United States Code, and
2 relating to—

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

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

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

9 (D) any appropriations Act, continuing
10 resolution, or other provision of law providing
11 or governing appropriations or budget author-
12 ity.

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

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

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

22 **SEC. 525. TREATMENT OF REQUESTS FOR INFORMATION**
23 **FROM MEMBERS OF CONGRESS.**

24 Section 552(d) of title 5, United States Code (com-
25 monly known as the “Freedom of Information Act”), is

1 amended, in the second sentence, by inserting “or any
2 Member of Congress” before the period at the end.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(e) LIMITATIONS.—

11 “(1) IN GENERAL.—Any emergency powers in-
12 voked by the President pursuant to a national emer-
13 gency declared under this section shall relate to the
14 nature of, and may be used only to address, that
15 emergency.

16 “(2) AUTHORIZATION OR FUNDING WITH-
17 HELD.—No authority available to the President dur-
18 ing a national emergency declared under this section
19 may be used to provide authorization or funding for
20 any program, project, or activity for which Congress,
21 on or after the date of the events giving rise to the
22 emergency declaration, has withheld authorization or
23 funding.

1 **“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-**
2 **GENCIES.**

3 “(a) TEMPORARY EFFECTIVE PERIODS.—

4 “(1) IN GENERAL.—Unless previously termi-
5 nated pursuant to a proclamation of the President
6 or an Act of Congress under subsection (c), a dec-
7 laration of a national emergency shall remain in ef-
8 fect for 20 session days, in the case of the Senate,
9 and 20 legislative days, in the case of the House,
10 from the issuance of the proclamation under section
11 201(a) (not counting the day on which the proclama-
12 tion was issued) and shall terminate when that pe-
13 riod expires unless there is enacted into law a joint
14 resolution of approval under section 203 with re-
15 spect to the proclamation.

16 “(2) EXERCISE OF POWERS AND AUTHORI-
17 TIES.—Unless the declaration of national emergency
18 has been terminated pursuant to a proclamation of
19 the President or an Act of Congress under sub-
20 section (c), any emergency power or authority made
21 available under a provision of law specified pursuant
22 to section 201(b) may be exercised pursuant to a
23 declaration of a national emergency for 20 session
24 days, in the case of the Senate, and 20 legislative
25 days, in the case of the House, from the issuance of
26 the proclamation or Executive order (not counting

1 the day on which such proclamation or Executive
2 order was issued). That power or authority may not
3 be exercised after that period expires unless there is
4 enacted into law a joint resolution of approval under
5 section 203 approving—

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

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

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

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

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

1 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

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

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

9 “(C) the date specified in an Act of Con-
10 gress, including a joint resolution of termi-
11 nation under section 203, terminating the emer-
12 gency; or

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

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

18 “(A) any powers or authorities exercised
19 by reason of the emergency shall cease to be ex-
20 ercised;

21 “(B) any amounts reprogrammed,
22 repurposed, or transferred under any provision
23 of law with respect to the emergency that re-
24 main unobligated on that date shall be returned

1 and made available for the purpose for which
2 such amounts were appropriated; and

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

6 **“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMER-**
7 **GENCIES.**

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

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

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

16 “(B) Executive orders issued under section
17 201(b)(2); or

18 “(C) Executive orders issued under section
19 202(b).

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

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

5 “(1) a national emergency declared under sec-
6 tion 201; or

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

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

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

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

23 “(A) COMMITTEE REFERRAL.—A joint res-
24 olution of approval or joint resolution of termi-

1 nation shall be referred to the appropriate com-
2 mittee or committees.

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

11 “(C) PROCEEDING TO CONSIDERATION.—
12 Notwithstanding Rule XXII of the Standing
13 Rules of the Senate, when a committee to which
14 a joint resolution of approval or joint resolution
15 of termination is referred has reported the reso-
16 lution, or when that committee is discharged
17 under subparagraph (B) from further consider-
18 ation of the resolution, it is at any time there-
19 after in order to move to proceed to the consid-
20 eration of the joint resolution, and all points of
21 order against the joint resolution (and against
22 the motion to proceed to the consideration of
23 the joint resolution) are waived. The motion to
24 proceed shall be debatable for 4 hours evenly
25 divided between proponents and opponents of

1 the joint resolution of approval or joint resolu-
2 tion of termination. The motion is not subject
3 to amendment, or to a motion to postpone, or
4 to a motion to proceed to the consideration of
5 other business. A motion to reconsider the vote
6 by which the motion is agreed to or disagreed
7 to shall not be in order. If a motion to proceed
8 to the consideration of a joint resolution of ap-
9 proval or joint resolution of termination is
10 agreed to, the joint resolution shall remain the
11 unfinished business of the Senate until disposed
12 of.

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

23 “(E) AMENDMENTS.—No amendments
24 shall be in order with respect to a joint resolu-

1 tion of approval or joint resolution of termi-
2 nation in the Senate.

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

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

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

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

21 “(B)(i) PROCEEDING TO CONSIDER-
22 ATION.—Beginning on the third legislative day
23 after each committee to which a joint resolution
24 of approval or joint resolution of termination
25 has been referred reports it to the House or has

1 been discharged from further consideration
2 thereof, it shall be in order to move to proceed
3 to consider the joint resolution of approval or
4 joint resolution of termination in the House. All
5 points of order against the motion are waived.
6 Such a motion shall not be in order after the
7 House has disposed of another motion to pro-
8 ceed on the joint resolution of approval or joint
9 resolution of termination. The previous question
10 shall be considered as ordered on the motion to
11 its adoption without intervening motion. The
12 motion shall not be debatable. A motion to re-
13 consider the vote by which the motion is dis-
14 posed of shall not be in order.

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

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

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

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

16 “(A) IN GENERAL.—If, before the passage
17 by one House of a joint resolution of approval
18 or joint resolution of termination of that House,
19 that House receives from the other House a
20 joint resolution of approval or joint resolution
21 of termination with regard to the same procla-
22 mation or Executive order, then the following
23 procedures shall apply:

24 “(i) The joint resolution of approval
25 or joint resolution of termination of the

1 other House shall not be referred to a com-
2 mittee.

3 “(ii) With respect to a joint resolution
4 of approval or joint resolution of termi-
5 nation of the House receiving the joint res-
6 olution—

7 “(I) the procedure in that House
8 shall be the same as if no joint resolu-
9 tion of approval or joint resolution of
10 termination had been received from
11 the other House; but

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

16 “(iii) Upon the failure of passage of
17 the joint resolution of approval or joint
18 resolution of termination of the other
19 House, the question shall immediately
20 occur on passage of the joint resolution of
21 approval or joint resolution of termination
22 of the receiving House.

23 “(B) TREATMENT OF LEGISLATION OF
24 OTHER HOUSE.—If one House fails to introduce
25 a joint resolution of approval or joint resolution

1 of termination under this section, the joint reso-
2 lution of approval or joint resolution of termi-
3 nation of the other House shall be entitled to
4 expedited floor procedures under this section.

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

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

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

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

21 “(1) as an exercise of the rulemaking power of
22 the Senate and the House of Representatives, re-
23 spectively, and as such is deemed a part of the rules
24 of each House, respectively, but applicable only with
25 respect to the procedure to be followed in the House

1 in the case of joint resolutions described in this sec-
2 tion, and supersedes other rules only to the extent
3 that it is inconsistent with such other rules; and

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

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

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

18 “(b) NATIONAL EMERGENCY DESCRIBED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 “(f) PERIODIC REPORTS ON STATUS OF EMER-
6 GENCIES.—If the President declares a national emergency
7 under section 201(a), the President shall, not less fre-
8 quently than every 90 days for the duration of the emer-
9 gency, report to Congress on the status of the emergency
10 and the actions the President or other officers have taken
11 and authorities the President and such officers have relied
12 on in addressing the emergency.”.

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

18 (1) by redesignating subsection (c) as sub-
19 section (d); and

20 (2) by inserting after subsection (b) the fol-
21 lowing:

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

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

4 (d) CONFORMING AMENDMENTS.—

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

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

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

16 (e) EFFECTIVE DATE; APPLICABILITY.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), this section and the amendments made by
19 this section shall take effect on the date of the en-
20 actment of this Act and apply with respect to na-
21 tional emergencies declared under section 201 of the
22 National Emergencies Act on or after that date.

23 (2) APPLICABILITY TO RENEWALS OF EXISTING
24 EMERGENCIES.—When a national emergency de-
25 clared under section 201 of the National Emer-

1 agencies Act before the date of the enactment of this
2 Act would expire or be renewed under section 202(d)
3 of that Act (as in effect on the day before such date
4 of enactment), that national emergency shall be sub-
5 ject to the requirements for renewal under section
6 202(b) of that Act, as amended by subsection (a).

7 **SEC. 532. NATIONAL EMERGENCIES ACT DECLARATION**
8 **SPENDING REPORTING IN THE PRESIDENT'S**
9 **BUDGET.**

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

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

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

1 “(i) a description of each such program,
2 project, and activity;

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

5 “(iii) the purpose and progress of such ob-
6 ligations and expenditures toward addressing
7 the applicable national emergency.

8 “(C) Such report shall include, with respect to
9 any transfer, reprogramming, or repurposing of
10 funds to address the applicable national emer-
11 gency—

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

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

16 “(iii) a description of programs, projects,
17 and activities affected by such transfer, re-
18 programming, or repurposing, including by a
19 reduction in funding.”.

20 **SEC. 533. DISCLOSURE TO CONGRESS OF PRESIDENTIAL**
21 **EMERGENCY ACTION DOCUMENTS.**

22 (a) **IN GENERAL.**—Not later than 30 days after the
23 conclusion of the process for approval, adoption, or revi-
24 sion of any presidential emergency action document, the

1 President shall submit that document to the appropriate
2 congressional committees.

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

9 (c) DEFINITIONS.—In this section:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees”, with respect to a presidential emergency
13 action document submitted under subsection (a) or
14 (b), means—

15 (A) the Committee on Homeland Security
16 and Governmental Affairs, the Committee on
17 the Judiciary, and the Select Committee on In-
18 telligence of the Senate;

19 (B) the Committee on Oversight and Ac-
20 countability, the Committee on the Judiciary,
21 and the Permanent Select Committee on Intel-
22 ligence of the House of Representatives; and

23 (C) any other committee of the Senate or
24 the House of Representatives with jurisdiction

1 over the subject matter addressed in the presi-
2 dential emergency action document.

3 (2) PRESIDENTIAL EMERGENCY ACTION DOCU-
4 MENT.—The term “presidential emergency action
5 document” refers to—

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

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

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

18 (ii) is designed to implement a presi-
19 dential decision or transmit a presidential
20 request when an emergency disrupts nor-
21 mal governmental or legislative processes.

22 **SEC. 534. CONGRESSIONAL DESIGNATIONS.**

23 Section 251(b)(2)(A) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985 (2 U.S.C.
25 901(b)(2)(A)) is amended—

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

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

5 **TITLE VI—SECURITY FROM PO-**
6 **LITICAL INTERFERENCE IN**
7 **JUSTICE**

8 **SEC. 601. SHORT TITLE.**

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

11 **SEC. 602. DEFINITIONS.**

12 In this title:

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

16 (2) **COVERED COMMUNICATION.**—

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

1 (B) EXCEPTIONS.—The term “covered
2 communication” does not include a communica-
3 tion that is any of the following:

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

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

19 (II) Any individual working in
20 the Executive Office of the President
21 who is compensated at a rate of pay
22 at or above level II of the Executive
23 Schedule under section 5313 of title
24 5, United States Code.

1 (III) The current or former chair
2 or treasurer of any national campaign
3 committee that sought the election or
4 seeks the reelection of the President,
5 or any officer of such a committee ex-
6 ercising authority at the national
7 level, during the tenure in office of the
8 President.

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

1 contemplated or ongoing investigation or
2 litigation in which a target or subject is
3 one of the following:

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

8 (II) Any individual working in
9 the Executive Office of the President
10 who is compensated at a rate of pay
11 at or above level II of the Executive
12 Schedule under section 5313 of title
13 5, United States Code.

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

22 (iii) A communication that involves
23 contact from or to the Deputy Counsel to
24 the President for National Security Af-
25 fairs, the staff of the National Security

1 Council, or the staff of the Homeland Se-
2 curity Council that relates to a national se-
3 curity matter, except to the extent that the
4 communication concerns a pending civil or
5 criminal action that may have national se-
6 curity implications.

7 (iv) A communication that involves
8 contact between the Office of the Pardon
9 Attorney of the Department of Justice and
10 the Counsel to the President or a Deputy
11 Counsel to the President relating to par-
12 don matters.

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

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

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

1 (B) stands in loco parentis.

2 **SEC. 603. COMMUNICATIONS LOGS.**

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

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

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

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

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

14 (c) OVERSIGHT.—

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

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

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

3 (B) notify the Committee on the Judiciary
4 of the Senate and the Committee on the Judici-
5 ary of the House of Representatives if the In-
6 spector General determines that a covered com-
7 munication described in the communications
8 log—

9 (i) is inappropriate from a law en-
10 forcement perspective; or

11 (ii) raises concerns about improper
12 political interference.

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

18 **SEC. 604. RULE OF CONSTRUCTION.**

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

1 **TITLE VII—PROTECTING**
2 **WHISTLEBLOWERS**
3 **Subtitle A—Whistleblower**
4 **Protection Improvement**

5 **SEC. 701. SHORT TITLE.**

6 This title may be cited as the “Whistleblower Protec-
7 tion Improvement Act of 2023”.

8 **SEC. 702. ADDITIONAL WHISTLEBLOWER PROTECTIONS.**

9 (a) INVESTIGATIONS AS PERSONNEL ACTIONS.—

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

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

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

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

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

20 “(I) the commencement, expan-
21 sion, or extension of an investigation,
22 but not including any investigation
23 that is ministerial or nondiscretionary
24 (including a ministerial or nondis-
25 cretionary investigation described in

1 section 1213) or any investigation
2 that is conducted by an Inspector
3 General of an entity of the Govern-
4 ment of an employee not employed by
5 the office of that Inspector General;
6 and

7 “(II) a referral to an Inspector
8 General of an entity of the Govern-
9 ment, except for a referral that is
10 ministerial or nondiscretionary; and”.

11 (2) APPLICATION.—The amendment made by
12 paragraph (1) shall apply to any investigation com-
13 menced, expanded, or extended, or to any referral
14 made, as described in clause (xii) of section
15 2302(a)(2)(A) of title 5, United States Code, as
16 amended by such paragraph, on or after the date of
17 enactment of this Act.

