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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. RASKIN introduced the following bill; which was referred to the Committee on _____

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

9 (3) Division C—Miscellaneous.

10 (4) Division D—Severability.

11 (b) TABLE OF CONTENTS.—The table of contents of
12 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 XI—ABUSE OF THE PARDON POWER PREVENTION

Sec. 1101. Short title.

Sec. 1102. Congressional oversight relating to certain pardons.

Sec. 1103. Bribery in connection with pardons and commutations.

Sec. 1104. Prohibition on presidential self-pardon.

TITLE XII—ENSURING NO PRESIDENT IS ABOVE THE LAW

Sec. 1201. Short title.

Sec. 1202. Tolling of statute of limitations.

Sec. 1203. Contracts by the President, the Vice President, or a cabinet mem-
ber.

Sec. 1204. Forfeiture of benefits for former Presidents convicted of a felony.

TITLE XIII—ENFORCEMENT OF THE EMOLUMENTS CLAUSES OF
THE CONSTITUTION

Sec. 1301. Short title.

Sec. 1302. Definitions.

Sec. 1303. Prohibition on acceptance of foreign emoluments.

Sec. 1304. Civil actions by Congress concerning foreign emoluments.

Sec. 1305. Prohibiting senior Federal officials from accepting foreign payments.

Sec. 1306. Disclosures concerning foreign and domestic emoluments.

Sec. 1307. Enforcement authority for Office of Government Ethics and finan-
cial disclosures.

- Sec. 1308. Jurisdiction of the Office of Special Counsel.
- Sec. 1309. Rulemaking for ethics requirements for legal expense funds.
- Sec. 1310. Limitations and disclosure of certain donations to, and disbursements by, inaugural committees.
- Sec. 1311. Prohibition on payments to the President of Federal or State government funds.
- Sec. 1312. Prohibition on payments to the President from individuals receiving government positions or grants of clemency from the President.
- Sec. 1313. Penalties.
- Sec. 1314. Exceptions.
- Sec. 1315. Severability.

TITLE XIV—INVESTIGATIVE INTEGRITY PROTECTION

- Sec. 1401. Short title.
- Sec. 1402. Presidential oversight of Attorney General.

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

TITLE XXI—ENFORCEMENT OF CONGRESSIONAL SUBPOENAS

- Sec. 2101. Short title.
- Sec. 2102. Enforcement of congressional subpoenas.
- Sec. 2103. Compliance with congressional subpoenas.
- Sec. 2104. Rule of construction.
- Sec. 2105. Enforcement of requests for information from certain committees of Congress.

TITLE XXII—REASSERTING CONGRESSIONAL POWER OF THE
PURSE

- Sec. 2201. Short title.

Subtitle A—Strengthening Congressional Control and Review To Prevent
Impoundment

- Sec. 2221. Strengthening congressional control.
- Sec. 2222. Strengthening congressional review.
- Sec. 2223. Updated authorities for and reporting by the Comptroller General.
- Sec. 2224. Advance congressional notification and litigation.
- Sec. 2225. 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. 2241. Expired balance reporting in the President's budget.
- Sec. 2242. Cancelled balance reporting in the President's budget.
- Sec. 2243. Lapse in appropriations—reporting in the President's budget.
- Sec. 2244. Transfer and other repurposing authority reporting in the President's budget.

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

- Sec. 2251. Requirement to respond to requests for information from the Comptroller General for budget and appropriations law decisions.
- Sec. 2252. Reporting requirements for Antideficiency Act violations.
- Sec. 2253. Department of Justice reporting to Congress for Antideficiency Act violations.
- Sec. 2254. Publication of budget or appropriations law opinions of the Department of Justice Office of Legal Counsel.
- Sec. 2255. Treatment of requests for information from Members of Congress.

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

- Sec. 2261. Improving checks and balances on the use of the National Emergencies Act.
- Sec. 2262. National Emergencies Act declaration spending reporting in the President's budget.
- Sec. 2263. Disclosure to Congress of presidential emergency action documents.
- Sec. 2264. Congressional designations.

TITLE XXIII—SECURITY FROM POLITICAL INTERFERENCE IN JUSTICE

- Sec. 2301. Short title.
- Sec. 2302. Definitions.
- Sec. 2303. Communications logs.
- Sec. 2304. Rule of construction.

TITLE XXIV—PROTECTING WHISTLEBLOWERS

- Sec. 2401. Short title.

Subtitle A—Whistleblower Protection Improvement

- Sec. 2421. Additional whistleblower protections.
- Sec. 2422. Enhancement of whistleblower protections.
- Sec. 2423. Classifying certain furloughs as adverse personnel actions.
- Sec. 2424. Codification of protections for disclosures of censorship related to research, analysis, or technical information.
- Sec. 2425. Title 5 technical and conforming amendments.

Subtitle B—Whistleblowers of the Intelligence Community

- Sec. 2441. Limitation on sharing of intelligence community whistleblower complaints with persons named in such complaints.
- Sec. 2442. Disclosures to Congress.
- Sec. 2443. Prohibition against disclosure of whistleblower identity as reprisal against whistleblower disclosure by employees and contractors in intelligence community.

TITLE XXV—ACCOUNTABILITY FOR ACTING OFFICIALS

- Sec. 2501. Short title.
- Sec. 2502. Clarification of Federal Vacancies Reform Act of 1998.

TITLE XXVI—STRENGTHENING HATCH ACT ENFORCEMENT AND PENALTIES

- Sec. 2601. Short title.

Subtitle A—Strengthening Hatch Act Enforcement and Penalties

- Sec. 2621. Strengthening Hatch Act enforcement and penalties against political appointees.
- Sec. 2622. Including Executive Office of the President under limitation on nepotism in the civil service.
- Sec. 2623. Disclosure of Hatch Act investigations for certain political employees.
- Sec. 2624. Clarification on candidates visiting Federal property.
- Sec. 2625. Applying Hatch Act to President and Vice President while on Federal property.
- Sec. 2626. Granting the Office of Special Counsel rulemaking authority.
- Sec. 2627. Greater accountability for political appointees.
- Sec. 2628. Investigating former political employees.
- Sec. 2629. GAO review of reimbursable political events.

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

- Sec. 2641. Definitions.
- Sec. 2642. Ethics pledge.
- Sec. 2643. Waivers.
- Sec. 2644. Administration.
- Sec. 2645. Enforcement.
- Sec. 2646. General provisions.

TITLE XXVII—PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY

- Sec. 2701. Presidential and vice presidential tax transparency.

TITLE XXVIII—BRINGING EXECUTIVE ACCOUNTABILITY, CLARITY, AND OVERSIGHT

- Sec. 2801. Short title.
- Sec. 2802. Office of Inspector General in the Executive Office of the President.

DIVISION C—MISCELLANEOUS

TITLE XXXI—REPORTING FOREIGN INTERFERENCE IN ELECTIONS

- Sec. 3101. Federal campaign reporting of foreign contacts.
- Sec. 3102. Federal campaign foreign contact reporting compliance system.
- Sec. 3103. Criminal penalties.
- Sec. 3104. Report to congressional intelligence committees.
- Sec. 3105. Rule of construction.

TITLE XXXII—ELIMINATING FOREIGN INTERFERENCE IN ELECTIONS

- Sec. 3201. Clarification of application of foreign money ban.
- Sec. 3202. Requiring acknowledgment of foreign money ban by political committees.
- Sec. 3203. Prohibition on contributions and donations by foreign nationals in connections with ballot initiatives and referenda.

TITLE XXXIII—HONEST ADS

- Sec. 3301. Short title.
- Sec. 3302. Expansion of definition of public communication.
- Sec. 3303. Expansion of definition of electioneering communication.
- Sec. 3304. Application of disclaimer statements to online communications.
- Sec. 3305. Political record requirements for online platforms.
- Sec. 3306. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.
- Sec. 3307. Requiring online platforms to display notices identifying sponsors of political advertisements and to ensure notices continue to be present when advertisements are shared.

TITLE XXXIV—PREVENTING A PATRONAGE SYSTEM

- Sec. 3401. Short title.
- Sec. 3402. Limitations on excepting positions from competitive service and transferring positions.