18 (b) RIGHT TO PETITION CONGRESS.—

19 (1) IN GENERAL.—Section 2302(b)(9) of title
20 5, United States Code, is amended—

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

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

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

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

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

9 (c) PROHIBITION ON DISCLOSURE OF WHISTLE-
10 BLOWER IDENTITY.—

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

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

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

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

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

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

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

12 “(A) the President;

13 “(B) a Member of Congress;

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

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

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

23 (2) APPLICATION.—The amendment made by
24 paragraph (1) shall apply to any transmission or
25 communication described in subsection (g) of section

1 2302 of title 5, United States Code, as added by
2 paragraph (1), made on or after the date of enact-
3 ment of this Act.

4 (d) RIGHT TO PETITION CONGRESS.—

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

7 **“§ 7211. Employees’ right to petition or furnish infor-**
8 **mation or respond to Congress**

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

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

14 “(2) furnish information, documents, or testi-
15 mony to either House of Congress, any Member of
16 Congress, or any committee or subcommittee of Con-
17 gress; or

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

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

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

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

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

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

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

24 “(d) DEFINITION OF OFFICER OR EMPLOYEE OF
25 THE FEDERAL GOVERNMENT.—For purposes of this sec-

1 tion, the term ‘officer or employee of the Federal Govern-
2 ment’ includes—

3 “(1) the President;

4 “(2) a Member of Congress;

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

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

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

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

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

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

16 **SEC. 703. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**
17 **TIONS.**

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

22 “(3) If the information transmitted under this sub-
23 section disclosed a violation of law, rule, or regulation, or
24 gross waste, gross mismanagement, abuse of authority, or

1 a substantial and specific danger to public health or safe-
2 ty, by any officer or employee of an Office of Inspector
3 General, the Special Counsel may refer the matter to the
4 Council of the Inspectors General on Integrity and Effi-
5 ciency, which shall comply with the standards and proce-
6 dures applicable to investigations and reports under this
7 subsection.”.

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

11 “(3) In any case in which the Special Counsel deter-
12 mines that a referral to an Inspector General of an entity
13 of the Federal Government was in retaliation for a dislo-
14 sure or protected activity described in section 2302(b)(8)
15 or in retaliation for exercising a right described in section
16 2302(b)(9)(A)(i), the Special Counsel shall transmit that
17 finding in writing to the Inspector General within 7 days
18 of making the finding. The Inspector General shall con-
19 sider that finding and make a determination on whether
20 to initiate an investigation or continue an investigation
21 based on the referral that the Special Counsel found to
22 be retaliatory.”.

23 (c) ENSURING TIMELY RELIEF.—

24 (1) INDIVIDUAL RIGHT OF ACTION.—Section
25 1221 of title 5, United States Code, is amended by

1 striking “section 2302(b)(8) or section
2 2302(b)(9)(A)(i), (B), (C), or (D),” each place it ap-
3 pears and inserting “section 2302(b)(8), section
4 2302(b)(9)(A)(i), (B), (C), (D), or (E), section
5 2302(b)(13), or section 2302(g),”.

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

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

12 “(A) determines that there is a substantial like-
13 lihood that protected activity was a contributing fac-
14 tor to the personnel action involved; or

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

17 (3) APPEAL OF STAY.—Section 1221(c) of title
18 5, United States Code, is amended by adding at the
19 end the following:

20 “(4) If any stay requested under paragraph (1) is de-
21 nied, the employee, former employee, or applicant for em-
22 ployment may, within 7 days after receiving notice of the
23 denial, file an appeal for expedited review by the Board.
24 The agency shall have 7 days thereafter to respond. The
25 Board shall provide a decision not later than 21 days after

1 receiving the appeal. During the period of appeal, both
2 parties may supplement the record with information un-
3 available to them at the time the stay was first re-
4 quested.”.

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

7 (A) IN GENERAL.—Section 1221(i) of title
8 5, United States Code, is amended—

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

11 (ii) by adding at the end the fol-
12 lowing:

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

1 district court, and such action shall, at the request of ei-
2 ther party to such action, be tried before a jury. Upon
3 filing of an action with the appropriate United States dis-
4 trict court, any proceedings before the Board shall cease
5 and the employee, former employee, or applicant for em-
6 ployment waives any right to refile with the Board.

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

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

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

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

18 (B) APPLICATION.—

19 (i) IN GENERAL.—The amendments
20 made by subparagraph (A) shall apply to
21 any corrective action duly submitted to the
22 Merit Systems Protection Board, during
23 the 5-year period preceding the date of en-
24 actment of this Act, by an employee,
25 former employee, or applicant for employ-

1 ment based on an alleged prohibited per-
2 sonnel practice described in section
3 2302(b)(8), 2302(b)(9)(A)(i), (B), (C), or
4 (D), or 2302(b)(13) of title 5, United
5 States Code, with respect to which no final
6 order or decision has been issued by the
7 Board.

8 (ii) LIMITATION.—In the case of an
9 individual described in clause (i) whose
10 duly submitted claim to the Merit Systems
11 Protection Board was made not later than
12 180 days before the date of enactment of
13 this Act, such individual may only bring an
14 action before a United States district court
15 as described in paragraph (2) of section
16 1221(i) of title 5, United States Code, (as
17 added by subparagraph (A)) if that indi-
18 vidual—

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

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

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

14 (e) ATTORNEY FEES.—

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

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

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

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

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

16 (1) IN GENERAL.—Section 2302(a)(2)(A) of
17 title 5, United States Code, is amended, in the mat-
18 ter following clause (xiii), as redesignated by section
19 702(a)(1)(B)—

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

23 (B) by inserting after “title 31” the fol-
24 lowing: “, a fellow or intern at an agency, a
25 commissioned officer or applicant for employ-

1 ment in the Public Health Service, an officer or
2 applicant for employment in the commissioned
3 officer corps of the National Oceanic and At-
4 mospheric Administration, or a noncareer ap-
5 pointee in the Senior Executive Service”.

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

10 (A) in subsection (a)—

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

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

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

17 (3) APPLICATION.—

18 (A) IN GENERAL.—With respect to an offi-
19 cer or applicant for employment in the commis-
20 sioned officer corps of the National Oceanic and
21 Atmospheric Administration, the amendments
22 made by paragraphs (1) and (2) shall apply to
23 any personnel action taken against such officer
24 or applicant on or after December 23, 2020, for

1 making any disclosure protected under section
2 2302(b)(8) of title 5, United States Code.

3 (B) EXCEPTION.—Subparagraph (A) shall
4 not apply to any personnel action with respect
5 to which an allegation has been submitted pur-
6 suant to section 1034 of title 10, United States
7 Code, and a final decision has been made re-
8 garding such allegation under subsection (h) of
9 such section.

10 (C) DEFINITIONS.—In this paragraph, the
11 terms “disclosure” and “personnel action” have
12 the meanings given those terms in section
13 2302(a) of title 5, United States Code.

14 (g) RELIEF.—

15 (1) IN GENERAL.—Section 7701(b)(2)(A) of
16 title 5, United States Code, is amended, in the mat-
17 ter preceding clause (i), by striking “upon the mak-
18 ing of the decision” and inserting “upon the making
19 of the decision, necessary to make the employee
20 whole as if there had been no prohibited personnel
21 practice, including training, seniority, and pro-
22 motions consistent with the employee’s prior
23 record”.

24 (2) APPLICATION.—In addition to any appeal
25 made on or after the date of enactment of this Act

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

7 **SEC. 704. CLASSIFYING CERTAIN FURLOUGHS AS ADVERSE**
8 **PERSONNEL ACTIONS.**

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

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

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

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

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

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

1 **SEC. 705. CODIFICATION OF PROTECTIONS FOR DISCLO-**
2 **SURES OF CENSORSHIP RELATED TO RE-**
3 **SEARCH, ANALYSIS, OR TECHNICAL INFOR-**
4 **MATION.**

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

8 “(h)(1) In this subsection—

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

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

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

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

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

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

1 “(I) any violation of law, rule, or reg-
2 ulation; or

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

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

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

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

18 “(I) any violation of law, rule, or reg-
19 ulation; or

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

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

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

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

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

14 (b) REPEAL.—

15 (1) IN GENERAL.—Section 110 of the Whistle-
16 blower Protection Enhancement Act of 2012 (5
17 U.S.C. 2302 note) is hereby repealed.

18 (2) RULE OF CONSTRUCTION.—Nothing in this
19 section shall be construed to limit or otherwise affect
20 any action under section 110 of the Whistleblower
21 Protection Enhancement Act of 2012 (5 U.S.C.
22 2302 note) commenced before the date of enactment
23 of this Act or any protections afforded by such sec-
24 tion with respect to such action.

1 **SEC. 706. TITLE 5 TECHNICAL AND CONFORMING AMEND-**
2 **MENTS.**

3 Title 5, United States Code, is amended—

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

7 (2) in section 1214—

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

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

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

25 (4) in section 2302—

26 (A) in subsection (a)—

- 1 (i) in paragraph (1), by inserting “or
2 (g)” after “subsection (b)”; and
- 3 (ii) in paragraph (2)(C)(i), by striking
4 “subsection (b)(8) or section
5 2302(b)(9)(A)(i), (B), (C), or (D)” and in-
6 serting “subsection (b)(8), (b)(9)(A)(i),
7 (B), (C), (D), or (E), (b)(13), or (g)”; and
8 (B) in subsection (c)(1)(B), by striking
9 “paragraph (8) or subparagraph (A)(i), (B),
10 (C), or (D) of paragraph (9) of subsection (b)”
11 and inserting “subsection (b)(8), subparagraph
12 (A)(i), (B), (C), or (D) of subsection (b)(9),
13 subsection (b)(13), or subsection (g)”;
14 (5) in section 7515(a)(2), by striking “para-
15 graph (8), (9), or (14) of section 2302(b)” and in-
16 serting “paragraph (8), (9), (13), or (14) of section
17 2302(b) or section 2302(g)”;
18 (6) in section 7701(c)(2)(B), by striking “sec-
19 tion 2302(b)” and inserting “subsection (b) or (g) of
20 section 2302”; and
21 (7) in section 7703(b)(1)(B), by striking “sec-
22 tion 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or
23 (D)” and inserting “section 2302(b)(8), section
24 2302(b)(9)(A)(i), (B), (C), (D), or (E), section
25 2302(b)(13), or section 2302(g)”.

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

3 **SEC. 711. LIMITATION ON SHARING OF INTELLIGENCE**
4 **COMMUNITY WHISTLEBLOWER COMPLAINTS**
5 **WITH PERSONS NAMED IN SUCH COM-**
6 **PLAINTS.**

7 (a) IN GENERAL.—The National Security Act of
8 1947 (50 U.S.C. 3001 et seq.) is amended by adding at
9 the end the following new title:

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

14 **“SEC. 1202. LIMITATION ON SHARING OF INTELLIGENCE**
15 **COMMUNITY WHISTLEBLOWER COMPLAINTS**
16 **WITH PERSONS NAMED IN SUCH COM-**
17 **PLAINTS.**

18 “(a) WHISTLEBLOWER DISCLOSURE INFORMATION
19 DEFINED.—In this section, the term ‘whistleblower disclo-

20 sure information’ means, with respect to a whistleblower
21 disclosure—

22 “(1) the disclosure;

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

1 “(3) the identity, or other identifying informa-
2 tion, of the whistleblower who made the disclosure.

3 “(b) IN GENERAL.—It shall be unlawful for any em-
4 ployee or officer of the Federal Government to knowingly
5 and willfully share any whistleblower disclosure informa-
6 tion with any individual named as a subject of the whistle-
7 blower disclosure and alleged in the disclosure to have en-
8 gaged in misconduct, unless—

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

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

13 “(A) determines that such sharing is nec-
14 essary to advance an investigation, audit, in-
15 spection, review, or evaluation by the Inspector
16 General; and

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

19 “(3) an attorney for the Federal Government—

20 “(A) determines that such sharing is nec-
21 essary to advance an investigation by the attor-
22 ney; and

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

25 (b) TECHNICAL AND CLERICAL AMENDMENTS.—

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

4 (A) Section 1104 (50 U.S.C. 3234) is—

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

7 (ii) inserted before section 1202 of
8 such Act, as added by such subsection; and

9 (iii) redesignated as section 1201.

10 (B) Section 1106 (50 U.S.C. 3236) is—

11 (i) amended by striking “section
12 1104” each place it appears and inserting
13 “section 1201”;

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

16 (iii) inserted after section 1202 of
17 such Act, as added by such subsection; and

18 (iv) redesignated as section 1203.

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

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

24 (B) by adding after the items relating to
25 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.”.

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

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

6 “(A) The Inspector General of the Intel-
7 ligence Community.

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

10 “(C) The Inspector General of the Defense
11 Intelligence Agency.

12 “(D) The Inspector General of the Na-
13 tional Reconnaissance Office.

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

16 “(F) The Inspector General of the Na-
17 tional Security Agency.

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

20 “(10) The term ‘whistleblower disclosure’
21 means a disclosure that is protected under section
22 1201 of this Act or section 3001(j)(1) of the Intel-

1 ligence Reform and Terrorism Prevention Act of
2 2004 (50 U.S.C. 3341(j)).”.

3 (d) CONFORMING AMENDMENT.—Section 5331 of the
4 Damon Paul Nelson and Matthew Young Pollard Intel-
5 ligence Authorization Act for Fiscal Years 2018, 2019,
6 and 2020 (division E of Public Law 116–92; 50 U.S.C.
7 3033 note) is amended by striking “section 1104 of the
8 National Security Act of 1947 (50 U.S.C. 3234)” and in-
9 serting “section 1201 of the National Security Act of
10 1947”.

11 **SEC. 712. DISCLOSURES TO CONGRESS.**

12 (a) IN GENERAL.—Title XII of the National Security
13 Act of 1947, as added by section 711, is further amended
14 by inserting after section 1203, as designated by section
15 711(b), the following new section:

16 **“SEC. 1204. PROCEDURES REGARDING DISCLOSURES TO**
17 **CONGRESS.**

18 “(a) GUIDANCE.—

19 “(1) OBLIGATION TO PROVIDE SECURITY DI-
20 RECTION UPON REQUEST.—Upon the request of a
21 whistleblower, the head of the relevant element of
22 the intelligence community, acting through the cov-
23 ered Inspector General for that element, shall fur-
24 nish on a confidential basis to the whistleblower in-
25 formation regarding how the whistleblower may di-

1 rectly contact the congressional intelligence commit-
2 tees, in accordance with appropriate security prac-
3 tices, regarding a complaint or information of the
4 whistleblower pursuant to section 103H(k)(5)(D) or
5 other appropriate provision of law.

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

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

12 “(B) the element at which such whistle-
13 blower is employed, detailed, or assigned as a
14 contractor employee.

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

24 “(c) PERMANENT SECURITY OFFICER.—The head of
25 each element of the intelligence community may designate

1 a permanent security officer in the element to provide to
2 whistleblowers the information under subsection (a).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of the National Security Act of 1947 is
5 amended by inserting after the item relating to section
6 1203, as added by section 711(b)(2), the following new
7 item:

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

8 (c) CONFORMING AMENDMENT.—Section
9 103H(k)(5)(D)(i) of the National Security Act of 1947
10 (50 U.S.C. 3033(k)(5)(D)(i)) is amended by adding at the
11 end the following: “The employee may request information
12 pursuant to section 1204 with respect to contacting such
13 committees.”.