TITLE XXXV—USE OF FEDERAL PROPERTY; VISITOR RECORDS

- Sec. 3501. Prohibition on use of Federal property for political conventions.
- Sec. 3502. Improving access to influential visitor access records.

TITLE XXXVI—NO CORPORATE CROOKS

- Sec. 3601. Short title.
- Sec. 3602. Restriction on service in the executive branch.

TITLE XXXVII—RECUSAL OF EXECUTIVE BRANCH OFFICERS AND EMPLOYEES

- Sec. 3701. Short title.
- Sec. 3702. Recusal of executive branch officers and employees in matters affecting financial interests of previous employers.

TITLE XXXVIII—CLARIFICATION OF DEFINITION OF OFFICIAL ACT

- Sec. 3801. Short title.
- Sec. 3802. Clarification of definition of official act.

DIVISION D—SEVERABILITY

TITLE XLI—SEVERABILITY

- Sec. 4101. Severability.

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

6 **SEC. 1101. SHORT TITLE.**

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

9 **SEC. 1102. CONGRESSIONAL OVERSIGHT RELATING TO**
10 **CERTAIN 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—

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

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

24 (b) **TREATMENT OF INFORMATION.**—Rule 6(e) of the
25 Federal Rules of Criminal Procedure may not be con-

1 strued to prohibit the disclosure of information required
2 by subsection (a) of this section.

3 (c) DEFINITIONS.—In this section:

4 (1) APPROPRIATE CONGRESSIONAL COM-
5 MITTEE.—The term “appropriate congressional com-
6 mittee” means—

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

10 (B) if an investigation relates to intel-
11 ligence or counterintelligence matters, the Se-
12 lect Committee on Intelligence of the Senate
13 and the Permanent Select Committee on Intel-
14 ligence of the House of Representatives.

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

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

20 (i) the President;

21 (ii) a relative of the President;

22 (iii) a former President;

23 (iv) any individual who is serving or
24 previously served as a political appointee
25 (as defined in section 1216(f)(6) of title 5,

1 United States Code, as added by title
2 XXVI of this Act) under the President;

3 (v) any individual who was an em-
4 ployee of an authorized committee (as de-
5 fined in section 301(6) of the Federal
6 Election Campaign Act of 1971 (52 U.S.C.
7 30101(6))) of the President for any elec-
8 tion to the office of President; or

9 (vi) in the case of an offense moti-
10 vated by a direct and significant personal
11 or pecuniary interest of any individual de-
12 scribed in clause (i), (ii), (iii), (iv), or (v),
13 any person or entity;

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

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

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

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

1 (A) a family member (as defined in section
2 1635.3(a) of title 29, Code of Federal Regula-
3 tions, or any successor regulation) of the Presi-
4 dent who is a first-degree relative, second-de-
5 gree relative, or third-degree relative (as those
6 terms are defined in such section 1635.3(a) or
7 any successor regulation) of the President; or

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

10 **SEC. 1103. BRIBERY IN CONNECTION WITH PARDONS AND**
11 **COMMUTATIONS.**

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

14 (1) in subsection (a)—

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

19 (B) in paragraph (2)—

20 (i) by striking “means any person”
21 and inserting the following: means— “
22 “(A) any person”;

23 (ii) by striking “and” at the end; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(B) any person who is an apparent suc-
2 cessful candidate for the office of President, as
3 determined under section 3(c) of the Presi-
4 dential Transition Act of 1963 (3 U.S.C. 102
5 note; Public Law 88–277) and has not yet as-
6 sumed the office of President; and

7 “(C) any person who is an apparent suc-
8 cessful candidate for the office of Vice Presi-
9 dent, as determined under section 3(c) of the
10 Presidential Transition Act of 1963 (3 U.S.C.
11 102 note; Public Law 88–277) and has not yet
12 assumed the office of Vice President; and”;

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

18 **SEC. 1104. PROHIBITION ON PRESIDENTIAL SELF-PARDON.**

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

1 **TITLE XII—ENSURING NO**
2 **PRESIDENT IS ABOVE THE LAW**

3 **SEC. 1201. SHORT TITLE.**

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

6 **SEC. 1202. TOLLING OF STATUTE OF LIMITATIONS.**

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

11 “(c) OFFENSES COMMITTED BY THE PRESIDENT OR
12 VICE PRESIDENT DURING OR PRIOR TO TENURE IN OF-
13 FICE.—In the case of any person serving in the office of
14 President or Vice President, the duration of that person’s
15 tenure in such office shall not be considered for purposes
16 of any period of limitations applicable to any Federal
17 criminal offense committed by that person (including any
18 offense committed during any period of time preceding
19 such tenure in office).”.

20 (b) APPLICABILITY.—The amendment made by sub-
21 section (a) shall apply to any offense committed before the
22 date of enactment of this section, if the period of limita-
23 tions applicable to that offense had not run as of such
24 date.

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to preclude the indictment or pros-
3 ecution of a person serving in the office of President or
4 Vice President, during that person’s tenure in such office,
5 for a violation of the criminal laws of the United States.

6 **SEC. 1203. CONTRACTS BY THE PRESIDENT, THE VICE**
7 **PRESIDENT, OR A CABINET MEMBER.**

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

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

13 (2) in the first undesignated paragraph, by in-
14 sserting “the President, the Vice President, in a posi-
15 tion at level I of the Executive Schedule under sec-
16 tion 5312 of title 5,” after “Whoever, being”.

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

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

21 **SEC. 1204. FORFEITURE OF BENEFITS FOR FORMER PRESI-**
22 **DENTS CONVICTED OF A FELONY.**

23 The first section of the Act entitled “An Act to pro-
24 vide retirement, clerical assistants, and free mailing privi-

1 leges to former Presidents of the United States, and for
2 other purposes”, approved August 25, 1958 (commonly
3 known as the “Former Presidents Act of 1958”; 3 U.S.C.
4 102 note), is amended—

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

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

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

13 (3) by adding at the end the following new sub-
14 section:

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

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

23 “(B) no funds may be obligated or expended
24 under subsection (g) with respect to such former
25 President except to the extent necessary to maintain

1 the security of such former President, as determined
2 by the Director of the Secret Service; and

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

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

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

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

16 **TITLE XIII—ENFORCEMENT OF**
17 **THE EMOLUMENTS CLAUSES**
18 **OF THE CONSTITUTION**

19 **SEC. 1301. SHORT TITLE.**

20 (a) **SHORT TITLE.**—This title may be cited as the
21 “Foreign and Domestic Emoluments Enforcement Act”.

22 (b) **TABLE OF CONTENTS.**—The table of contents for
23 this title is as follows:

Sec. 1301. Short title.

Sec. 1302. Definitions.

Sec. 1303. Prohibition on acceptance of foreign emoluments.

Sec. 1304. Civil actions by Congress concerning foreign emoluments.

Sec. 1305. Prohibiting senior Federal officials from accepting foreign payments.

- Sec. 1306. Disclosures concerning foreign and domestic emoluments.
Sec. 1307. Enforcement authority for Office of Government Ethics and financial disclosures.
Sec. 1308. Jurisdiction of the Office of Special Counsel.
Sec. 1309. Rulemaking for ethics requirements for legal expense funds.
Sec. 1310. Limitations and disclosure of certain donations to, and disbursements by, inaugural committees.
Sec. 1311. Prohibition on payments to the President of Federal or State government funds.
Sec. 1312. Prohibition on payments to the President from individuals receiving government positions or grants of clemency from the President.
Sec. 1313. Penalties.
Sec. 1314. Exceptions.
Sec. 1315. Severability.

1 **SEC. 1302. DEFINITIONS.**

2 In this title:

3 (1) **EMOLUMENT.**—The term “emolument”
4 means any profit, gain, or advantage, including any
5 payment that is received directly or indirectly from
6 any government of a foreign country, the Federal
7 Government, or any State or local government, or
8 from any instrumentality thereof.

9 (2) **GOVERNMENT OF A FOREIGN COUNTRY.**—
10 The term “government of a foreign country” has the
11 meaning given the term in section 1(e) of the For-
12 eign Agents Registration Act of 1938, as amended
13 (22 U.S.C. 611(e)).