14 **SEC. 713. PROHIBITION AGAINST DISCLOSURE OF WHIS-**
15 **TLEBLOWER IDENTITY AS REPRISAL**
16 **AGAINST WHISTLEBLOWER DISCLOSURE BY**
17 **EMPLOYEES AND CONTRACTORS IN INTEL-**
18 **LIGENCE COMMUNITY.**

19 (a) IN GENERAL.—Paragraph (3) of subsection (a)
20 of section 1201 of the National Security Act of 1947, as
21 designated by section 711(b)(1)(A), is amended—

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

24 (2) by redesignating subparagraph (J) as sub-
25 paragraph (K); and

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

3 “(J) a knowing and willful disclosure re-
4 vealing the identity or other personally identifi-
5 able information of such employee or such con-
6 tractor employee without the express written
7 consent of such employee or such contractor
8 employee or if the Inspector General determines
9 such disclosure is necessary for the exclusive
10 purpose of investigating a complaint or infor-
11 mation received under section 416 of title 5,
12 United States Code; or”.

13 (b) APPLICABILITY TO DETAILEES.—Such subsection
14 is amended by adding at the end the following new para-
15 graph:

16 “(5) EMPLOYEE.—The term ‘employee’, with
17 respect to an agency or a covered intelligence com-
18 munity element, includes an individual who has been
19 detailed to such agency or covered intelligence com-
20 munity element.”.

21 (c) PRIVATE RIGHT OF ACTION FOR UNLAWFUL DIS-
22 CLOSURE OF WHISTLEBLOWER IDENTITY.—Subsection
23 (f) of such section is amended to read as follows:

24 “(f) ENFORCEMENT.—

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

4 “(2) PRIVATE RIGHT OF ACTION FOR UNLAW-
5 FUL, WILLFUL DISCLOSURE OF WHISTLEBLOWER
6 IDENTITY.—In a case in which an employee of an
7 agency, or other employee or officer of the Federal
8 Government, takes a personnel action described in
9 subsection (a)(3)(J) against an employee of a cov-
10 ered intelligence community element as a reprisal in
11 violation of subsection (b) or in a case in which a
12 contractor employee takes a personnel action de-
13 scribed in such subsection against another con-
14 tractor employee as a reprisal in violation of sub-
15 section (c), the employee or contractor employee
16 against whom the personnel action was taken may
17 bring a private action for all appropriate remedies,
18 including injunctive relief and compensatory and pu-
19 nitive damages, against the employee or contractor
20 employee who took the personnel action, in a Fed-
21 eral district court of competent jurisdiction within
22 180 days of when the employee or contractor em-
23 ployee first learned of or should have learned of the
24 violation.”.

1 **TITLE VIII—ACCOUNTABILITY**
2 **FOR ACTING OFFICIALS**

3 **SEC. 801. SHORT TITLE.**

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

6 **SEC. 802. CLARIFICATION OF FEDERAL VACANCIES RE-**
7 **FORM ACT OF 1998.**

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

10 (1) In subsection (a)—

11 (A) in paragraph (1), by adding before the
12 semicolon at the end the following: “, but, and
13 except as provided in subsection (e), only if the
14 individual serving in the position of first assist-
15 ant has occupied such position for a period of
16 at least 30 days during the 365-day period pre-
17 ceding the date of the death, resignation, or be-
18 ginning of inability to serve of the applicable of-
19 ficer”; and

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

22 “(A) the officer or employee served in a
23 position in such agency for a period of at least
24 1 year preceding the date of death, resignation,

1 or beginning of inability to serve of the applica-
2 ble officer; and”.

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

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

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

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

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

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

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

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

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

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

19 “(f)(1) Any individual serving as an acting officer due
20 to a vacancy to which this section applies, or any indi-
21 vidual who has served in such capacity and continues to
22 perform the same or similar duties beyond the time limits
23 described in section 3346, shall appear, at least once dur-
24 ing any 60-day period that the individual is so serving,

1 before the appropriate committees of jurisdiction of the
2 Senate and the House of Representatives.

3 “(2) Paragraph (1) may be waived upon mutual
4 agreement of the chairs and ranking members of the com-
5 mittees described in that paragraph.”.

6 (e) TIME LIMITATION FOR PRINCIPAL OFFICES.—
7 Section 3346 of title 5, United States Code, is amended—

8 (1) in subsection (a), in the matter preceding
9 paragraph (1), by inserting “or as provided in sub-
10 section (d)” after “sickness”; and

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

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

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

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

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

24 “(b) Notwithstanding subsection (a), any statutory
25 provision covered under paragraph (1) of such subsection

1 that contains a non-discretionary order or directive to des-
2 ignate an officer or employee to perform the functions and
3 duties of a specified office temporarily in an acting capac-
4 ity shall be the exclusive means for temporarily author-
5 izing an acting official to perform the functions and duties
6 of such office.”.

7 (g) REPORTING OF VACANCIES.—

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

10 (A) in subsection (a)—

11 (i) by striking “immediately upon” in
12 each instance and inserting “not later than
13 7 days after”;

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

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

19 (iv) by adding at the end the fol-
20 lowing:

21 “(5) notification of the end of the term of serv-
22 ice of any person serving in an acting capacity and
23 the name of any subsequent person serving in an
24 acting capacity and the date the service of such sub-

1 sequent person began not later than 7 days after
2 such date.”; and

3 (B) in subsection (b), in the matter pre-
4 ceding paragraph (1), by striking “imme-
5 diately” and inserting “not later than 14 days
6 after the date of such determination”.

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

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

12 “(2) the Committee on Oversight and Account-
13 ability of the House of Representatives;”.

14 (3) VACANCIES DURING PRESIDENTIAL INAU-
15 GURAL TRANSITIONS.—Section 3349a(b) of title 5,
16 United States Code, is amended to read as follows:

17 “(b) Notwithstanding section 3346 (except as pro-
18 vided in paragraph (2) of this subsection) or 3348(c), with
19 respect to any vacancy that exists on a transitional inau-
20 guration day, or that arises during the 60-day period be-
21 ginning on such day, the person serving as an acting offi-
22 cer as described in section 3345 may serve in the office—

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

1 “(2) subject to section 3346(b), once a first or
2 second nomination for the office is submitted to the
3 Senate, from the date of such nomination for the pe-
4 riod that the nomination is pending in the Senate.”.

5 **TITLE IX—STRENGTHENING**
6 **HATCH ACT ENFORCEMENT**
7 **AND PENALTIES**

8 **Subtitle A—Strengthening Hatch**
9 **Act Enforcement And Penalties**

10 **SEC. 901. SHORT TITLE.**

11 This title may be cited as the “Hatch Act Account-
12 ability Act”.

13 **SEC. 902. STRENGTHENING HATCH ACT ENFORCEMENT**
14 **AND PENALTIES AGAINST POLITICAL AP-**
15 **POINTEES.**

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

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

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

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

23 “(A) shall conduct an investigation with respect
24 to any allegation concerning political activity prohib-

1 ited under subchapter III of chapter 73 (relating to
2 political activities by Federal employees); and

3 “(B) may, regardless of whether the Special
4 Counsel has received an allegation, conduct any in-
5 vestigation as the Special Counsel considers nec-
6 essary concerning political activity prohibited under
7 subchapter III of chapter 73.

8 “(2) With respect to any investigation under para-
9 graph (1), the Special Counsel may seek corrective action
10 under section 1214 and disciplinary action under section
11 1215 in the same way as if a prohibited personnel practice
12 were involved.

13 “(f)(1) Notwithstanding section 1215(b), consistent
14 with paragraph (3) of this subsection, if, after an inves-
15 tigation under subsection (d)(1), the Special Counsel de-
16 termines that a political appointee has violated section
17 7323 or 7324, the Special Counsel may present a com-
18 plaint to the Merit Systems Protection Board under the
19 process provided in section 1215 against such political ap-
20 pointee.

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

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

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

6 “(B) until on or after the date that is 90 days
7 after the date that the complaint regarding the polit-
8 ical appointee was presented to the President under
9 section 1215(b), notwithstanding whether the Presi-
10 dent submits a written statement pursuant to para-
11 graph (4) of this subsection.

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

22 “(B) Not later than 14 days after the date on which
23 the Special Counsel receives a written statement under
24 subparagraph (A) of this paragraph, the Special Counsel
25 shall—

1 “(i) submit the written statement to the Com-
2 mittee on Homeland Security and Governmental Af-
3 fairs of the Senate and the Committee on Oversight
4 and Accountability of the House of Representatives;
5 and

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

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

11 “(A) submit a report on the investigation into
12 such political appointee, and any communications
13 sent from the Special Counsel to the President rec-
14 ommending discipline of such political appointee, to
15 the Committee on Homeland Security and Govern-
16 mental Affairs of the Senate and the Committee on
17 Oversight and Accountability of the House of Rep-
18 resentatives; and

19 “(B) publish the report and the communica-
20 tions described in subparagraph (A) on the public
21 website of the Office of Special Counsel.

22 “(6) In this subsection, the term ‘political appointee’
23 means any individual, other than the President and the
24 Vice President, employed or holding office—

1 “(A) in the Executive Office of the President,
2 the Office of the Vice President, or any other office
3 of the White House, but not including any career
4 employee; or

5 “(B) in a confidential, policy-making, policy-de-
6 termining, or policy-advocating position appointed by
7 the President, by and with the advice and consent
8 of the Senate (other than an individual in the For-
9 eign Service).”.

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

16 (c) CRIMINAL PENALTY.—

17 (1) IN GENERAL.—Subchapter III of chapter
18 73 of title 5, United States Code, is amended by
19 adding at the end the following:

20 **“§ 7327. Criminal penalty for Hatch Act violations**

21 “(a) IN GENERAL.—Any person who knowingly vio-
22 lates section 7323 or 7324 shall be fined \$50,000 (not-
23 withstanding section 3571(e) of title 18), imprisoned for
24 not more than 1 year, or both. Notwithstanding section
25 3571(e) of title 18, for each violation after the first, the

1 fine applicable under this section shall be double the
2 amount of the fine assessed for the previous violation.

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

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

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

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

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

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

1 **SEC. 904. DISCLOSURE OF HATCH ACT INVESTIGATIONS**
2 **FOR CERTAIN POLITICAL EMPLOYEES.**

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

5 “(d)(1) With respect to any investigation of an alle-
6 gation of prohibited activity under subsection (a)(1)
7 against a political employee, not later than 14 days after
8 the date on which the Special Counsel makes a final deter-
9 mination under that investigation with respect to whether
10 a violation occurred, the Special Counsel shall—

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

14 “(B) submit the report required under subpara-
15 graph (A) to the Committee on Homeland Security
16 and Governmental Affairs of the Senate and the
17 Committee on Oversight and Accountability of the
18 House of Representatives.

19 “(2) In this subsection, the term ‘political employee’
20 means any individual occupying any of the following posi-
21 tions in the executive branch of Government (including an
22 individual carrying out the duties of such a position in
23 an acting capacity):

24 “(A) Any position required to be filled by an
25 appointment by the President, by and with the ad-
26 vice and consent of the Senate.

1 “(B) Any position in the executive branch of
2 the Government of a confidential or policy-deter-
3 mining character under schedule C of subpart C of
4 part 213 of title 5, Code of Federal Regulations, or
5 any successor regulations.

6 “(C) Any position in or under the Executive Of-
7 fice of the President.

8 “(D) Any position in or under the Office of the
9 Vice President.

10 “(E) Any position in the Senior Executive Serv-
11 ice that is not a career appointee, a limited term ap-
12 pointee, or a limited emergency appointee (as those
13 terms are defined in section 3132(a)).”.

14 **SEC. 905. CLARIFICATION ON CANDIDATES VISITING FED-**
15 **ERAL PROPERTY.**

16 (a) **IN GENERAL.**—Section 7323 of title 5, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

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

24 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—
25 Section 7323 of title 5, United States Code, is amended—

1 (1) in subsection (a)(1), by striking “his official
2 authority or influence” and inserting “the official
3 authority or influence of the employee”; and

4 (2) in subsection (c)—

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

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

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

11 (a) IN GENERAL.—Subchapter III of chapter 73 of
12 title 5, United States Code, as amended by section 902(c),
13 is further amended—

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

16 (2) by inserting after section 7325 the fol-
17 lowing:

18 **“§ 7326. Limitations on political activity of President**
19 **and Vice President while on White House**
20 **grounds**

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

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

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

“7326. Limitations on political activity of President and Vice President while
on Federal property

“7327. Penalties

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

8 **SEC. 907. GRANTING THE OFFICE OF SPECIAL COUNSEL**
9 **RULEMAKING AUTHORITY.**

10 Notwithstanding any other law, rule, or regulation,
11 the Office of Special Counsel shall have exclusive authority
12 to promulgate regulations with respect to authority grant-
13 ed to the Office under subchapter III of chapter 73 of
14 title 5, United States Code.

15 **SEC. 908. GREATER ACCOUNTABILITY FOR POLITICAL AP-**
16 **POINTEES.**

17 Section 1204(c) of title 5, United States Code, is
18 amended by adding at the end the following: “Notwith-
19 standing the previous sentences, in the case of contumacy
20 or failure by an individual to obey a subpoena issued under
21 subsection (b)(2)(A) or section 1214(b) with respect to an
22 investigation into any violation of section 7323 or 7324,
23 the Board may issue an order requiring that individual

1 to appear at any designated place to testify or to produce
2 documentary or other evidence.”.

3 **SEC. 909. INVESTIGATING FORMER POLITICAL EMPLOYEES.**

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

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

13 **SEC. 910. GAO REVIEW OF REIMBURSABLE POLITICAL**
14 **EVENTS.**

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

23 (b) CONTENTS.—The report required under sub-
24 section (a) shall include the following:

1 (1) Whether, during the covered period, the re-
2 quirements in annual appropriations Acts with re-
3 spect to reimbursable political events have been fol-
4 lowed, including the requirements under the heading
5 “Executive Residence At the White House—Reim-
6 bursable Expenses” in title II of division D of the
7 Consolidated Appropriations Act, 2019 (Public Law
8 116–6).

9 (2) An assessment of what constitutes a polit-
10 ical event during the covered period.

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

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

17 (5) Recommendations for Congress on—

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

20 (B) how to assess whether presidential ad-
21 ministrations are following the requirements de-
22 scribed in paragraph (1); and

23 (C) how to hold presidential administra-
24 tions accountable if the requirements described
25 in paragraph (1) are not followed.

1 **Subtitle B—Strengthening Ethics**
2 **Enforcement And Penalties For**
3 **Federal Executive Employees**

4 **SEC. 911. DEFINITIONS.**

5 (a) IN GENERAL.—Subject to subsection (b), in this
6 subtitle:

7 (1) ADMINISTRATION.—“Administration”
8 means each term of office of the incumbent Presi-
9 dent serving at the time of the appointment of an
10 appointee.

11 (2) APPOINTEE.—The term “appointee”—

12 (A) includes each individual appointed—

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

15 (ii) to a position on the Executive
16 Schedule under sections 5312 through
17 5316 of title 5, United States Code;

18 (iii) to a position as a noncareer ap-
19 pointee in the in the Senior Executive
20 Service, as defined in section 3132(a) of
21 title 5, United States Code, or as a non-
22 career appointee under another comparable
23 personnel system for senior personnel; or

24 (iv) to a position in an Executive
25 agency excepted from the competitive serv-

1 ice by reason of being of a confidential or
2 policy-determining character under sched-
3 ule C of subpart C of part 213 of title 5,
4 Code of Federal Regulations, or another
5 position excepted from the competitive
6 service under comparable criteria; and

7 (B) does not include any individual ap-
8 pointed to a position in the Senior Foreign
9 Service or solely as a uniformed service commis-
10 sioned officer.

11 (3) COVERED EXECUTIVE BRANCH OFFICIAL;
12 LOBBYING ACTIVITIES, LOBBYIST.—The terms “cov-
13 ered executive branch official”, “lobbying activities”,
14 and “lobbyist” have the meanings given those terms
15 in section 3 of the Lobbying Disclosure Act of 1995
16 (2 U.S.C. 1602).

17 (4) DIRECTLY AND SUBSTANTIALLY RELATED
18 TO MY FORMER EMPLOYER OR ANY FORMER CLI-
19 ENT.—The term “directly and substantially related
20 to my former employer or any former client” means
21 any matter in which the former employer or a
22 former client of an appointee is a party or rep-
23 represents a party to the matter.

24 (5) EXECUTIVE AGENCY.—The term “Executive
25 agency” has the meaning given the term “Executive

1 agency” in section 105 of title 5, United States
2 Code, except that such term—

3 (A) includes—

4 (i) the Executive Office of the Presi-
5 dent;

6 (ii) the United States Postal Service;

7 and

8 (iii) the Postal Regulatory Commis-
9 sion; and

10 (B) does not include the Government Ac-
11 countability Office.

12 (6) FORMER CLIENT.—The term “former cli-
13 ent”—

14 (A) means any person for whom an ap-
15 pointee, during the 2-year period before the
16 date of the appointment of the appointee,
17 served personally as agent, attorney, or consult-
18 ant, except that such service as an agent, attor-
19 ney, or consultant shall not include any in-
20 stance in which the service provided was limited
21 to speeches or similar appearances; and

22 (B) does not include any clients of the
23 former employer of the appointee to whom the
24 appointee did not personally provide services.

1 (7) FORMER EMPLOYER.—The term “former
2 employer”—

3 (A) means any person for whom an ap-
4 pointee, during the 2-year period before the
5 date of appointment of the appointee, served as
6 an employee, officer, director, trustee, or gen-
7 eral partner; and

8 (B) does not include any Executive agency
9 or other entity of the Federal Government, any
10 State or local government, the government of
11 the District of Columbia, any Tribal govern-
12 ment, any government of a United States terri-
13 tory or possession, or any international organi-
14 zation of which the United States is a member
15 state.

16 (8) GIFT.—The term “gift”—

17 (A) has the meaning given the term in sec-
18 tion 2635.203(b) of title 5, Code of Federal
19 Regulations;

20 (B) includes any gift that is indirectly so-
21 licited or accepted, as defined under section
22 2635.203(f) of title 5, Code of Federal Regula-
23 tions; and

24 (C) does not include any item excepted
25 under subsections (b), (c), (e)(1), (e)(3), (j), or

1 (l) of section 2635.204 of title 5, Code of Fed-
2 eral Regulations.

3 (9) GOVERNMENT OFFICIAL.—The term “Gov-
4 ernment official” means any employee of the execu-
5 tive branch of the Government.

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

8 (11) MATERIALLY ASSIST.—The term “materi-
9 ally assist”—

10 (A) means to provide substantive assist-
11 ance; and

12 (B) does not include—

13 (i) the provision of background or
14 general education on a matter of law or
15 policy based upon the subject matter ex-
16 pertise of an individual; or

17 (ii) any conduct or assistance per-
18 mitted under section 207(j) of title 18,
19 United States Code.

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

22 (13) PARTICULAR MATTER.—The term “par-
23 ticular matter” has the meaning given the term in
24 section 207 of title 18, United States Code, and sec-

1 tion 2635.402(b)(3) of title 5, Code of Federal Reg-
2 ulations.

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

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

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

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

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

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

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

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

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

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

13 (b) RULE OF CONSTRUCTION.—Any reference to a
14 provision of Federal law, including any regulation, under
15 this subtitle shall be construed to refer to any such provi-
16 sion in effect on January 20, 2021.

17 **SEC. 912. ETHICS PLEDGE.**

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

22 “I recognize that this pledge is part of a broader eth-
23 ics in Government plan designed to restore and maintain
24 public trust in Government, and I commit myself to con-
25 duct consistent with that plan. I commit to decision-mak-

1 ing on the merits and exclusively in the public interest,
2 without regard to private gain or personal benefit. I com-
3 mit to conduct that upholds the independence of law en-
4 forcement and precludes improper interference with inves-
5 tigative or prosecutorial decisions of the Department of
6 Justice. I commit to ethical choices of post-Government
7 employment that do not raise the appearance that I have
8 used my Government service for private gain, including
9 by using confidential information acquired and relation-
10 ships established for the benefit of future clients.

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

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

20 “(2) REVOLVING DOOR BAN; ALL APPOINTEES
21 ENTERING GOVERNMENT.—For a period of 2 years
22 beginning on the date of my appointment, I will not
23 participate in any particular matter involving spe-
24 cific parties that is directly and substantially related

1 to my former employer or former clients, including
2 regulations and contracts.

3 “(3) REVOLVING DOOR BAN; LOBBYISTS AND
4 REGISTERED AGENTS ENTERING GOVERNMENT.—If,
5 during the 2 year period before the date of my ap-
6 pointment, I was registered under the Lobbying Dis-
7 closure Act of 1995 (2 U.S.C. 1601 et seq.) or the
8 Foreign Agents Registration Act of 1938, as amend-
9 ed, (22 U.S.C. 611 et seq.), in addition to abiding
10 by the limitations of paragraph (2), I will not, for
11 a period of 2 years beginning on the date of my ap-
12 pointment—

13 “(A) participate in any particular matter
14 with respect to which I lobbied, or engaged in
15 any activity that would require registration
16 under the Foreign Agents Registration Act of
17 1938, as amended (22 U.S.C. 611 et seq.), dur-
18 ing the 2-year period before the date of my ap-
19 pointment;

20 “(B) participate in the specific issue area
21 involving the particular matter described in
22 subparagraph (A); or

23 “(C) seek or accept employment with any
24 Executive agency with respect to which I lob-
25 bied, or engaged in any activity that would re-

1 quire registration under the Foreign Agents
2 Registration Act of 1938, as amended (22
3 U.S.C. 611 et seq.), during the 2-year period
4 before the date of my appointment.

5 “(4) REVOLVING DOOR BAN; APPOINTEES LEAV-
6 ING GOVERNMENT.—If, upon my departure from the
7 Government, the post-employment restrictions relat-
8 ing to communicating with employees of my former
9 Executive agency under section 207(c) of title 18,
10 United States Code, and any implementing regula-
11 tions, apply to me, I agree that I will abide by those
12 restrictions for a period of 2 years beginning on the
13 last date of my appointment. I will abide by those
14 same restrictions with respect to communicating
15 with the Senior White House staff.

16 “(5) REVOLVING DOOR BAN; SENIOR AND VERY
17 SENIOR APPOINTEES LEAVING GOVERNMENT.—If,
18 upon my departure from the Government, the post-
19 employment restrictions under subsections (c) or (d)
20 of section 207 of title 18, United States Code, and
21 any implementing regulations, apply to me, I agree
22 that, in addition to abiding by those restrictions, for
23 a period of 1 year beginning on the last date of my
24 appointment, I will not materially assist any other

1 person in making any communication or appearance
2 that I am prohibited from undertaking myself by—

3 “(A) holding myself out as being available
4 to engage in lobbying activities in support of
5 any such communication or appearance; or

6 “(B) engaging in any such lobbying activi-
7 ties.

8 “(6) REVOLVING DOOR BAN; APPOINTEES LEAV-
9 ING GOVERNMENT TO LOBBY.—In addition to abid-
10 ing by the limitations under paragraph (4), I also
11 agree, upon leaving Government service, not to lobby
12 any covered executive branch official or non-career
13 Senior Executive Service appointee, or engage in any
14 activity on behalf of any foreign government or for-
15 eign political party that, if such activity was under-
16 taken on January 20, 2021, would require that I
17 register under the Foreign Agents Registration Act
18 of 1938, as amended (22 U.S.C. 611 et seq.), for
19 the remainder of the Administration or the 2-year
20 period beginning on the last date of my appoint-
21 ment, whichever is later.

22 “(7) GOLDEN PARACHUTE BAN.—I have not ac-
23 cepted and will not accept, including after entering
24 Government, any salary or other cash payment from
25 my former employer the eligibility for and payment

1 of which is limited to individuals accepting a position
2 in the United States Government. I also have not ac-
3 cepted and will not accept any non-cash benefit from
4 my former employer that is provided in lieu of such
5 a prohibited cash payment.

6 “(8) EMPLOYMENT QUALIFICATION COMMIT-
7 MENT.—I agree that any hiring or other employment
8 decisions I make will be based on the qualifications,
9 competence, and experience of the candidate.

10 “(9) ASSENT TO ENFORCEMENT.—I acknowl-
11 edge that subtitle B of title IX of the Protecting
12 Our Democracy Act, which I have read before sign-
13 ing this document, defines certain of the terms ap-
14 plicable to the foregoing obligations and sets forth
15 the methods for enforcing them. I expressly accept
16 the provisions of that subtitle as a part of this
17 agreement and as binding on me. I understand that
18 the terms of this pledge are in addition to any statu-
19 tory or other legal restrictions applicable to me by
20 virtue of Federal Government service.”.

21 **SEC. 913. WAIVERS.**

22 (a) IN GENERAL.—

23 (1) REQUIREMENTS FOR WAIVER.—The Direc-
24 tor of the Office of Management and Budget, in con-
25 sultation with the Counsel to the President, may

1 grant to any current or former appointee a written
2 waiver of any restrictions contained in the pledge
3 signed by such appointee if, and to the extent that,
4 the Director of the Office of Management and Budget
5 certifies in writing—

6 (A) that the literal application of the re-
7 striction is inconsistent with the purposes of the
8 restriction; or

9 (B) that, subject to subsection (c), it is in
10 the public interest to grant the waiver.

11 (2) CONTENTS.—Any waiver granted under
12 paragraph (1) shall—

13 (A) reflect the basis for the waiver; and

14 (B) in the case of a waiver of the restric-
15 tions under subparagraph (B) or (C) of para-
16 graph (3) of the pledge, include a discussion of
17 the findings with respect to the considerations
18 set forth in subsection (c)(2) of this section.

19 (b) EFFECTIVE DATE; PUBLICATION.—

20 (1) EFFECTIVE DATE.—A waiver granted under
21 subsection (a) shall take effect on the date on which
22 the Director of the Office of Management and Budget
23 signs the waiver.

24 (2) PUBLICATION.—The Director of the Office
25 of Management and Budget shall make any waiver

1 granted under subsection (a) public not later than
2 10 days after the waiver is granted.

3 (c) PUBLIC INTEREST.—

4 (1) IN GENERAL.—With respect to consider-
5 ation of the public interest under subsection
6 (a)(2)(B), the public interest shall include exigent
7 circumstances relating to national security, the econ-
8 omy, public health, or the environment.

9 (2) SPECIFIC CONSIDERATIONS.—In deter-
10 mining whether it is in the public interest to grant
11 a waiver under subsection (a)(2)(B) of the restric-
12 tions under subparagraph (B) or (C) of paragraph
13 (3) of the pledge, the responsible official may con-
14 sider the following factors—

15 (A) the need of the Government for the
16 services of the individual, including the exist-
17 ence of special circumstances related to national
18 security, the economy, public health, or the en-
19 vironment of the United States;

20 (B) the uniqueness of the qualifications of
21 the individual to meet the needs of the Govern-
22 ment;

23 (C) the scope and nature of the prior lob-
24 bying activities of the individual, including

1 whether such activities were de minimis or ren-
2 dered on behalf of a nonprofit organization; and

3 (D) the extent to which the purposes of the
4 restriction may be satisfied through other limi-
5 tations on the services of the individual, such as
6 those required by paragraph (3)(A) of the
7 pledge.

8 **SEC. 914. ADMINISTRATION.**

9 (a) IN GENERAL.—The head of each Executive agen-
10 cy shall, in consultation with the Director of the Office
11 of Government Ethics, establish such rules or procedures
12 (conforming as nearly as practicable to the general ethics
13 rules and procedures of the Executive agency, including
14 those relating to designated agency ethics officials) as are
15 necessary or appropriate to ensure—

16 (1) that every appointee in the Executive agen-
17 cy signs the pledge upon assuming the appointed of-
18 fice or otherwise becoming an appointee;

19 (2) that compliance with paragraph (3) of the
20 pledge is addressed in a written ethics agreement
21 with each appointee to whom it applies, which agree-
22 ment shall also be approved by the Counsel to the
23 President prior to the appointee commencing work;

24 (3) that any spousal employment issue or other
25 conflict not expressly addressed by the pledge is ad-

1 dressed in ethics agreements with appointees or,
2 where no such agreements are required, through eth-
3 ics counseling; and

4 (4) that the Executive agency generally com-
5 plies with this subtitle.

6 (b) EXECUTIVE OFFICE OF THE PRESIDENT.—With
7 respect to the Executive Office of the President, the duties
8 set forth in subsection (a) shall be the responsibility of
9 the Counsel to the President.