14 (3) **PAYMENT.**—The term “payment”—
15 (A) means the direct or indirect provision
16 of anything of value, including any tangible
17 item; and

18 (B) includes any direct or indirect payment
19 in any form arising from a commercial trans-

1 action of any kind, including any payment in-
2 volving a Presidentially-owned entity, whether
3 or not at fair market value.

4 (4) PERSON HOLDING ANY OFFICE OF PROFIT
5 OR TRUST UNDER THE UNITED STATES.—The term
6 “person holding any office of profit or trust under
7 the United States” includes—

8 (A) the President; and

9 (B) the Vice President.

10 (5) PRESIDENTIALLY-OWNED ENTITY.—The
11 term “Presidentially-owned entity” means a corpora-
12 tion, association, partnership, limited liability com-
13 pany, limited liability partnership, other legal entity,
14 or sole proprietorship in which the President has an
15 ownership stake, except that such term does not in-
16 clude an entity in which more than 100 people have
17 an ownership stake and the President holds no more
18 than five percent in a beneficial ownership stake and
19 that—

20 (A) issues securities registered with the Se-
21 curities and Exchange Commission pursuant to
22 section 12 of the Securities Exchange Act of
23 1934 (15 U.S.C. 78l);

24 (B) is an investment company registered
25 pursuant to section 8 of the Investment Com-

1 pany Act of 1940 (15 U.S.C. 80a–8) that does
2 not have a stated policy of concentrating the in-
3 vestments of the investment company in any in-
4 dustry, business, single country other than the
5 United States, or bonds of a single State within
6 the United States; or

7 (C) is a unit investment trust, as defined
8 in section 4 of the Investment Company Act of
9 1940 (15 U.S.C. 80a–4) that—

10 (i) is a regulated investment company,
11 as defined in section 851 of the Internal
12 Revenue Code of 1986; and

13 (ii) does not have a stated policy of
14 concentrating the investments of the in-
15 vestment company in any industry, busi-
16 ness, single country other than the United
17 States, or bonds of a single State within
18 the United States.

19 (6) STATE.—The term “State” means each of
20 the several States of the United States, the District
21 of Columbia, or any territory or possession of the
22 United States.

23 (7) COVERED OFFICIAL.—The term “covered
24 official” means—

1 (A) any individual (other than an indi-
2 vidual nominated for appointment to a position
3 as a Foreign Service Officer or a grade or rank
4 in the uniformed services for which the pay
5 grade prescribed by section 201 of title 37 is
6 O-6 or below)—

7 (i) nominated by the President for a
8 position the appointment to which requires
9 the advice and consent of the Senate; or

10 (ii) whom the President-elect has pub-
11 licly announced an intent to nominate to
12 such a position; and

13 (B) any individual occupying—

14 (i) a position described under sections
15 5312 through 5316 of title 5, United
16 States Code (relating to the Executive
17 Schedule);

18 (ii) a noncareer appointment in the
19 Senior Executive Service, as defined under
20 section 3132(a) of such title 5;

21 (iii) a position in the executive branch
22 of the Government of a confidential or pol-
23 icy-determining character under schedule C
24 of subpart C of part 213 of title 5, Code
25 of Federal Regulations; or

1 (iv) a position in the Executive Office
2 of the President pursuant to an appoint-
3 ment other than a career or career-condi-
4 tional appointment.

5 **SEC. 1303. PROHIBITION ON ACCEPTANCE OF FOREIGN**
6 **EMOLUMENTS.**

7 (a) IN GENERAL.—Except as otherwise provided in
8 section 7342 of title 5, United States Code, it shall be
9 unlawful for any person holding any office of profit or
10 trust under the United States to accept from a govern-
11 ment of a foreign country, without first obtaining the con-
12 sent of Congress, any present, emolument, payment, of-
13 fice, or title.

14 (b) APPLICATION.—The prohibition under paragraph
15 (1) shall apply without regard to whether the present,
16 emolument, payment, office, or title is—

17 (1) provided directly or indirectly by the gov-
18 ernment of a foreign country or an instrumentality
19 thereof; or

20 (2) provided to the person holding any office of
21 profit or trust under the United States or to any
22 private business interest of that person.

1 **SEC. 1304. CIVIL ACTIONS BY CONGRESS CONCERNING**
2 **FOREIGN EMOLUMENTS.**

3 (a) CAUSE OF ACTION.—The Senate or the House
4 of Representatives may bring a civil action against any
5 person for a violation of section 1303(a).

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

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

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

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

25 (c) REMEDY.—If the court determines that a viola-
26 tion of section 1303(a) has occurred, the court shall issue

1 an order enjoining the course of conduct found to con-
2 stitute the violation, and such of the following as are ap-
3 propriate:

4 (1) The disgorgement of the value of any
5 present or emolument from the government of a for-
6 eign country.

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

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

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

16 (5) Such other relief as the court determines
17 appropriate.

18 (d) USE OF GOVERNMENT FUNDS PROHIBITED.—No
19 appropriated funds, funds provided from any accounts in
20 the United States Treasury, funds derived from the collec-
21 tion of fees, or any other Government funds shall be used
22 to pay any disgorgement imposed by the court pursuant
23 to this section.

1 **SEC. 1305. PROHIBITING SENIOR FEDERAL OFFICIALS**
2 **FROM ACCEPTING FOREIGN PAYMENTS.**

3 (a) IN GENERAL.—Subchapter IV of chapter 73 of
4 title 5, United States Code, is amended by adding after
5 section 7342 the following:

6 **“§ 7343. Prohibiting senior Federal officials from ac-**
7 **cepting foreign payments**

8 “(a) PROHIBITION.—

9 “(1) IN GENERAL.—It shall be unlawful for any
10 senior Federal official to receive, accept, or retain a
11 foreign payment, including through a business entity
12 controlled by a senior Federal official, without first
13 obtaining the consent of Congress pursuant to this
14 section and section 7344.

15 “(2) TWO-YEAR POST EMPLOYMENT.—During
16 the 2-year period beginning on the date that an indi-
17 vidual leaves the position of a senior Federal official,
18 it shall be unlawful for such individual to receive, ac-
19 cept, or retain a foreign payment, including through
20 a business entity controlled by a senior Federal offi-
21 cial, without first obtaining the consent of Congress
22 pursuant to this section and section 7344. Such in-
23 dividual shall make the requisite disclosures required
24 under subsection (b) of this section.

25 “(3) CANDIDATE REPORTS.—An individual
26 other than an incumbent President or Vice President

1 who becomes a candidate (as defined in section 301
2 of the Federal Election Campaign Act of 1971 (52
3 U.S.C. 30101)) for the office of President or Vice
4 President shall submit a report to Congress at the
5 end of each 30-day period such individual is such a
6 candidate listing any foreign payments such indi-
7 vidual received during such period.

8 “(b) DISCLOSURE.—

9 “(1) NOTICE.—Any senior Federal official that
10 wishes to receive, accept, or retain a foreign pay-
11 ment shall submit (in writing) notice to the Director
12 prior to receiving, accepting, or retaining any foreign
13 payment. Such request shall include, at a min-
14 imum—

15 “(A) the name of, and position occupied
16 by, the senior Federal official;

17 “(B) details regarding the foreign payment
18 the senior Federal official wishes to receive, ac-
19 cept, and retain, including the foreign govern-
20 ment that would provide the foreign payment,
21 the type of payment and the financial instru-
22 ment to be used to provide the payment, the
23 value of the foreign payment, and whether the
24 foreign payment would be provided through a
25 business entity, and, if so, the business entity

1 and the specific transaction through which it
2 would be provided; and

3 “(C) a statement confirming that the sen-
4 ior Federal official has not requested or other-
5 wise encouraged the tender of the foreign pay-
6 ment.

7 “(2) NOTIFICATION TO CONGRESS.—Not later
8 than 10 days after receiving notice under paragraph
9 (1), the Director shall submit such notice to Con-
10 gress.