10 (c) DIRECTOR OF THE OFFICE OF GOVERNMENT
11 ETHICS GENERAL RESPONSIBILITIES.—The Director of
12 the Office of Government Ethics shall—

13 (1) ensure that the pledge and a copy of this
14 subtitle are made available for use by each Executive
15 agency in fulfilling the duties of the Executive agen-
16 cy under subsection (a);

17 (2) in consultation with the Attorney General or
18 the Counsel to the President, when appropriate, as-
19 sist designated agency ethics officials in providing
20 advice to current or former appointees regarding the
21 application of the pledge; and

22 (3) in consultation with the Attorney General
23 and the Counsel to the President, adopt such rules
24 or procedures as are necessary or appropriate—

1 (A) to carry out the foregoing responsibil-
2 ities;

3 (B) to authorize limited exceptions to the
4 lobbyist gift ban under paragraph (1) of the
5 pledge for circumstances that do not implicate
6 the purposes of the ban;

7 (C) to make clear that no individual shall
8 have violated the lobbyist gift ban under para-
9 graph (1) of the pledge if the individual prop-
10 erly disposes of a gift as provided under section
11 2635.206 of title 5, Code of Federal Regula-
12 tions;

13 (D) to ensure that existing rules and pro-
14 cedures for Government employees engaged in
15 negotiations for future employment with private
16 businesses that are affected by the official ac-
17 tions of the employees do not affect the integ-
18 rity of the programs and operations of the Gov-
19 ernment; and

20 (E) to ensure, in consultation with the Di-
21 rector of the Office of Personnel Management,
22 that the requirement set forth in paragraph (6)
23 of the pledge is honored by every employee of
24 the executive branch;

1 (4) in consultation with the Director of the Of-
2 fice of Management and Budget, submit a report to
3 the President on whether full compliance is being
4 achieved with existing Federal laws and regulations
5 governing executive branch procurement lobbying
6 disclosure, provided that such report shall include—

7 (A) recommendations relating to steps the
8 executive branch can take to expand, to the
9 fullest extent practicable, disclosure of both ex-
10 ecutive branch procurement lobbying and of lob-
11 bying for presidential pardons; and

12 (B) recommendations relating to both im-
13 mediate actions the executive branch can take
14 and, if necessary, recommendations for legisla-
15 tion; and

16 (5) provide an annual report on the administra-
17 tion of the pledge and this subtitle.

18 (d) REVOLVING DOOR BAN REPORT.—The Director
19 of the Office of Government Ethics shall, in consultation
20 with the Attorney General, the Counsel to the President,
21 and the Director of the Office of Personnel Management,
22 report to the President on steps the executive branch can
23 take to expand to the fullest extent practicable the revolv-
24 ing door ban under paragraph (5) of the pledge to all exec-
25 utive branch employees who are involved in the procure-

1 ment process such that those employees may not for 2
2 years after leaving Government service lobby any Govern-
3 ment official regarding a Government contract that was
4 under the official responsibility of the employee during the
5 last 2 years of Government service of the employee. This
6 report shall include both immediate actions the executive
7 branch can take and, if necessary, recommendations for
8 legislation.

9 (e) FILING AND RETENTION.—Each pledge signed by
10 an appointee, and any waiver granted under section 913
11 with respect thereto, shall be filed with the head of the
12 agency of the relevant appointee for permanent retention
13 in the official personnel folder of the appointee or any
14 equivalent folder.

15 **SEC. 915. ENFORCEMENT.**

16 (a) IN GENERAL.—The contractual, fiduciary, and
17 ethical commitments in the pledge provided for herein are
18 solely enforceable by the United States pursuant to this
19 section by any legally available means, including—

20 (1) debarment proceedings within any affected
21 Executive agency; or

22 (2) judicial civil proceedings for declaratory, in-
23 junctive, or monetary relief.

24 (b) BAR ON LOBBYING.—

1 (1) IN GENERAL.—Any former appointee who is
2 determined, after notice and hearing, by the duly
3 designated authority within any Executive agency, to
4 have violated the pledge signed by the appointee may
5 be barred from lobbying any officer or employee of
6 the Executive agency to which the appointee was ap-
7 pointed for not more than 5 years in addition to any
8 other restriction on lobbying under the pledge signed
9 by the appointee.

10 (2) PROCEDURES.—The head of each Executive
11 agency shall, in consultation with the Director of the
12 Office of Government Ethics, establish procedures to
13 implement this subsection, which shall include pro-
14 viding for fact-finding and investigation of possible
15 violations of this subtitle and for referrals to the At-
16 torney General for consideration pursuant to sub-
17 section (c).

18 (c) AUTHORITY OF THE ATTORNEY GENERAL.—

19 (1) IN GENERAL.—The Attorney General
20 may—

21 (A) upon receiving information regarding
22 the possible breach of any commitment in a
23 signed pledge by an appointee, request any ap-
24 propriate Federal investigative authority to con-

1 duct an investigation of the alleged breach, as
2 may be appropriate; and

3 (B) upon determining that there is a rea-
4 sonable basis to believe that a breach of a com-
5 mitment in a signed pledge by an appointee has
6 occurred, will occur, or will continue to occur if
7 not enjoined, commence a civil action against
8 the former employee in any United States Dis-
9 trict Court with jurisdiction to consider the
10 matter.

11 (2) CIVIL RELIEF.—In any civil action com-
12 menced under paragraph (1)(B), the Attorney Gen-
13 eral may request any and all relief authorized by
14 Federal law, including—

15 (A) such temporary restraining orders and
16 preliminary and permanent injunctions as may
17 be appropriate to restrain future, recurring, or
18 continuing conduct by the former appointee in
19 breach of the commitments in the pledge he or
20 she signed; and

21 (B) establishment of a constructive trust
22 for the benefit of the United States, requiring
23 an accounting and payment to the United
24 States Treasury of all money and other things
25 of value received by, or payable to, the former

1 employee arising out of any breach or at-
2 tempted breach of the pledge signed by the
3 former appointee.

4 **SEC. 916. GENERAL PROVISIONS.**

5 (a) SEVERABILITY.—If any provision of this subtitle
6 or the application of such provision is held to be invalid,
7 the remainder of this subtitle and other dissimilar applica-
8 tions of such provision shall not be affected.

9 (b) RULE OF CONSTRUCTION.—Nothing in this sub-
10 title shall be construed to impair or otherwise affect—

11 (1) the authority granted by Federal law to any
12 Executive agency, or the head thereof; or

13 (2) the functions of the Director of the Office
14 of Management and Budget relating to budgetary,
15 administrative, or legislative proposals.

16 (c) IMPLEMENTATION.—This subtitle shall be imple-
17 mented consistent with applicable law and subject to the
18 availability of appropriations.

19 (d) RULE OF CONSTRUCTION.—This subtitle is not
20 intended to, and does not, create any right or benefit, sub-
21 stantive or procedural, enforceable at law or in equity by
22 any party against the United States, its departments,
23 agencies, or entities, its officers, employees, or agents, or
24 any other person.

1 **TITLE X—PRESIDENTIAL AND**
2 **VICE PRESIDENTIAL TAX**
3 **TRANSPARENCY**

4 **SEC. 1001. PRESIDENTIAL AND VICE PRESIDENTIAL TAX**
5 **TRANSPARENCY.**

6 (a) DEFINITIONS.—In this section—

7 (1) The term “covered candidate” means a can-
8 didate of a major party in a general election for the
9 office of President or Vice President.

10 (2) The term “income tax return” means, with
11 respect to an individual, any return (as such term is
12 defined in section 6103(b)(1) of the Internal Rev-
13 enue Code of 1986, except that such term shall not
14 include declarations of estimated tax) of—

15 (A) such individual, other than information
16 returns issued to persons other than such indi-
17 vidual; or

18 (B) of any corporation, partnership, or
19 trust in which such individual holds, directly or
20 indirectly, a significant interest as the sole or
21 principal owner or the sole or principal bene-
22 ficial owner (as such terms are defined in regu-
23 lations prescribed by the Secretary).

1 (3) The term “major party” has the meaning
2 given the term in section 9002 of the Internal Rev-
3 enue Code of 1986.

4 (4) The term “Secretary” means the Secretary
5 of the Treasury or the delegate of the Secretary.

6 (b) DISCLOSURE.—

7 (1) IN GENERAL.—

8 (A) CANDIDATES FOR PRESIDENT AND
9 VICE PRESIDENT.—Not later than the date that
10 is 15 days after the date on which an individual
11 becomes a covered candidate, the individual
12 shall submit to the Federal Election Commis-
13 sion a copy of the individual’s income tax re-
14 turns for the 10 most recent taxable years for
15 which a return has been filed with the Internal
16 Revenue Service.

17 (B) PRESIDENT AND VICE PRESIDENT.—
18 With respect to an individual who is the Presi-
19 dent or Vice President, not later than the due
20 date for the return of tax for each taxable year,
21 such individual shall submit to the Federal
22 Election Commission a copy of the individual’s
23 income tax returns for the taxable year and for
24 the 9 preceding taxable years.

1 (C) TRANSITION RULE FOR SITTING PRESI-
2 DENTS AND VICE PRESIDENTS.—Not later than
3 the date that is 30 days after the date of enact-
4 ment of this section, an individual who is the
5 President or Vice President on such date of en-
6 actment shall submit to the Federal Election
7 Commission a copy of the income tax returns
8 for the 10 most recent taxable years for which
9 a return has been filed with the Internal Rev-
10 enue Service.

11 (2) FAILURE TO DISCLOSE.—If any require-
12 ment under paragraph (1) to submit an income tax
13 return is not met, the chairman of the Federal Elec-
14 tion Commission shall submit to the Secretary a
15 written request that the Secretary provide the Fed-
16 eral Election Commission with the income tax re-
17 turn.

18 (3) PUBLICLY AVAILABLE.—The chairman of
19 the Federal Election Commission shall make publicly
20 available each income tax return submitted under
21 paragraph (1) in the same manner as a return pro-
22 vided under section 6103(l)(23) of the Internal Rev-
23 enue Code of 1986 (as added by this section).

24 (4) TREATMENT UNDER THE FEDERAL ELEC-
25 TION CAMPAIGN ACT OF 1971.—Section 304(a)(11)

1 of the Federal Election Campaign Act of 1971 (52
2 U.S.C. 30104(a)(11)) is amended by adding at the
3 end the following:

4 “(E) An income tax return filed under the
5 Protecting Our Democracy Act shall be filed in
6 electronic form accessible by computers and
7 shall be treated as a report filed under and re-
8 quired by this Act for purposes of subpara-
9 graphs (B) and (C), except that if it would re-
10 quire considerable, extensive, and significant
11 time for the Commission to make redactions to
12 such a return, as required under section
13 1001(b)(3) of the Protecting Our Democracy
14 Act or subparagraph (B)(ii) of section
15 6103(l)(23) of the Internal Revenue Code of
16 1986, the Commission may make the return
17 available for public inspection more than 48
18 hours after receipt by the Commission, but in
19 no event later than 30 days after receipt by the
20 Commission.”.

21 (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND
22 VICE PRESIDENTS AND CERTAIN CANDIDATES FOR
23 PRESIDENT AND VICE PRESIDENT.—

1 (1) IN GENERAL.—Section 6103(l) of the Inter-
2 nal Revenue Code of 1986 is amended by adding at
3 the end the following new paragraph:

4 “(23) DISCLOSURE OF RETURN INFORMATION
5 OF PRESIDENTS AND VICE PRESIDENTS AND CER-
6 TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-
7 DENT.—

8 “(A) IN GENERAL.—Upon written request
9 by the chairman of the Federal Election Com-
10 mission under section 1001(b)(2) of the Pro-
11 tecting Our Democracy Act, not later than the
12 date that is 15 days after the date of such re-
13 quest, the Secretary shall provide copies of any
14 return which is so requested to officers and em-
15 ployees of the Federal Election Commission
16 whose official duties include disclosure or redac-
17 tion of such return under this paragraph.

18 “(B) DISCLOSURE TO THE PUBLIC.—

19 “(i) IN GENERAL.—The chairman of
20 the Federal Election Commission shall
21 make publicly available any return which is
22 provided under subparagraph (A).

23 “(ii) REDACTION OF CERTAIN INFOR-
24 MATION.—Before making publicly available
25 under clause (i) any return, the chairman

1 of the Federal Election Commission shall
2 redact such information as the Federal
3 Election Commission and the Secretary
4 jointly determine is necessary for pro-
5 tecting against identity theft, such as so-
6 cial security numbers.”.

7 (2) CONFORMING AMENDMENTS.—Section
8 6103(p)(4) of such Code is amended—

9 (A) in the matter preceding subparagraph
10 (A) by striking “or (22)” and inserting “(22),
11 or (23)”; and

12 (B) in subparagraph (F)(ii) by striking “or
13 (22)” and inserting “(22), or (23)”.

14 (3) EFFECTIVE DATE.—The amendments made
15 by this subsection shall apply to disclosures made on
16 or after the date of enactment of this Act.

17 **DIVISION C—MISCELLANEOUS**
18 **TITLE XI—REPORTING FOREIGN**
19 **INTERFERENCE IN ELECTIONS**

20 **SEC. 1101. FEDERAL CAMPAIGN REPORTING OF FOREIGN**
21 **CONTACTS.**

22 (a) INITIAL NOTICE.—

23 (1) IN GENERAL.—Section 304 of the Federal
24 Election Campaign Act of 1971 (52 U.S.C. 30104),

1 as amended by section 309, is amended by adding
2 at the end the following new subsection:

3 “(i) DISCLOSURE OF REPORTABLE FOREIGN CON-
4 TACTS.—

5 “(1) COMMITTEE OBLIGATION TO NOTIFY.—

6 Not later than 1 week after a reportable foreign con-
7 tact, each political committee shall notify the Fed-
8 eral Bureau of Investigation and the Commission of
9 the reportable foreign contact and provide a sum-
10 mary of the circumstances with respect to such re-
11 portable foreign contact. The Federal Bureau of In-
12 vestigation, not later than 1 week after receiving a
13 notification from a political committee under this
14 paragraph, shall submit to the political committee,
15 the Permanent Select Committee on Intelligence of
16 the House of Representatives, and the Select Com-
17 mittee on Intelligence of the Senate written or elec-
18 tronic confirmation of receipt of the notification.

19 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—

20 Not later than 3 days after a reportable foreign con-
21 tact—

22 “(A) each candidate and each immediate
23 family member of a candidate shall notify the
24 treasurer or other designated official of the
25 principal campaign committee of such candidate

1 of the reportable foreign contact and provide a
2 summary of the circumstances with respect to
3 such reportable foreign contact; and

4 “(B) each official, employee, or agent of a
5 political committee shall notify the treasurer or
6 other designated official of the committee of the
7 reportable foreign contact and provide a sum-
8 mary of the circumstances with respect to such
9 reportable foreign contact.

10 “(3) REPORTABLE FOREIGN CONTACT.—In this
11 subsection:

12 “(A) IN GENERAL.—The term ‘reportable
13 foreign contact’ means any direct or indirect
14 contact or communication that—

15 “(i) is between—

16 “(I) a candidate, an immediate
17 family member of the candidate, a po-
18 litical committee, or any official, em-
19 ployee, or agent of such committee;
20 and

21 “(II) an individual that the per-
22 son described in subclause (I) knows,
23 has reason to know, or reasonably be-
24 lieves is a covered foreign national;
25 and

1 “(ii) the person described in clause
2 (i)(I) knows, has reason to know, or rea-
3 sonably believes involves—

4 “(I) an offer or other proposal
5 for a contribution, donation, expendi-
6 ture, disbursement, or solicitation de-
7 scribed in section 319; or

8 “(II) coordination or collabora-
9 tion with, an offer or provision of in-
10 formation or services to or from, or
11 persistent and repeated contact with,
12 a covered foreign national in connec-
13 tion with an election.

14 “(B) EXCEPTIONS.—

15 “(i) CONTACTS IN OFFICIAL CAPACITY
16 AS ELECTED OFFICIAL.—The term ‘report-
17 able foreign contact’ shall not include any
18 contact or communication with a covered
19 foreign national by an elected official or an
20 employee of an elected official solely in an
21 official capacity as such an official or em-
22 ployee.

23 “(ii) CONTACTS FOR PURPOSES OF
24 ENABLING OBSERVATION OF ELECTIONS
25 BY INTERNATIONAL OBSERVERS.—The

1 term ‘reportable foreign contact’ shall not
2 include any contact or communication with
3 a covered foreign national by any person
4 which is made for purposes of enabling the
5 observation of elections in the United
6 States by a foreign national or the obser-
7 vation of elections outside of the United
8 States by a candidate, political committee,
9 or any official, employee, or agent of such
10 committee.

11 “(iii) EXCEPTIONS NOT APPLICABLE
12 IF CONTACTS OR COMMUNICATIONS IN-
13 VOLVE PROHIBITED DISBURSEMENTS.—A
14 contact or communication by an elected of-
15 ficial or an employee of an elected official
16 shall not be considered to be made solely
17 in an official capacity for purposes of
18 clause (i), and a contact or communication
19 shall not be considered to be made for pur-
20 poses of enabling the observation of elec-
21 tions for purposes of clause (ii), if the con-
22 tact or communication involves a contribu-
23 tion, donation, expenditure, disbursement,
24 or solicitation described in section 319.

1 “(C) COVERED FOREIGN NATIONAL DE-
2 FINED.—

3 “(i) IN GENERAL.—In this paragraph,
4 the term ‘covered foreign national’
5 means—

6 “(I) a foreign principal (as de-
7 fined in section 1(b) of the Foreign
8 Agents Registration Act of 1938 (22
9 U.S.C. 611(b))) that is a government
10 of a foreign country or a foreign polit-
11 ical party;

12 “(II) any person who acts as an
13 agent, representative, employee, or
14 servant, or any person who acts in
15 any other capacity at the order, re-
16 quest, or under the direction or con-
17 trol, of a foreign principal described in
18 subclause (I) or of a person any of
19 whose activities are directly or indi-
20 rectly supervised, directed, controlled,
21 financed, or subsidized in whole or in
22 major part by a foreign principal de-
23 scribed in subclause (I); or

24 “(III) any person included in the
25 list of specially designated nationals

1 and blocked persons maintained by
2 the Office of Foreign Assets Control
3 of the Department of the Treasury
4 pursuant to authorities relating to the
5 imposition of sanctions relating to the
6 conduct of a foreign principal de-
7 scribed in subclause (I).

8 “(ii) CLARIFICATION REGARDING AP-
9 PPLICATION TO CITIZENS OF THE UNITED
10 STATES.—In the case of a citizen of the
11 United States, subclause (II) of clause (i)
12 applies only to the extent that the person
13 involved acts within the scope of that per-
14 son’s status as the agent of a foreign prin-
15 cipal described in subclause (I) of clause
16 (i).

17 “(4) IMMEDIATE FAMILY MEMBER.—In this
18 subsection, the term ‘immediate family member’
19 means, with respect to a candidate, a parent, parent-
20 in-law, spouse, adult child, or sibling.”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by paragraph (1) shall apply with respect to report-
23 able foreign contacts which occur on or after the
24 date of the enactment of this Act.

25 (b) INFORMATION INCLUDED ON REPORT.—

1 (1) IN GENERAL.—Section 304(b) of such Act
2 (52 U.S.C. 30104(b)) is amended—

3 (A) by striking “and” at the end of para-
4 graph (7);

5 (B) by striking the period at the end of
6 paragraph (8) and inserting “; and”; and

7 (C) by adding at the end the following new
8 paragraph:

9 “(9) for any reportable foreign contact (as de-
10 fined in subsection (i)(3))—

11 “(A) the date, time, and location of the
12 contact;

13 “(B) the date and time of when a des-
14 ignated official of the committee was notified of
15 the contact;

16 “(C) the identity of individuals involved;
17 and

18 “(D) a description of the contact, including
19 the nature of any contribution, donation, ex-
20 penditure, disbursement, or solicitation involved
21 and the nature of any activity described in sub-
22 section (i)(3)(A)(ii)(II) involved.”.

23 (2) EFFECTIVE DATE.—The amendments made
24 by paragraph (1) shall apply with respect to reports
25 filed on or after the expiration of the 60-day period

1 which begins on the date of the enactment of this
2 Act.

3 **SEC. 1102. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**
4 **PORTING COMPLIANCE SYSTEM.**

5 (a) IN GENERAL.—Section 302 of the Federal Elec-
6 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
7 by adding at the end the following new subsection:

8 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE
9 POLICY.—

10 “(1) REPORTING.—Each political committee
11 shall establish a policy that requires all officials, em-
12 ployees, and agents of such committee to notify the
13 treasurer or other appropriate designated official of
14 the committee of any reportable foreign contact (as
15 defined in section 304(i)) not later than 3 days after
16 such contact was made.

17 “(2) RETENTION AND PRESERVATION OF
18 RECORDS.—Each political committee shall establish
19 a policy that provides for the retention and preserva-
20 tion of records and information related to reportable
21 foreign contacts (as so defined) for a period of not
22 less than 3 years.

23 “(3) CERTIFICATION.—

24 “(A) IN GENERAL.—Upon filing its state-
25 ment of organization under section 303(a), and

1 with each report filed under section 304(a), the
2 treasurer of each political committee (other
3 than an authorized committee) shall certify
4 that—

5 “(i) the committee has in place poli-
6 cies that meet the requirements of para-
7 graphs (1) and (2);

8 “(ii) the committee has designated an
9 official to monitor compliance with such
10 policies; and

11 “(iii) not later than 1 week after the
12 beginning of any formal or informal affili-
13 ation with the committee, all officials, em-
14 ployees, and agents of such committee
15 will—

16 “(I) receive notice of such poli-
17 cies;

18 “(II) be informed of the prohibi-
19 tions under section 319; and

20 “(III) sign a certification affirm-
21 ing their understanding of such poli-
22 cies and prohibitions.

23 “(B) AUTHORIZED COMMITTEES.—With
24 respect to an authorized committee, the can-

1 didate shall make the certification required
2 under subparagraph (A).”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendment made by
5 subsection (a) shall apply with respect to political
6 committees which file a statement of organization
7 under section 303(a) of the Federal Election Cam-
8 paign Act of 1971 (52 U.S.C. 30103(a)) on or after
9 the date of the enactment of this Act.

10 (2) TRANSITION RULE FOR EXISTING COMMIT-
11 TEES.—Not later than 30 days after the date of the
12 enactment of this Act, each political committee
13 under the Federal Election Campaign Act of 1971
14 shall file a certification with the Federal Election
15 Commission that the committee is in compliance
16 with the requirements of section 302(j) of such Act
17 (as added by subsection (a)).

18 **SEC. 1103. CRIMINAL PENALTIES.**

19 Section 309(d)(1) of the Federal Election Campaign
20 Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-
21 ing at the end the following new subparagraphs:

22 “(E) Any person who knowingly and will-
23 fully commits a violation of subsection (i) or
24 (b)(9) of section 304 or section 302(j) shall be

1 fined not more than \$500,000, imprisoned not
2 more than 5 years, or both.

3 “(F) Any person who knowingly and will-
4 fully conceals or destroys any materials relating
5 to a reportable foreign contact (as defined in
6 section 304(i)) shall be fined not more than
7 \$1,000,000, imprisoned not more than 5 years,
8 or both.”.

9 **SEC. 1104. REPORT TO CONGRESSIONAL INTELLIGENCE**
10 **COMMITTEES.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, and annually thereafter,
13 the Director of the Federal Bureau of Investigation shall
14 submit to the congressional intelligence committees a re-
15 port relating to notifications received by the Federal Bu-
16 reau of Investigation under section 304(i)(1) of the Fed-
17 eral Election Campaign Act of 1971 (as added by section
18 1101(a) of this Act).

19 (b) ELEMENTS.—Each report under subsection (a)
20 shall include, at a minimum, the following with respect
21 to notifications described in subsection (a):

22 (1) The number of such notifications received
23 from political committees during the year covered by
24 the report.

1 (2) A description of protocols and procedures
2 developed by the Federal Bureau of Investigation re-
3 lating to receipt and maintenance of records relating
4 to such notifications.

5 (3) With respect to such notifications received
6 during the year covered by the report, a description
7 of any subsequent actions taken by the Director re-
8 sulting from the receipt of such notifications.

9 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
10 DEFINED.—In this section, the term “congressional intel-
11 ligence committees” has the meaning given that term in
12 section 3 of the National Security Act of 1947 (50 U.S.C.
13 3003).

14 **SEC. 1105. RULE OF CONSTRUCTION.**

15 Nothing in this title or the amendments made by this
16 title shall be construed—

17 (1) to impede legitimate journalistic activities;
18 or

19 (2) to impose any additional limitation on the
20 right to express political views or to participate in
21 public discourse of any individual who—

22 (A) resides in the United States;

23 (B) is not a citizen of the United States or
24 a national of the United States, as defined in

1 section 101(a)(22) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1101(a)(22)); and

3 (C) is not lawfully admitted for permanent
4 residence, as defined by section 101(a)(20) of
5 the Immigration and Nationality Act (8 U.S.C.
6 1101(a)(20)).

7 **TITLE XII—ELIMINATING FOR-**
8 **EIGN INTERFERENCE IN**
9 **ELECTIONS**

10 **SEC. 1201. CLARIFICATION OF APPLICATION OF FOREIGN**
11 **MONEY BAN.**

12 (a) CLARIFICATION OF TREATMENT OF PROVISION
13 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
14 TION OF A THING OF VALUE.—Section 319 of the Federal
15 Election Campaign Act of 1971 (52 U.S.C. 30121) is
16 amended by adding at the end the following new sub-
17 section:

18 “(c) CLARIFICATION OF TREATMENT OF PROVISION
19 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
20 TION OF A THING OF VALUE.—For purposes of this sec-
21 tion, a ‘contribution or donation of money or other thing
22 of value’ includes the provision of opposition research,
23 polling, or other non-public information relating to a can-
24 didate for election for a Federal, State, or local office for
25 the purpose of influencing the election, regardless of

1 whether such research, polling, or information has mone-
2 tary value, except that nothing in this subsection shall be
3 construed to treat the mere provision of an opinion about
4 a candidate as a thing of value for purposes of this sec-
5 tion.”.

6 (b) CLARIFICATION OF APPLICATION OF FOREIGN
7 MONEY BAN TO ALL CONTRIBUTIONS AND DONATIONS
8 OF THINGS OF VALUE AND TO ALL SOLICITATIONS OF
9 CONTRIBUTIONS AND DONATIONS OF THINGS OF
10 VALUE.—Section 319(a) of such Act (52 U.S.C.
11 30121(a)) is amended—

12 (1) in paragraph (1)(A), by striking “promise
13 to make a contribution or donation” and inserting
14 “promise to make such a contribution or donation”;

15 (2) in paragraph (1)(B), by striking “donation”
16 and inserting “donation of money or other thing of
17 value, or to make an express or implied promise to
18 make such a contribution or donation,”; and

19 (3) by amending paragraph (2) to read as fol-
20 lows:

21 “(2) a person to solicit, accept, or receive (di-
22 rectly or indirectly) a contribution or donation de-
23 scribed in subparagraph (A) or (B) of paragraph
24 (1), or to solicit, accept, or receive (directly or indi-
25 rectly) an express or implied promise to make such

1 a contribution or donation, from a foreign na-
2 tional.”.

3 (c) ENHANCED PENALTY FOR CERTAIN VIOLA-
4 TIONS.—

5 (1) IN GENERAL.—Section 309(d)(1) of such
6 Act (52 U.S.C. 30109(d)(1)), as amended by section
7 1103, is further amended by adding at the end the
8 following new subparagraph:

9 “(G)(i) Any person who knowingly and
10 willfully commits a violation of section 319
11 which involves a foreign national which is a
12 government of a foreign country or a foreign
13 political party, or which involves a thing of
14 value consisting of the provision of opposition
15 research, polling, or other non-public informa-
16 tion relating to a candidate for election for a
17 Federal, State, or local office for the purpose of
18 influencing the election, shall be fined under
19 title 18, United States Code, or imprisoned for
20 not more than 5 years, or both.

21 “(ii) In clause (i), each of the terms ‘gov-
22 ernment of a foreign country’ and ‘foreign polit-
23 ical party’ has the meaning given such term in
24 section 1 of the Foreign Agents Registration
25 Act of 1938, as Amended (22 U.S.C. 611).”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall apply with respect to viola-
3 tions committed on or after the date of the enact-
4 ment of this Act.

5 **SEC. 1202. REQUIRING ACKNOWLEDGMENT OF FOREIGN**
6 **MONEY BAN BY POLITICAL COMMITTEES.**

7 (a) PROVISION OF INFORMATION BY FEDERAL ELEC-
8 TION COMMISSION.—Section 303 of the Federal Election
9 Campaign Act of 1971 (52 U.S.C. 30103) is amended by
10 adding at the end the following new subsection:

11 “(e) ACKNOWLEDGMENT OF FOREIGN MONEY
12 BAN.—

13 “(1) NOTIFICATION BY COMMISSION.—Not later
14 than 30 days after a political committee files its
15 statement of organization under subsection (a), and
16 biennially thereafter until the committee terminates,
17 the Commission shall provide the committee with a
18 written explanation of section 319.

19 “(2) ACKNOWLEDGMENT BY COMMITTEE.—

20 “(A) IN GENERAL.—Not later than 30
21 days after receiving the written explanation of
22 section 319 under paragraph (1), the committee
23 shall transmit to the Commission a signed cer-
24 tification that the committee has received such
25 written explanation and has provided a copy of

1 the explanation to all members, employees, con-
2 tractors, and volunteers of the committee.

3 “(B) PERSON RESPONSIBLE FOR SIGNA-
4 TURE.—The certification required under sub-
5 paragraph (A) shall be signed—

6 “(i) in the case of an authorized com-
7 mittee of a candidate, by the candidate; or

8 “(ii) in the case of any other political
9 committee, by the treasurer of the com-
10 mittee.”.