11 “(3) MEMBERS OF CONGRESS.—For purposes
12 of carrying out this subsection with respect to Mem-
13 bers of Congress—

14 “(A) with respect to any such Member who
15 is a Senator, the term ‘the Select Committee on
16 Ethics of the Senate’ shall be substituted for
17 ‘Director’; and

18 “(B) with respect to any such Member who
19 is a Member of the House of Representatives,
20 the term ‘Committee on Ethics of the House of
21 Representatives’ shall be substituted for ‘Direc-
22 tor’.

23 “(c) DEFINITIONS.—For purposes of this section and
24 sections 7344 and 7345—

25 “(1) the term ‘business entity’—

1 “(A) means a for-profit corporation, asso-
2 ciation, partnership, limited liability company,
3 limited liability partnership, other legal entity,
4 or sole proprietorship in which a senior Federal
5 official has an ownership stake; and

6 “(B) does not include an entity in which
7 more than 100 people have an ownership stake
8 and the senior Federal official holds no more
9 than 5 percent in a beneficial ownership stake
10 and that—

11 “(i) issues securities registered with
12 the Securities and Exchange Commission
13 pursuant to section 12 of the Securities
14 Exchange Act of 1934 (15 U.S.C. 78l);

15 “(ii) is an investment company reg-
16 istered pursuant to section 8 of the Invest-
17 ment Company Act of 1940 (15 U.S.C.
18 80a-8) that does not have a stated policy
19 of concentrating the investments of the in-
20 vestment company in any industry, busi-
21 ness, single country other than the United
22 States, or bonds of a single State within
23 the United States; or

24 “(iii) is a unit investment trust, as de-
25 fined in section 4 of the Investment Com-

1 pany Act of 1940 (15 U.S.C. 80a-4)
2 that—

3 “(I) is a regulated investment
4 company, as defined in section 851 of
5 the Internal Revenue Code of 1986;
6 and

7 “(II) does not have a stated pol-
8 icy of concentrating the investments
9 of the investment company in any in-
10 dustry, business, single country other
11 than the United States, or bonds of a
12 single State within the United States;

13 “(2) the term ‘Director’ means the Director of
14 the Office of Government Ethics;

15 “(3) the term ‘foreign payment’—

16 “(A) means any direct or indirect payment
17 in any form, including any tangible item, aris-
18 ing from commercial transactions of any kind,
19 including any payment involving a business en-
20 tity, whether or not at fair market value from—

21 “(i) any foreign government (as that
22 term is defined in section 7342(a));

23 “(ii) any corporate enterprise engaged
24 in commercial endeavors owned 50 percent

1 or more or controlled by a foreign govern-
2 ment; or

3 “(iii) any member of the family of a
4 sovereign in a monarchical government;
5 and

6 “(B) does not include any gift or decora-
7 tion covered under section 7342; and

8 “(4) the term ‘senior Federal official’ means—

9 “(A) the President and the Vice President;

10 “(B) a Member of Congress (as that term
11 is defined in section 2106);

12 “(C) the head of any Executive depart-
13 ment;

14 “(D) any individual employed on the staff
15 of the President in a position with the title of
16 Assistant to the President, Deputy Assistant to
17 the President, Special Assistant to the Presi-
18 dent, Advisor to the President, or Counselor to
19 the President; and

20 “(E) any other senior United States Gov-
21 ernment employee designated by the Director.

22 **“§ 7344. Congressional review of request to receive,
23 accept, and retain foreign payment**

24 “(a) IN GENERAL.—A senior Federal official may not
25 receive, accept, or retain a foreign payment unless Con-

1 gress has, prior to such receipt, acceptance, or retention,
2 consented through enactment of a concurrent resolution
3 of approval as provided under this section.

4 “(b) REVIEW.—

5 “(1) IN GENERAL.—In this section, the term
6 ‘concurrent resolution’ means only a concurrent res-
7 olution—

8 “(A) introduced during the period begin-
9 ning on the date Congress receives notice from
10 the Director under section 7343(b)(2) and end-
11 ing on the date that is 90 days thereafter; and

12 “(B) consisting only of the following text
13 in the matter following the resolving clause:
14 ‘That Congress hereby consents to the accept-
15 ance by _____ of the foreign payment
16 described as follows: _____.’, with the
17 first blank space filled in with the name of the
18 senior Federal official and the second blank
19 space filled in with a detailed description of the
20 foreign payment.

21 “(2) COMMITTEE CONSIDERATION.—A concur-
22 rent resolution under this section shall be referred to
23 the appropriate committee of the House of Rep-
24 resentatives and the Senate. One such concurrent
25 resolution shall be reported out by such committee

1 together with its recommendations within fifteen leg-
2 islative days after the day on which such resolution
3 is referred to such committee, unless such House
4 shall otherwise determine by the yeas and nays.

5 “(3) CONSIDERATION.—Any concurrent resolu-
6 tion so reported shall become the pending business
7 of the House in question (in the case of the Senate
8 the time for debate shall be equally divided between
9 the proponents and the opponents) and shall be
10 voted on within three legislative days after the day
11 on which such resolution is reported, unless such
12 House shall otherwise determine by yeas and nays.

13 “(4) COORDINATION.—Such a concurrent reso-
14 lution passed by one House shall be referred to the
15 appropriate committee of the other House and shall
16 be reported out by such committee together with its
17 recommendations within fifteen legislative days after
18 the day on which such resolution is referred to such
19 committee and shall thereupon become the pending
20 business of such House and shall be voted upon
21 within three legislative days after the day on which
22 such resolution is reported, unless such House shall
23 otherwise determine by yeas and nays.

24 “(5) CONFERENCE.—In the case of any dis-
25 agreement between the two Houses of Congress with

1 respect to a joint resolution passed by both Houses,
2 conferees shall be promptly appointed and the com-
3 mittee of conference shall make and file a report
4 with respect to such joint resolution within six legis-
5 lative days after the day on which managers on the
6 part of the Senate and the House have been ap-
7 pointed. Notwithstanding any rule in either House
8 concerning the printing of conference reports or con-
9 cerning any delay in the consideration of such re-
10 ports, such report shall be acted on by both Houses
11 not later than six legislative days after the con-
12 ference report is filed in the House in which such re-
13 port is filed first. In the event the conferees are un-
14 able to agree within forty-eight hours, they shall re-
15 port back to their respective Houses in disagree-
16 ment.

17 “(c) EXERCISE OF RULEMAKING POWERS.—This
18 section is enacted by the Congress—

19 “(1) as an exercise of the rulemaking power of
20 the House of Representatives and the Senate, re-
21 spectively, and as such they shall be considered as
22 part of the rules of each House, respectively, or of
23 that House to which they specifically apply, and
24 such rules shall supersede other rules only to the ex-
25 tent that they are inconsistent therewith; and

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

6 **“§ 7345. Penalties**

7 “(a) CIVIL ACTION BY THE ATTORNEY GENERAL.—
8 The Attorney General may bring a civil action against a
9 senior Federal official in an appropriate United States dis-
10 trict court for a violation of section 7343 or 7344 for—

11 “(1) a civil monetary penalty in an amount not
12 to exceed \$5,000 more than the retail value of the
13 foreign payment; and

14 “(2) such injunctive relief as may be appro-
15 priate.

16 “(b) CRIMINAL PENALTY.—Whoever, being a senior
17 Federal official, knowingly violates section 7343 or 7344
18 shall be imprisoned for not more than one year, fined in
19 the amount of \$50,000 or the total value of the foreign
20 payments accepted, whichever is greater, or both.

21 “(c) FORFEITURE.—Any payment received, accepted,
22 or retained in violation of section 7343 or 7344 shall be
23 seized and forfeited to the United States in accordance
24 with chapter 46 of title 18.

1 “(d) ACTIONS BY PRIVATE PERSONS.—A person may
2 bring a civil action for a violation of section 7343 or 7344
3 for the person and for the United States Government in
4 the same manner as an action under section 3730(b) of
5 title 31, except that—

6 “(1) any extension of time under section
7 3730(b)(3) of title 31 shall not exceed 120 days;

8 “(2) section 3730(e)(2) of title 31 shall not
9 apply; and

10 “(3) section 3730(e)(4) of title 31 shall not
11 apply with regard to a civil action brought against
12 the President, the Vice President, or the Attorney
13 General.