11 (b) EFFECTIVE DATE; TRANSITION FOR EXISTING
12 COMMITTEES.—

13 (1) IN GENERAL.—The amendment made by
14 subsection (a) shall apply with respect to political
15 committees which file statements of organization
16 under section 303 of the Federal Election Campaign
17 Act of 1971 (52 U.S.C. 30103) on or after the date
18 of the enactment of this Act.

19 (2) TRANSITION FOR EXISTING COMMITTEES.—

20 (A) NOTIFICATION BY FEDERAL ELECTION
21 COMMISSION.—Not later than 90 days after the
22 date of the enactment of this Act, the Federal
23 Election Commission shall provide each political
24 committee under such Act with the written ex-
25 planation of section 319 of such Act, as re-

1 required under section 303(e)(1) of such Act (as
2 added by subsection (a)).

3 (B) ACKNOWLEDGMENT BY COMMITTEE.—
4 Not later than 30 days after receiving the writ-
5 ten explanation under subparagraph (A), each
6 political committee under such Act shall trans-
7 mit to the Federal Election Commission the
8 signed certification, as required under section
9 303(e)(2) of such Act (as added by subsection
10 (a)).

11 **SEC. 1203. PROHIBITION ON CONTRIBUTIONS AND DONA-**
12 **TIONS BY FOREIGN NATIONALS IN CONNEC-**
13 **TIONS WITH BALLOT INITIATIVES AND**
14 **REFERENDA.**

15 (a) IN GENERAL.—Section 319(a)(1)(A) of the Fed-
16 eral Election Campaign Act of 1971 (52 U.S.C.
17 30121(a)(1)(A)) is amended by striking “State, or local
18 election” and inserting the following: “State, or local elec-
19 tion, including a State or local ballot initiative or ref-
20 erendum”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 this section shall apply with respect to elections held in
23 2024 or any succeeding year.

1 **TITLE XIII—HONEST ADS**

2 **SEC. 1301. SHORT TITLE.**

3 This title may be cited as the “Honest Ads Act”.

4 **SEC. 1302. PURPOSE.**

5 The purpose of this title is to enhance the integrity
6 of American democracy and national security by improving
7 disclosure requirements for online political advertisements
8 in order to uphold the Supreme Court’s well-established
9 standard that the electorate bears the right to be fully in-
10 formed.

11 **SEC. 1303. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) the dramatic increase in digital political ad-
14 vertisements, and the growing centrality of online
15 platforms in the lives of Americans, requires the
16 Congress and the Federal Election Commission to
17 take meaningful action to ensure that laws and reg-
18 ulations provide the accountability and transparency
19 that is fundamental to our democracy;

20 (2) free and fair elections require both trans-
21 parency and accountability which give the public a
22 right to know the true sources of funding for polit-
23 ical advertisements, be they foreign or domestic, in
24 order to make informed political choices and hold
25 elected officials accountable; and

1 (3) transparency of funding for political adver-
2 tisements is essential to enforce other campaign fi-
3 nance laws, including the prohibition on campaign
4 spending by foreign nationals.

5 **SEC. 1304. EXPANSION OF DEFINITION OF PUBLIC COMMU-**
6 **NICATION.**

7 (a) IN GENERAL.—Paragraph (22) of section 301 of
8 the Federal Election Campaign Act of 1971 (52 U.S.C.
9 30101(22)) is amended by striking “or satellite commu-
10 nication” and inserting “satellite, paid internet, or paid
11 digital communication”.

12 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
13 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
14 amended—

15 (1) in paragraph (8)(B)(v), by striking “on
16 broadcasting stations, or in newspapers, magazines,
17 or similar types of general public political adver-
18 tising” and inserting “in any public communica-
19 tion”; and

20 (2) in paragraph (9)(B)—

21 (A) by amending clause (i) to read as fol-
22 lows:

23 “(i) any news story, commentary, or
24 editorial distributed through the facilities
25 of any broadcasting station or any print,

1 online, or digital newspaper, magazine,
2 publication, periodical, blog, or platform,
3 unless such broadcasting, print, online, or
4 digital facilities are owned or controlled by
5 any political party, political committee, or
6 candidate;” and

7 (B) in clause (iv), by striking “on broad-
8 casting stations, or in newspapers, magazines,
9 or similar types of general public political ad-
10 vertising” and inserting “in any public commu-
11 nication”.

12 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
13 Subsection (a) of section 318 of such Act (52 U.S.C.
14 30120) is amended—

15 (1) by striking “financing any communication
16 through any broadcasting station, newspaper, maga-
17 zine, outdoor advertising facility, mailing, or any
18 other type of general public political advertising”
19 and inserting “financing any public communication”;
20 and

21 (2) by striking “solicits any contribution
22 through any broadcasting station, newspaper, maga-
23 zine, outdoor advertising facility, mailing, or any
24 other type of general public political advertising”

1 and inserting “solicits any contribution through any
2 public communication”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act and shall take effect without regard to whether
6 or not the Federal Election Commission has promulgated
7 the final regulations necessary to carry out this part and
8 the amendments made by this part by the deadline set
9 forth in subsection (e).

10 (e) **REGULATION.**—Not later than 1 year after the
11 date of the enactment of this Act, the Federal Election
12 Commission shall promulgate regulations on what con-
13 stitutes a paid internet or paid digital communication for
14 purposes of paragraph (22) of section 301 of the Federal
15 Election Campaign Act of 1971 (52 U.S.C. 30101(22)),
16 as amended by subsection (a), except that such regulation
17 shall not define a paid internet or paid digital communica-
18 tion to include communications for which the only pay-
19 ment consists of internal resources, such as employee com-
20 pensation, of the entity paying for the communication.

21 **SEC. 1305. EXPANSION OF DEFINITION OF ELECTION-**
22 **EERING COMMUNICATION.**

23 (a) **EXPANSION TO ONLINE COMMUNICATIONS.**—

24 (1) **APPLICATION TO QUALIFIED INTERNET AND**
25 **DIGITAL COMMUNICATIONS.**—

1 (A) IN GENERAL.—Subparagraph (A) of
2 section 304(f)(3) of the Federal Election Cam-
3 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
4 is amended by striking “or satellite communica-
5 tion” each place it appears in clauses (i) and
6 (ii) and inserting “satellite, or qualified internet
7 or digital communication”.

8 (B) QUALIFIED INTERNET OR DIGITAL
9 COMMUNICATION.—Paragraph (3) of section
10 304(f) of such Act (52 U.S.C. 30104(f)) is
11 amended by adding at the end the following
12 new subparagraph:

13 “(D) QUALIFIED INTERNET OR DIGITAL
14 COMMUNICATION.—The term ‘qualified internet
15 or digital communication’ means any commu-
16 nication which is placed or promoted for a fee
17 on an online platform (as defined in subsection
18 (j)(3)).”.

19 (2) NONAPPLICATION OF RELEVANT ELEC-
20 TORATE TO ONLINE COMMUNICATIONS.—Section
21 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
22 30104(f)(3)(A)(i)(III)) is amended by inserting “any
23 broadcast, cable, or satellite” before “communica-
24 tion”.

1 (3) NEWS EXEMPTION.—Section
2 304(f)(3)(B)(i) of such Act (52 U.S.C.
3 30104(f)(3)(B)(i)) is amended to read as follows:

4 “(i) a communication appearing in a
5 news story, commentary, or editorial dis-
6 tributed through the facilities of any
7 broadcasting station or any online or dig-
8 ital newspaper, magazine, publication, peri-
9 odical, blog, or platform, unless such
10 broadcasting, online, or digital facilities are
11 owned or controlled by any political party,
12 political committee, or candidate;”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to communications
15 made on or after January 1, 2024, and shall take effect
16 without regard to whether or not the Federal Election
17 Commission has promulgated regulations to carry out
18 such amendments.

19 **SEC. 1306. APPLICATION OF DISCLAIMER STATEMENTS TO**
20 **ONLINE COMMUNICATIONS.**

21 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
22 MENT.—Subsection (a) of section 318 of the Federal Elec-
23 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
24 amended—

1 (1) by striking “shall clearly state” each place
2 it appears in paragraphs (1), (2), and (3) and in-
3 serting “shall state in a clear and conspicuous man-
4 ner”; and

5 (2) by adding at the end the following flush
6 sentence: “For purposes of this section, a commu-
7 nication does not make a statement in a clear and
8 conspicuous manner if it is difficult to read or hear
9 or if the placement is easily overlooked.”.

10 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR
11 DIGITAL COMMUNICATIONS.—

12 (1) IN GENERAL.—Section 318 of such Act (52
13 U.S.C. 30120) is amended by adding at the end the
14 following new subsection:

15 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
16 DIGITAL COMMUNICATIONS.—

17 “(1) SPECIAL RULES WITH RESPECT TO STATE-
18 MENTS.—In the case of any qualified internet or
19 digital communication (as defined in section
20 304(f)(3)(D)) which is disseminated through a me-
21 dium in which the provision of all of the information
22 specified in this section is not possible, the commu-
23 nication shall, in a clear and conspicuous manner—

24 “(A) state the name of the person who
25 paid for the communication; and

1 “(B) provide a means for the recipient of
2 the communication to obtain the remainder of
3 the information required under this section with
4 minimal effort and without receiving or viewing
5 any additional material other than such re-
6 quired information.

7 “(2) SAFE HARBOR FOR DETERMINING CLEAR
8 AND CONSPICUOUS MANNER.—A statement in quali-
9 fied internet or digital communication (as defined in
10 section 304(f)(3)(D)) shall be considered to be made
11 in a clear and conspicuous manner as provided in
12 subsection (a) if the communication meets the fol-
13 lowing requirements:

14 “(A) TEXT OR GRAPHIC COMMUNICA-
15 TIONS.—In the case of a text or graphic com-
16 munication, the statement—

17 “(i) appears in letters at least as large
18 as the majority of the text in the commu-
19 nication; and

20 “(ii) meets the requirements of para-
21 graphs (2) and (3) of subsection (c).

22 “(B) AUDIO COMMUNICATIONS.—In the
23 case of an audio communication, the statement
24 is spoken in a clearly audible and intelligible

1 manner at the beginning or end of the commu-
2 nication and lasts at least 3 seconds.

3 “(C) VIDEO COMMUNICATIONS.—In the
4 case of a video communication which also in-
5 cludes audio, the statement—

6 “(i) is included at either the beginning
7 or the end of the communication; and

8 “(ii) is made both in—

9 “(I) a written format that meets
10 the requirements of subparagraph (A)
11 and appears for at least 4 seconds;
12 and

13 “(II) an audible format that
14 meets the requirements of subpara-
15 graph (B).

16 “(D) OTHER COMMUNICATIONS.—In the
17 case of any other type of communication, the
18 statement is at least as clear and conspicuous
19 as the statement specified in subparagraph (A),
20 (B), or (C).”.

21 (2) NONAPPLICATION OF CERTAIN EXCEP-
22 TIONS.—The exceptions provided in section
23 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
24 Regulations, or any successor to such rules, shall
25 have no application to qualified internet or digital

1 communications (as defined in section 304(f)(3)(D)
2 of the Federal Election Campaign Act of 1971).

3 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
4 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
5 Act (52 U.S.C. 30120(d)) is amended—

6 (1) in paragraph (1)(A)—

7 (A) by striking “which is transmitted
8 through radio” and inserting “which is in an
9 audio format”; and

10 (B) by striking “BY RADIO” in the heading
11 and inserting “AUDIO FORMAT”;

12 (2) in paragraph (1)(B)—

13 (A) by striking “which is transmitted
14 through television” and inserting “which is in
15 video format”; and

16 (B) by striking “BY TELEVISION” in the
17 heading and inserting “VIDEO FORMAT”; and

18 (3) in paragraph (2)—

19 (A) by striking “transmitted through radio
20 or television” and inserting “made in audio or
21 video format”; and

22 (B) by striking “through television” in the
23 second sentence and inserting “in video for-
24 mat”.

1 (d) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date of the enact-
3 ment of this Act and shall take effect without regard to
4 whether or not the Federal Election Commission has pro-
5 mulgated regulations to carry out such amendments.

6 **SEC. 1307. POLITICAL RECORD REQUIREMENTS FOR ON-**
7 **LINE PLATFORMS.**

8 (a) IN GENERAL.—Section 304 of the Federal Elec-
9 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
10 ed by sections 309 and 1101, is amended by adding at
11 the end the following new subsection:

12 “(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
13 MENTS.—

14 “(1) IN GENERAL.—

15 “(A) REQUIREMENTS FOR ONLINE PLAT-
16 FORMS.—

17 “(i) IN GENERAL.—An online plat-
18 form shall maintain, and make available
19 for online public inspection in machine
20 readable format, a complete record of any
21 qualified political advertisement which is
22 purchased by a person whose aggregate
23 purchases of qualified political advertise-
24 ments on such online platform during the
25 calendar year exceeds \$500.

1 “(ii) REQUIREMENT RELATING TO PO-
2 LITICAL ADS SOLD BY THIRD PARTY AD-
3 VERTISING VENDORS.—An online platform
4 that displays a qualified political advertise-
5 ment sold by a third party advertising ven-
6 dor shall include on its own platform—

7 “(I) an easily accessible and
8 identifiable link to the records main-
9 tained by the third-party advertising
10 vendor under clause (i) regarding
11 such qualified political advertisement;
12 or

13 “(II) in any case in which the
14 third party advertising vendor does
15 not make such records available, a
16 statement that no records from the
17 third party advertising vendors
18 records are available.

19 “(B) REQUIREMENTS FOR ADVER-
20 TISERS.—Any person who purchases a qualified
21 political advertisement on an online platform
22 shall provide the online platform with such in-
23 formation as is necessary for the online plat-
24 form to comply with the requirements of sub-
25 paragraph (A).

1 “(2) CONTENTS OF RECORD.—A record main-
2 tained under paragraph (1)(A) shall contain—

3 “(A) a digital copy of the qualified political
4 advertisement;

5 “(B) a description of the audience that re-
6 ceived the advertisement, the number of views
7 generated from the advertisement, and the date
8 and time that the advertisement is first dis-
9 played and last displayed; and

10 “(C) information regarding—

11 “(i) the total cost of the advertise-
12 ment (which may be rounded to the near-
13 est \$100);

14 “(ii) the name of the candidate to
15 which the advertisement refers and the of-
16 fice to which the candidate is seeking elec-
17 tion, the election to which the advertise-
18 ment refers, or the national legislative
19 issue to which the advertisement refers (as
20 applicable);

21 “(iii) in the case of a request made
22 by, or on behalf of, a candidate, the name
23 of the candidate, the authorized committee
24 of the candidate, and the treasurer of such
25 committee; and

1 “(iv) in the case of any request not
2 described in clause (iii), the name of the
3 person purchasing the advertisement, the
4 name and address of a contact person for
5 such person, and a list of the chief execu-
6 tive officers or members of the executive
7 committee or of the board of directors of
8 such person.