14 “(e) SAFE HARBOR.—The penalties under this sec-
15 tion shall not apply with respect to a foreign payment
16 made to a senior Federal official if the official—

17 “(1) did not solicit the payment; and

18 “(2) not later than 72 hours after becoming
19 aware of the receipt of such a payment, and in no
20 case later than 90 days after its receipt—

21 “(A) notifies the Director (or, in the case
22 of a Member of Congress, the Select Committee
23 on Ethics of the Senate or the Committee on
24 Ethics of the House of Representatives, as the
25 case may be) of the payment; and

1 “(B) returns the payment in full to the en-
2 tity that made the payment or remits such pay-
3 ment to the Treasury.”.

4 (b) DESIGNATION BY OGE.—Not later than 90 days
5 after the date of the enactment of this Act, the Director
6 of the Office of Government Ethics shall publish, on the
7 Office’s public website, an initial list of any individual des-
8 ignated by the Director under section 7343(c)(4)(E) of
9 title 5, United States Code (as added by subsection (a)
10 of this Act). The Director shall update such list as appro-
11 priate.

12 (c) CLERICAL.—The table of sections for subchapter
13 IV of chapter 73 of title 5, United States Code, is amend-
14 ed by adding after the item relating to section 7342 the
15 following:

“7343. Prohibiting senior Federal officials from accepting foreign payments.

“7344. Congressional review of foreign payments.

“7345. Penalties.”.

16 **SEC. 1306. DISCLOSURES CONCERNING FOREIGN AND DO-**
17 **MESTIC EMOLUMENTS.**

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

21 “(9) FOREIGN EMOLUMENTS.—Any present,
22 emolument, office, or title received from a govern-
23 ment of a foreign country (as defined in section 1(e)
24 of the Foreign Agents Registration Act of 1938, as

1 amended (22 U.S.C. 611(e)), including the source,
2 date, type, and amount or value of each present or
3 emolument accepted on or before the date of filing
4 during the preceding calendar year.

5 “(10) BUSINESS INTERESTS RECEIVING FOR-
6 EIGN EMOLUMENTS.—Each business interest that is
7 reasonably expected to result in the receipt of any
8 present or emolument from a government of a for-
9 eign country (as defined in section 1(e) of the For-
10 eign Agents Registration Act of 1938, as amended
11 (22 U.S.C. 611(e))) during the current calendar
12 year.

13 “(11) EMOLUMENTS FROM THE UNITED
14 STATES.—In the case of the President, any emolu-
15 ment received from the United States, or a State,
16 other than the compensation for services of the
17 President as President provided for by Federal law,
18 including the source, date, type, and amount or
19 value of each emolument accepted on or before the
20 date of filing during the preceding calendar year.

21 “(12) BUSINESS INTERESTS RECEIVING EMOLU-
22 MENTS FROM THE UNITED STATES.—Each business
23 interest that is reasonably expected to result in the
24 receipt of any emolument from the United States or
25 a State during the current calendar year.”.

1 (b) REPORTING REQUIREMENTS RELATING TO
2 SPOUSES AND DEPENDENT CHILDREN.—Section
3 13104(e)(1) of title 5, United States Code, is amended—

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

7 (2) by inserting after subparagraph (F) the fol-
8 lowing:

9 “(G) FOREIGN EMOLUMENTS.—In the case
10 of items described in paragraphs (9) and (10)
11 of subsection (a), all information required to be
12 reported under those paragraphs.

13 “(H) EMOLUMENTS FROM UNITED
14 STATES.—In the case of—

15 “(i) items described in paragraph
16 (11)(A) of subsection (a), any such items
17 received by spouse or dependent child of
18 the President other than items related to
19 the services of the President as President
20 provided for by Federal law; and

21 “(ii) items described in paragraph
22 (11)(B) of subsection (a), all information
23 required to be reported under that para-
24 graph.”.

1 (c) RULE OF CONSTRUCTION.—Nothing in the
2 amendments made by this section shall be construed to
3 affect the prohibition against the acceptance of presents
4 and emoluments under section 1303.

5 **SEC. 1307. ENFORCEMENT AUTHORITY FOR OFFICE OF**
6 **GOVERNMENT ETHICS AND FINANCIAL DIS-**
7 **CLOSURES.**

8 (a) ENFORCEMENT.—

9 (1) IN GENERAL.—Section 13122(a) of title 5,
10 United States Code, is amended—

11 (A) by striking “The Director” and insert-
12 ing “(1) IN GENERAL.—The Director”; and

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

14 “(2) FOREIGN PAYMENTS.—

15 “(A) IN GENERAL.—The Director shall
16 provide overall direction of executive branch
17 policies related to compliance with sections
18 7343 through 7345, and shall have authority
19 to—

20 “(i) order individuals to take correc-
21 tive action; and

22 “(ii) pursuant to section 7345, require
23 disgorgement and divestiture of any for-
24 eign payment received, accepted, or re-
25 tained by a senior Federal official without

1 the consent of Congress to ensure compli-
2 ance by a senior Federal official with para-
3 graphs (16) and (17) of subsection (b) and
4 (17), and with paragraphs (9) through
5 (15) of section 13104(a).

6 “(B) DEFINITIONS.—In this paragraph
7 and for purposes of subsection (b)(16), the
8 terms ‘foreign payment’ and ‘senior Federal of-
9 ficial’ have the meaning given those terms in
10 section 7343(e).

11 “(3) OVERALL DIRECTION.—The Director
12 shall—

13 “(A) provide overall direction of executive
14 branch policies related to compliance with sec-
15 tion 1303 and 1304 of the Foreign and Domes-
16 tic Emoluments Enforcement Act and with
17 paragraphs (9) through (15) of section
18 13104(a); and

19 “(B) shall have the authority, with respect
20 to section 1303 and 1304 of the Foreign and
21 Domestic Emoluments Enforcement Act and
22 with paragraphs (9) through (15) of section
23 13104(a), to—

24 “(i) issue administrative fines to indi-
25 viduals for violations;

1 “(ii) order individuals to take correc-
2 tive action, including disgorgement, divesti-
3 ture, and recusal, as the Director deems
4 necessary; and

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

7 (2) SPECIFIC AUTHORITY.—Section 13122(b) of
8 title 5, United States Code, is amended—

9 (A) in paragraph (14), by striking “and”
10 at the end;

11 (B) in paragraph (15), by striking the pe-
12 riod at the end and inserting a semicolon; and

13 (C) by adding after paragraph (15) the fol-
14 lowing:

15 “(16) developing and promulgating rules and
16 regulations to ensure compliance with the require-
17 ments of sections 7343 through 7345, including es-
18 tablishing—

19 “(A) a process for making required reports
20 and notifications to Congress;

21 “(B) a process for ensuring the surrender
22 or requiring the disgorgement and divestiture of
23 a foreign payment when Congress does not con-
24 sent to retention of the foreign payment;

1 “(C) a process for notifying Congress of
2 non-compliance with the requirements of section
3 7343 and 7344 or with any disapproval of re-
4 tention of any foreign payment by a senior Fed-
5 eral official; and

6 “(D) such other matters as are necessary
7 to ensure compliance with the requirements of
8 section 7343 and 7344; and

9 “(17) developing and promulgating rules and
10 regulations to ensure compliance with section 1303
11 and 1304 of the Foreign and Domestic Emoluments
12 Enforcement Act and with paragraphs (9) through
13 (15) of section 13104(a), including establishing—

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

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

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

22 (b) DISCLOSURES.—Section 13104(a) of title 5,
23 United States Code, as amended by this Act, is further
24 amended by adding at the end the following:

1 “(13) FOREIGN PAYMENTS.—Any foreign pay-
2 ment received by a senior Federal official on or be-
3 fore the date of filing during the preceding calendar
4 year, including the source, date, type, amount or
5 value, date of surrender, or the date of adoption by
6 Congress of a concurrent resolution approving the
7 retention of the foreign payment under section 7344.
8 In this paragraph, the terms ‘foreign payment’ and
9 ‘senior Federal official’ have the meaning given
10 those terms in section 7343(c).

11 “(14) PAYMENTS TO BUSINESS INTEREST.—
12 Each business interest of a senior Federal official
13 that is reasonably expected to result in the receipt
14 of any foreign payment during the current calendar
15 year. In this paragraph, the terms ‘foreign payment’
16 and ‘senior Federal official’ have the meaning given
17 those terms in section 7343(c).”.

18 **SEC. 1308. JURISDICTION OF THE OFFICE OF SPECIAL**
19 **COUNSEL.**

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

22 (1) in subsection (a)—

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

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

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

4 “(6) any violation of—

5 “(A) section 1303 of the Foreign and Do-
6 mestic Emoluments Enforcement Act;

7 “(B) paragraphs (9) through (15) of sec-
8 tion 13104(a); or

9 “(C) subparagraph (G) and (H) of section
10 13104(e)(1).”; and

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

12 “(d) If the Director of the Office of Government Eth-
13 ics refers a matter for investigation pursuant to section
14 13122, or if the Special Counsel receives a credible com-
15 plaint of a violation described in subsection (a)(6) of this
16 section, the Special Counsel shall complete an investiga-
17 tion not later than 120 days thereafter. If the Special
18 Counsel investigates any violation pursuant to subsection
19 (a)(6), the Special Counsel shall, not later than 7 days
20 after the completion of such investigation, report to the
21 Director of the Office of Government Ethics and to Con-
22 gress on the results of such investigation.”.

1 **SEC. 1309. RULEMAKING FOR ETHICS REQUIREMENTS FOR**
2 **LEGAL EXPENSE FUNDS.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Director of the Office
5 of Government Ethics shall finalize a rule establishing eth-
6 ics requirements for the establishment or operation of a
7 legal expense fund for the benefit of the President, the
8 Vice President, or any political appointee (as defined in
9 section 1216(f)(6) of title 5, United States Code, as added
10 by section 2621(a) of this Act), consistent with the re-
11 quirements of subsection (b).

12 (b) LIMITATIONS ON ACCEPTANCE OF CERTAIN PAY-
13 MENTS.—

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

17 (A) an individual who is a registered lob-
18 byist under the Lobbying Disclosure Act of
19 1995 (2 U.S.C. 1601 et seq.); or

20 (B) an agent of a foreign principal, as de-
21 fined in section 1 of the Foreign Agents Reg-
22 istration Act of 1938, as amended (22 U.S.C.
23 611).

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

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

3 (B) the Director of the Office of Govern-
4 ment Ethics may assess a fine against the indi-
5 vidual or agent of a foreign principal, as de-
6 fined in section 1 of the Foreign Agents Reg-
7 istration Act of 1938, as amended (22 U.S.C.
8 611), who made, or attempted to make, the
9 contribution or other payment.

10 **SEC. 1310. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-**
11 **NATIONS TO, AND DISBURSEMENTS BY, INAUG-**
12 **URAL COMMITTEES.**

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

17 **“SEC. 325. INAUGURAL COMMITTEES.**

18 “(a) PROHIBITED DONATIONS.—

19 “(1) IN GENERAL.—It shall be unlawful for—

20 “(A) an Inaugural Committee—

21 “(i) to solicit, accept, or receive a do-
22 nation from a person that is not an indi-
23 vidual; or

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

1 “(B) a person—

2 “(i) to make a donation to an Inau-
3 gural Committee in the name of another
4 person, or to knowingly authorize his or
5 her name to be used to effect such a dona-
6 tion;

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

10 “(iii) to convert a donation to an In-
11 augural Committee to personal use as de-
12 scribed in paragraph (2); or

13 “(C) a foreign national to, directly or indi-
14 rectly, make a donation, or make an express or
15 implied promise to make a donation, to an In-
16 augural Committee.

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

22 “(A) to fulfill a commitment, obligation, or
23 expense of a person that would exist irrespec-
24 tive of the responsibilities of the Inaugural
25 Committee; or

1 “(B) to benefit the personal business ven-
2 ture of the President or Vice President of the
3 United States, the Inaugural Committee, or an
4 immediate family member of such individuals.

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

13 “(b) LIMITATION ON DONATIONS.—

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

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

1 “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-
2 BURSEMENTS.—

3 “(1) DONATIONS OVER \$1,000.—

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

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

12 “(i) the amount of the donation;

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

14 and

15 “(iii) the name and address of the in-
16 dividual making the donation.

17 “(2) FINAL REPORT.—Not later than the date
18 that is 90 days after the date of the Presidential in-
19 augural ceremony, the Inaugural Committee shall
20 file with the Commission a report containing the fol-
21 lowing information:

22 “(A) For each donation of money or any-
23 thing of value made to the committee in an ag-
24 gregate amount equal to or greater than
25 \$200—

1 “(i) the amount of the donation;

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

3 and

4 “(iii) the name and address of the in-
5 dividual making the donation.

6 “(B) The total amount of all disburse-
7 ments, and all disbursements in the following
8 categories:

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

11 “(ii) Repayment of all loans.

12 “(iii) Donation refunds and other off-
13 sets to donations.

14 “(iv) Any other disbursements.

15 “(C) The name and address of each per-
16 son—

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

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

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

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

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

11 “(1) DONATION.—

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

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

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

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

1 “(2) FOREIGN NATIONAL.—The term ‘foreign
2 national’ has the meaning given that term by section
3 319(b).

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

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

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

14 (b) CONFIRMING AMENDMENTS RELATED TO RE-
15 PORTING REQUIREMENTS.—

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

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

19 (B) by redesignating subsection (i) as sub-
20 section (h).

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

23 (3) Section 313(e)(4) is amended by striking
24 “section 304(i)(8)(B)” and inserting “section
25 304(h)(8)(B)”.

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

4 **“§ 510. Disclosure of and prohibition on certain dona-**
5 **tions**

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

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall apply with respect to Inaugural Commit-
12 tees established under chapter 5 of title 36, United States
13 Code, for inaugurations held in 2029 and any succeeding
14 year.

15 **SEC. 1311. PROHIBITION ON PAYMENTS TO THE PRESIDENT**
16 **OF FEDERAL OR STATE GOVERNMENT**
17 **FUNDS.**

18 Section 102 of title 3, United States Code, is amend-
19 ed—

20 (1) by striking “The President” and inserting
21 “(a) IN GENERAL.—The President”; and

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

23 “(b) LIMITATIONS.—

24 “(1) IN GENERAL.—Except for the amounts
25 provided by subsection (a), and except as provided in

1 paragraph (2) of this subsection and section 1314 of
2 the Foreign and Domestic Emoluments Enforcement
3 Act—

4 “(A) the President may not accept any
5 payment, including any payment to any Presi-
6 dentially-owned entity, from any Federal or
7 State funds; and

8 “(B) no individual may cause an agency,
9 department, or other instrumentality of the
10 Federal Government to make such a payment.

11 “(2) APPLICATION.—Except for payments made
12 to the President or a Presidentially-owned entity,
13 nothing in this subsection shall be construed to limit
14 the total amount of funds a Government entity may
15 obligate or expend to assist in defraying expenses re-
16 lating to or resulting from the discharge of the
17 President’s official duties, including expenses for the
18 security necessary for the President to discharge
19 such duties, consistent with applicable levels of ap-
20 propriations made available for such expenses and
21 the requirements of the Foreign and Domestic
22 Emoluments Enforcement Act.

23 “(3) UNOFFICIAL ACT.—The acceptance by the
24 President of a payment prohibited by this subsection
25 is not an official act.

1 “(4) DISGORGEMENT.—

2 “(A) NOTICE.—

3 “(i) FEDERAL AGENCIES.—Not later
4 than 30 days after the date on which a
5 Federal agency, department, or other in-
6 strumentality of the Government makes a
7 payment that is prohibited under para-
8 graph (1), the head of such Federal agen-
9 cy, department, or other instrumentality
10 shall submit a notice of such payment to
11 the President, the Committee on Oversight
12 and Accountability of the House of Rep-
13 resentatives, and the Committee on Home-
14 land Security and Governmental Affairs of
15 the Senate.