9 “(3) ONLINE PLATFORM.—

10 “(A) IN GENERAL.—For purposes of this
11 subsection, subject to subparagraph (B), the
12 term ‘online platform’ means any public-facing
13 website, web application, or digital application
14 (including a social network, ad network, or
15 search engine) which—

16 “(i)(I) sells qualified political adver-
17 tisements; and

18 “(II) has 50,000,000 or more unique
19 monthly United States visitors or users for
20 a majority of months during the preceding
21 12 months; or

22 “(ii) is a third-party advertising ven-
23 dor that has 50,000,000 or more unique
24 monthly United States visitors in the ag-
25 gregate on any advertisement space that it

1 has sold or bought for a majority of
2 months during the preceding 12 months,
3 as measured by an independent digital rat-
4 ings service accredited by the Media Rat-
5 ings Council (or its successor).

6 “(B) EXEMPTION.—Such term shall not
7 include any online platform that is a distribu-
8 tion facility of any broadcasting station or
9 newspaper, magazine, blog, publication, or peri-
10 odical.

11 “(C) THIRD-PARTY ADVERTISING VENDOR
12 DEFINED.—For purposes of this subsection, the
13 term ‘third-party advertising vendor’ includes
14 any third-party advertising vendor network, ad-
15 vertising agency, advertiser, or third-party ad-
16 vertisement serving company that buys and
17 sells advertisement space on behalf of unaffili-
18 ated third-party websites, search engines, dig-
19 ital applications, or social media sites.

20 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—
21 For purposes of this subsection, the term ‘qualified
22 political advertisement’ means any advertisement
23 (including search engine marketing, display adver-
24 tisements, video advertisements, native advertise-
25 ments, and sponsorships) that—

1 “(A) is made by or on behalf of a can-
2 didate; or

3 “(B) communicates a message relating to
4 any political matter of national importance, in-
5 cluding—

6 “(i) a candidate;

7 “(ii) any election to Federal office; or

8 “(iii) a national legislative issue of
9 public importance.

10 “(5) TIME TO MAINTAIN FILE.—The informa-
11 tion required under this subsection shall be made
12 available as soon as possible and shall be retained by
13 the online platform for a period of not less than 4
14 years.

15 “(6) SPECIAL RULE.—For purposes of this sub-
16 section, multiple versions of an advertisement that
17 contain no material differences (such as versions
18 that differ only because they contain a recipient’s
19 name, or differ only in size, color, font, or layout)
20 may be treated as a single qualified political adver-
21 tisement.

22 “(7) PENALTIES.—For penalties for failure by
23 online platforms, and persons requesting to purchase
24 a qualified political advertisement on online plat-

1 forms, to comply with the requirements of this sub-
2 section, see section 309.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act and shall take effect without regard to whether
6 or not the Federal Election Commission has promulgated
7 the final regulations necessary to carry out this part and
8 the amendments made by this part by the deadline set
9 forth in subsection (c).

10 (c) RULEMAKING.—Not later than 120 days after the
11 date of the enactment of this Act, the Federal Election
12 Commission shall establish rules—

13 (1) for determining whether an advertisement
14 communicates a national legislative issue for pur-
15 poses of section 304(j) of the Federal Election Cam-
16 paign Act of 1971 (as added by subsection (a));

17 (2) requiring common data formats for the
18 record required to be maintained under such section
19 304(j) so that all online platforms submit and main-
20 tain data online in a common, machine-readable and
21 publicly accessible format; and

22 (3) establishing search interface requirements
23 relating to such record, including searches by can-
24 didate name, issue, purchaser, and date.

1 (d) REPORTING.—Not later than 2 years after the
2 date of the enactment of this Act, and biannually there-
3 after, the Chairman of the Federal Election Commission
4 shall submit a report to Congress on—

5 (1) matters relating to compliance with and the
6 enforcement of the requirements of section 304(j) of
7 the Federal Election Campaign Act of 1971, as
8 added by subsection (a);

9 (2) recommendations for any modifications to
10 such section to assist in carrying out its purposes;
11 and

12 (3) identifying ways to bring transparency and
13 accountability to political advertisements distributed
14 online for free.

15 **SEC. 1308. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
16 **INDEPENDENT EXPENDITURES, AND DIS-**
17 **BURSEMENTS FOR ELECTIONEERING COM-**
18 **MUNICATIONS BY FOREIGN NATIONALS IN**
19 **THE FORM OF ONLINE ADVERTISING.**

20 Section 319 of the Federal Election Campaign Act
21 of 1971 (52 U.S.C. 30121), as amended by section 1201,
22 is amended by redesignating subsections (b) and (c) as
23 subsections (c) and (d), respectively, and by inserting after
24 subsection (a) the following new subsection:

1 “(b) RESPONSIBILITIES OF BROADCAST STATIONS,
2 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
3 ONLINE PLATFORMS.—

4 “(1) IN GENERAL.—Each television or radio
5 broadcast station, provider of cable or satellite tele-
6 vision, or online platform (as defined in section
7 304(j)(3)) shall make reasonable efforts to ensure
8 that communications described in section 318(a) and
9 made available by such station, provider, or platform
10 are not purchased by a foreign national, directly or
11 indirectly.

12 “(2) REGULATIONS.—Not later than 1 year
13 after the date of the enactment of this subsection,
14 the Commission shall promulgate regulations on
15 what constitutes reasonable efforts under paragraph
16 (1).”.

17 **SEC. 1309. REQUIRING ONLINE PLATFORMS TO DISPLAY**
18 **NOTICES IDENTIFYING SPONSORS OF POLIT-**
19 **ICAL ADVERTISEMENTS AND TO ENSURE NO-**
20 **TICES CONTINUE TO BE PRESENT WHEN AD-**
21 **VERTISEMENTS ARE SHARED.**

22 (a) IN GENERAL.—Section 304 of the Federal Elec-
23 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
24 ed by sections 309, 1101, and 1307(a), is amended by
25 adding at the end the following new subsection:

1 “(k) ENSURING DISPLAY AND SHARING OF SPONSOR
2 IDENTIFICATION IN ONLINE POLITICAL ADVERTISE-
3 MENTS.—

4 “(1) REQUIREMENT.—Any online platform that
5 displays a qualified political advertisement (regard-
6 less of whether such qualified political advertisement
7 was purchased directly from the online platform)
8 shall—

9 “(A) display with the advertisement a visi-
10 ble notice identifying the sponsor of the adver-
11 tisement (or, if it is not practical for the plat-
12 form to display such a notice, a notice that the
13 advertisement is sponsored by a person other
14 than the platform); and

15 “(B) ensure that the notice will continue to
16 be displayed if a viewer of the advertisement
17 shares the advertisement with others on that
18 platform.

19 “(2) SAFE HARBOR.—An online platform shall
20 not be treated as having failed to comply with the
21 requirements of paragraph (1)(A) for the
22 misidentification of a person as the sponsor of the
23 advertisement if—

1 “(A) the person placing the online adver-
2 tisement designated the person displayed in the
3 advertisement as the sponsor; and

4 “(B) the online platform relied on such
5 designation in good faith.

6 “(3) DEFINITIONS.—In this subsection—

7 “(A) the term ‘online platform’ has the
8 meaning given such term in subsection (j)(3);

9 “(B) the term ‘qualified political adver-
10 tisement’ has the meaning given such term in
11 subsection (j)(4); and

12 “(C) the term ‘sponsor’ means the person
13 purchasing the advertisement.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall apply with respect to advertisements
16 displayed on or after the 120-day period which begins on
17 the date of the enactment of this Act and shall take effect
18 without regard to whether or not the Federal Election
19 Commission has promulgated regulations to carry out
20 such amendments.

21 **TITLE XIV—PREVENTING A** 22 **PATRONAGE SYSTEM**

23 **SEC. 1401. SHORT TITLE.**

24 This title may be cited as the “Saving the Civil Serv-
25 ice Act”.

1 **SEC. 1402. LIMITATIONS ON EXCEPTING POSITIONS FROM**
2 **COMPETITIVE SERVICE AND TRANSFERRING**
3 **POSITIONS.**

4 (a) IN GENERAL.—A position in the competitive serv-
5 ice may not be excepted from the competitive service un-
6 less such position is placed—

7 (1) in any of the schedules A through E as de-
8 scribed in section 6.2 of title 5, Code of Federal
9 Regulations, as in effect on September 30, 2020;
10 and

11 (2) under the terms and conditions under part
12 6 of such title as in effect on such date.

13 (b) TRANSFERS.—

14 (1) WITHIN EXCEPTED SERVICE.—A position in
15 the excepted service may not be transferred to any
16 schedule other than a schedule described in sub-
17 section (a)(1).

18 (2) OPM CONSENT REQUIRED.—An agency
19 may not transfer any occupied position from the
20 competitive service or excepted service into schedule
21 C of subpart C of part 213 of title 5, Code of Fed-
22 eral Regulations, without the prior consent of the
23 Director.

24 (3) LIMIT DURING PRESIDENTIAL TERM.—Dur-
25 ing any 4-year presidential term, an agency may not
26 transfer from the competitive service into the ex-

1 cepted service a total number of employees that is
2 more than 1 percent of the total number of employ-
3 ees at such agency as of the first day of such term,
4 or 5 employees, whichever is greater.

5 (4) EMPLOYEE CONSENT REQUIRED.—Notwith-
6 standing any other provision of this section—

7 (A) an employee who occupies a position in
8 the excepted service may not be transferred to
9 an excepted service schedule other than the
10 schedule in which such position is located with-
11 out the prior written consent of the employee;
12 and

13 (B) an employee who occupies a position in
14 the competitive service may not be transferred
15 to the excepted service without the employee's
16 prior written consent.

17 (c) OTHER MATTERS.—

18 (1) APPLICATION.—Notwithstanding section
19 7425(b) of title 38, United States Code, this section
20 shall apply to positions under chapters 73 and 74 of
21 such title.

22 (2) REGULATIONS.—The Director shall issue
23 regulations to implement this section.

24 (d) DEFINITIONS.—In this section—

1 (1) the term “agency” means any department,
2 agency, or instrumentality of the Federal Govern-
3 ment;

4 (2) the term “competitive service” has the
5 meaning given that term in section 2102 of title 5,
6 United States Code;

7 (3) the term “Director” means the Director of
8 the Office of Personnel Management; and

9 (4) the term “excepted service” has the mean-
10 ing given that term in section 2103 of title 5, United
11 States Code.

12 **TITLE XV—USE OF FEDERAL** 13 **PROPERTY; VISITOR RECORDS**

14 **SEC. 1501. PROHIBITION ON USE OF FEDERAL PROPERTY** 15 **FOR POLITICAL CONVENTIONS.**

16 (a) IN GENERAL.—Chapter 29 of title 18, United
17 States Code, is amended by inserting after section 611 the
18 following:

19 **“§ 612. Prohibition on use of federal property for cer-** 20 **tain political activities**

21 “(a) A convention of a national political party held
22 to nominate a candidate for the office of President or Vice
23 President may not be held on or in any Federal property.

24 “(b) Any candidate or the authorized committee of
25 the candidate under the Federal Election Campaign Act

1 of 1971 which was responsible for a convention in violation
2 of subsection (a) shall be subject to an assessment of a
3 civil penalty equal to the fair market value of the cost of
4 the convention or \$50,000, whichever is greater, or impris-
5 oned not more than five years, or both.

6 “(c) In this section, the term ‘Federal property’
7 means any building, land, or other real property owned,
8 leased, or occupied by any department, agency, or instru-
9 mentality of the United States, including the White House
10 grounds and the White House (including the Old Execu-
11 tive Office Building, the West Wing, the East Wing, the
12 Rose Garden, and the Executive Residence, but not includ-
13 ing the second floor of the Executive Residence).”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 for such chapter is amended by inserting after the item
16 relating to section 611 the following:

“612. Prohibition on use of Federal property for certain political activities.”.

17 (c) APPLICATION.—

18 (1) IN GENERAL.—This Act and the amend-
19 ments made by this Act shall apply to any conven-
20 tion described in section 612(a) of title 18, United
21 States Code, as added by subsection (a), occurring
22 on or after the date of enactment of this Act.

23 (2) TRAVEL.—Nothing in this Act or the
24 amendments made by this Act shall be construed to
25 limit or otherwise prevent the President or Vice

1 President from using vehicles (including aircraft)
2 owned or leased by the Government for travel to or
3 from any such convention.

4 **SEC. 1502. IMPROVING ACCESS TO INFLUENTIAL VISITOR**
5 **ACCESS RECORDS.**

6 (a) DEFINITIONS.—In this section:

7 (1) COVERED LOCATION.—The term “covered
8 location” means—

9 (A) the White House;

10 (B) the residence of the Vice President;

11 and

12 (C) any other location at which the Presi-
13 dent or the Vice President regularly conducts
14 official business.

15 (2) COVERED RECORDS.—The term “covered
16 records” means information relating to a visit at a
17 covered location, which shall include—

18 (A) the name of each visitor at the covered
19 location;

20 (B) the name of each individual with whom
21 each visitor described in subparagraph (A) met
22 at the covered location; and

23 (C) the purpose of the visit.

24 (b) REQUIREMENT.—Except as provided in sub-
25 section (c), not later than 90 days after the date of enact-

1 ment of this Act, the President shall establish and update,
2 every 90 days thereafter, a publicly available database that
3 contains covered records for the preceding 90-day period,
4 on a publicly available website in an easily searchable and
5 downloadable format.

6 (c) EXCEPTIONS.—

7 (1) IN GENERAL.—The President shall not in-
8 clude in the database established under subsection
9 (b) any covered record—

10 (A) the posting of which would implicate
11 personal privacy or law enforcement concerns or
12 threaten national security;

13 (B) relating to a purely personal guest at
14 a covered location; or

15 (C) that reveals the social security number,
16 taxpayer identification number, birth date,
17 home address, or personal phone number of an
18 individual, the name of an individual who is less
19 than 18 years old, or a financial account num-
20 ber.

21 (2) SENSITIVE MEETINGS.—With respect to a
22 particularly sensitive meeting at a covered location,
23 the President shall—

1 (A) include the number of visitors at the
2 covered location in the database established
3 under subsection (b);

4 (B) post the applicable covered records in
5 the database established under subsection (b)
6 when the President determines that release of
7 the covered records is no longer sensitive; and

8 (C) post any reasonably segregable portion
9 that is not covered by an exception described in
10 subsection (c) of any such excepted record on
11 the website described under subsection (b).

12 **DIVISION D—SEVERABILITY**

13 **TITLE XVI—SEVERABILITY**

14 **SEC. 1601. SEVERABILITY.**

15 If any provision of this Act or any amendment made
16 by this Act, or the application of a provision of this Act
17 or an amendment made by this Act to any person or cir-
18 cumstance, is held to be unconstitutional, the remainder
19 of this Act, and the application of the provisions to any
20 person or circumstance, shall not be affected by the hold-
21 ing.