16 “(ii) THE PRESIDENT.—

17 “(I) IN GENERAL.—Not later
18 than the earlier of 30 days after the
19 date on which the President learns of
20 the receipt of a payment prohibited
21 under paragraph (1) or seven days
22 after receiving notice under clause (i),
23 the President shall submit a notice of
24 such payment to the Committee on
25 Oversight and Accountability of the

1 House of Representatives and the
2 Committee on Homeland Security and
3 Governmental Affairs of the Senate.

4 “(II) CONTENTS.—A notice sub-
5 mitted under subclause (I) with re-
6 spect to a payment prohibited under
7 paragraph (1) shall include—

8 “(aa) the date on which the
9 President received such payment
10 and the value of such payment;

11 “(bb) the source of such
12 payment; and

13 “(cc) if the President re-
14 ceived the payment through a
15 Presidentially-owned entity, the
16 name of each Presidentially-
17 owned entity through which the
18 President received such payment.

19 “(B) RETURN OF PROHIBITED STATE AND
20 FEDERAL PAYMENTS.—Not later than 60 days
21 after the date on which the President learns of
22 the receipt of a payment prohibited under para-
23 graph (1), the President shall—

24 “(i) in the case of a payment from a
25 State government or subdivision thereof

1 that is prohibited under paragraph (1), re-
2 turn such payment to the State or subdivi-
3 sion; and

4 “(ii) in the case of a payment from
5 the Federal Government that is prohibited
6 under such paragraph, transfer or return
7 such payment to the Treasury.

8 “(C) CERTIFICATION OF RETURN.—

9 “(i) IN GENERAL.—Not later than 30
10 days after the date on which the President
11 makes a return payment to the Treasury
12 under subparagraph (B), the President
13 and the Secretary of the Treasury shall
14 each submit to the Committee on Over-
15 sight and Accountability of the House of
16 Representatives and the Committee on
17 Homeland Security and Governmental Af-
18 fairs of the Senate a sworn certification of
19 such return payment to the Treasury.

20 “(ii) CONTENTS.—A certification sub-
21 mitted under clause (i) for a return pay-
22 ment with respect to a payment prohibited
23 under paragraph (1) shall include—

24 “(I) the date on which the Presi-
25 dent received such prohibited payment

1 and the value of such prohibited pay-
2 ment;

3 “(II) the source of such prohib-
4 ited payment;

5 “(III) the date on which the
6 President made such return payment;

7 “(IV) the value of such return
8 payment;

9 “(V) each source of such return
10 payment; and

11 “(VI) if the President received
12 such prohibited payment through a
13 Presidentially-owned entity, the name
14 of each Presidentially-owned entity
15 through which the President received
16 such prohibited payment.

17 “(5) DEFINITIONS.—In this subsection—

18 “(A) the terms ‘Presidentially-owned enti-
19 ty’ and ‘payment’ have the meaning given those
20 terms in section 1302 of the Foreign and Do-
21 mestic Emoluments Enforcement Act; and

22 “(B) the term ‘return payment’ means a
23 payment constituting the transfer or return a
24 payment prohibited under paragraph (1).”.

1 **SEC. 1312. PROHIBITION ON PAYMENTS TO THE PRESIDENT**
2 **FROM INDIVIDUALS RECEIVING GOVERN-**
3 **MENT POSITIONS OR GRANTS OF CLEMENCY**
4 **FROM THE PRESIDENT.**

5 (a) PROHIBITION ON PAYMENTS.—

6 (1) PAYMENTS MADE.—

7 (A) COVERED OFFICIALS.—A covered offi-
8 cial may not knowingly make or cause to be
9 made a payment to the President, including any
10 payment to a Presidentially-owned entity.

11 (B) INDIVIDUALS GRANTED CLEMENCY.—

12 An individual granted clemency (including a
13 pardon) by the President may not knowingly
14 make or cause to be made a payment to the
15 President, including any payment to a Presi-
16 dentially-owned entity, during any period that
17 the President that granted such clemency to
18 such individual is the President.

19 (2) PAYMENTS RECEIVED.—The President may
20 not accept any payment that is unlawful to make or
21 cause to be made under paragraph (1).

22 (3) DE MINIMIS PAYMENTS.—Paragraphs (1)
23 and (2) shall not apply with respect to a payment
24 that is less than or equal to than \$50.

1 (4) UNOFFICIAL ACT.—The acceptance by the
2 President of a payment prohibited by this section is
3 not an official act.

4 (b) REQUIRED DISCLOSURES TO CONGRESS.—

5 (1) ADVICE AND CONSENT POSITIONS.—On the
6 date that the President transmits to the Senate the
7 nomination of an individual to a position the ap-
8 pointment to which requires the advice and consent
9 of the Senate, the President shall submit with such
10 transmittal a report, to the applicable committee of
11 the Senate that will consider the nomination, listing
12 any payment made by such individual to the Presi-
13 dent, including any payment to a Presidentially-
14 owned entity, during the period beginning on the
15 date on which the President became a candidate (as
16 such term is defined in section 301 of the Federal
17 Election Campaign Act of 1971 (52 U.S.C. 30101))
18 for the office of the President and ending on the
19 date of such transmittal.

20 (2) OTHER POSITIONS.—On the date any indi-
21 vidual is appointed to a position described in section
22 1302(7)(B), the President shall submit, to the Com-
23 mittee on Oversight and Accountability of the House
24 of Representatives and the Committee of Homeland
25 Security and Governmental Affairs of the Senate, a

1 report listing any payment made by such individual
2 to the President, including any payment to a Presi-
3 dentially-owned entity, during the period beginning
4 on the date on which the President became a can-
5 didate (as such term is defined in section 301 of the
6 Federal Election Campaign Act of 1971 (52 U.S.C.
7 30101)) for the office of the President and ending
8 on the date of the submission of such report.

9 (3) CLEMENCY.—On the date the President
10 issues clemency, including a pardon, to any indi-
11 vidual, the President shall submit, to the Committee
12 on the Judiciary of the House of Representatives,
13 the Committee on Oversight and Accountability of
14 the House of Representatives, the Committee on the
15 Judiciary of the Senate, and the Committee of
16 Homeland Security and Governmental Affairs of the
17 Senate, a report listing any payment made by such
18 individual to the President, including any payment
19 to a Presidentially-owned entity, during the period
20 beginning on the date on which the President be-
21 came a candidate (as such term is defined in section
22 301 of the Federal Election Campaign Act of 1971
23 (52 U.S.C. 30101)) for the office of the President
24 and ending on the date of the submission of such re-
25 port.

1 (c) RETURN OF FUNDS.—

2 (1) IN GENERAL.—Not later than 60 days after
3 the date of the transmittal of a report under para-
4 graph (1), (2), or (3) of subsection (b), any payment
5 listed in any such report shall be transferred or re-
6 turned to the general fund of the Treasury.

7 (2) REPORT.—Not later than 30 days after the
8 date any payment has been deposited in the general
9 fund of the Treasury pursuant to paragraph (1), the
10 President shall submit a report, to the Committee on
11 Oversight and Accountability of the House of Rep-
12 resentatives and the Committee on Homeland Secu-
13 rity and Governmental Affairs of the Senate, listing
14 the name of the individual who made such payment
15 or caused such payment to be made.

16 (d) FINANCIAL DISCLOSURES.—Section 13104 of
17 title 5, United States Code, is amended—

18 (1) in subsection (a), by adding at the end the
19 following new paragraph:

20 “(15) PAYMENTS TO PRESIDENT.—

21 “(A) IN GENERAL.—Any payment, includ-
22 ing any payments to a Presidentially-owned en-
23 tity, received by the President during a cal-
24 endar year from any covered official, or from
25 any individual granted clemency (including a

1 pardon) by the President, including the source,
2 date, type, amount or value of the payment,
3 and, if accepted through a Presidentially-owned
4 entity, the name of the business through which
5 it was accepted.

6 “(B) APPLICATION.—The disclosure re-
7 quired under this paragraph shall only apply to
8 reports filed pursuant to section 13103(d) and
9 (e) by the President.

10 “(C) DEFINITIONS.—In this paragraph,
11 terms ‘Presidentially-owned entity’, ‘covered of-
12 ficial’, and ‘payment’ have the meaning given
13 those terms in section 1302 of the Foreign and
14 Domestic Emoluments Enforcement Act.”; and
15 (2) in subsection (b)—

16 (A) by redesignating paragraph (2) as
17 paragraph (3); and

18 (B) by inserting after paragraph (1) the
19 following:

20 “(2) NEW APPOINTEE PAYMENTS TO THE
21 PRESIDENT.—

22 “(A) NEW APPOINTEES.—With respect to
23 any report filed under paragraph (1) pursuant
24 to subsections (a) or (b) of section 13103 by an
25 individual nominated or appointed (as the case

1 may be) by the President to be a covered offi-
2 cial, such report shall include—

3 “(i) any payment made by the indi-
4 vidual to the President, including a pay-
5 ment to a Presidentially-owned entity, dur-
6 ing the period beginning on the date on
7 which the President became a candidate
8 (as such term is defined in section 301 of
9 the Federal Election Campaign Act of
10 1971 (52 U.S.C. 30101)) for the office of
11 the President before being elected as Presi-
12 dent and ending on the date on which such
13 individual files such report;

14 “(ii) the date of nomination or ap-
15 pointment;

16 “(iii) the date, type, and amount or
17 value of the payment; and

18 “(iv) for any payment made to a
19 Presidentially-owned entity, the name of
20 the entity to which the payment was made.

21 “(B) DEFINITIONS.—In this paragraph,
22 terms ‘covered official’, ‘Presidentially-owned
23 entity’, and ‘payment’ have the meaning given
24 those terms in section 1302 of the Foreign and
25 Domestic Emoluments Enforcement Act.”.

1 **SEC. 1313. PENALTIES.**

2 (a) ATTORNEY GENERAL.—The Attorney General
3 may bring a civil action against any person in an appro-
4 priate United States district court for receiving, accepting,
5 making, or causing to be made a payment in violation of
6 section 1313(a) or section 102(b) of title 3, United States
7 Code, as added by section 1312 of this Act, for—

8 (1) a civil monetary penalty in an amount not
9 to exceed \$5,000 more than the value of such pay-
10 ment; and

11 (2) such injunctive relief as may be appropriate.

12 (b) PRIVATE ACTION.—A person may bring a civil
13 action for a violation of subsections (a) and (c) of section
14 1313 or section 102(b) of title 3, United States Code, as
15 added by section 1312 of this Act, for the person and for
16 the United States Government in the same manner as an
17 action under subsection (b) of section 3730 of title 31,
18 United States Code, except that—

19 (1) any extension of time under paragraph (3)
20 of such subsection shall not exceed 120 days; and

21 (2) subsection (e) of such section, other than
22 paragraph (3) of such subsection, shall not apply.

23 (c) STATUTE OF LIMITATION TOLLED.—Any statute
24 of limitations applicable to an action for a payment in vio-
25 lation of section 1313(a) or section 102(b) of title 3,

1 United States Code, as added by section 1312 of this Act,
2 shall be tolled for each period of time during which—

3 (1) in the case of a payment to an individual
4 holding the office of President, such individual holds
5 the office of President; or

6 (2) in the case of a payment to a Presidentially-
7 owned entity, the individual holding the office of
8 President at the time of such payment holds the of-
9 fice of the President.

10 **SEC. 1314. EXCEPTIONS.**

11 This title, and the provisions of section 510 of title
12 36, United States Code, section 325 of the Federal Elec-
13 tion Campaign Act of 1971, and section 7343 of title 5,
14 United States Code, do not apply in the case of the fol-
15 lowing:

16 (1) Payment of compensation of the President
17 under section 102 of title 3, United States Code.

18 (2) Any other payment derived from Federal or
19 State funds, or from any covered official, that is re-
20 quired under Federal or State law, including Gov-
21 ernment contributions for health care, pension pay-
22 ments, or any other authorized benefit.

23 (3) Any payment from the Federal Government
24 or a State to the President or a Presidentially-owned
25 entity under a program that is available to the pub-

1 lic and which is made without regard to the owner-
2 ship of such entity by an individual holding the of-
3 fice of the President.

4 **SEC. 1315. SEVERABILITY.**

5 If any provision of this title or amendment made by
6 this title, or the application of a provision or amendment
7 to any person or circumstance, is held to be unconstitu-
8 tional, the remainder of this title and amendments made
9 by this title, and the application of the provisions and
10 amendment to any person or circumstance, shall not be
11 affected by the holding.

12 **TITLE XIV—INVESTIGATIVE**
13 **INTEGRITY PROTECTION**

14 **SEC. 1401. SHORT TITLE.**

15 This title may be cited as the “Investigative Integrity
16 Protection Act”.

17 **SEC. 1402. PRESIDENTIAL OVERSIGHT OF ATTORNEY GEN-**
18 **ERAL.**

19 (a) IN GENERAL.—Chapter 31 of title 28, United
20 States Code, is amended by adding at the end the fol-
21 lowing:

22 **“§ 530E. Presidential oversight of Attorney General**

23 “(a) CERTIFICATION.—In the case of any criminal
24 prosecution against the President or a President-elect, ir-
25 respective of when the prosecution was initiated, if the

1 Government seeks dismissal of such prosecution, the court
2 shall require the Attorney General to submit a sworn
3 statement under penalty of perjury attesting as to whether
4 the dismissal was ordered by the President or President-
5 elect, as applicable, or anyone acting pursuant to the di-
6 rection of the President or President-elect, as applicable.

7 “(b) CONSIDERATIONS.—

8 “(1) IN GENERAL.—The court shall only grant
9 dismissal under this section if the court determines
10 such dismissal is appropriate and in the interest of
11 justice after having duly considered—

12 “(A) the circumstances of the case;

13 “(B) the sworn statement required by sub-
14 section (a);

15 “(C) any evidence in the record or ex
16 curia, which shall be reflected in the order of
17 the court, to support an inference that the deci-
18 sion to seek dismissal of the prosecution is mo-
19 tivated by bad faith or is a pretext to enable the
20 President or President-elect, as applicable, to
21 act outside of the legal and constitutional au-
22 thority of the Presidency; and

23 “(D) any other factor the court determines
24 is appropriate.

1 “(2) EVIDENTIARY CONSIDERATIONS.—Evi-
2 dence considered under paragraph (1)(C) may in-
3 clude—

4 “(A) whether the dismissal was suggested,
5 encouraged, requested, or ordered by the Presi-
6 dent or President-elect, as applicable; or

7 “(B) whether the Attorney General was, in
8 the opinion of the court, appointed in whole or
9 in part for the willingness of the Attorney Gen-
10 eral to dismiss the prosecution or any other
11 criminal prosecution against the President or
12 President-elect, as applicable.

13 “(c) THREE-JUDGE COURT.—Any action seeking dis-
14 missal under this section shall be heard by a three-judge
15 court convened pursuant to section 2284.

16 “(d) SANCTIONS.—If the court, in making a deter-
17 mination under subsection (b), additionally determines
18 that the motion to dismiss was made without good cause,
19 the court may impose sanctions as appropriate.

20 “(e) INSPECTOR GENERAL RESPONSIBILITIES.—The
21 Inspector General of the Department of Justice, upon hav-
22 ing a good-faith basis to conclude that a motion to dismiss
23 a prosecution against the President or President-elect, as
24 applicable, was brought at the direction of the President
25 or President-elect, as applicable, or anyone acting pursu-

1 ant to the direction of the President or President-elect,
2 as applicable, shall immediately report such findings to
3 Congress.

4 “(f) PRESERVATION AND SUBMISSION OF MATE-
5 RIALS.—If a court grants a dismissal under this section,
6 the Attorney General shall—

7 “(1) preserve any materials obtained or pre-
8 pared by the Department of Justice until the date
9 on which the applicable limitations period expires;
10 and

11 “(2) submit to the Inspector General of the De-
12 partment of Justice and to Congress the materials
13 described in paragraph (1).”.

14 (b) TECHNICAL AND CONFORMING AMENDMENT.—
15 The table of sections for chapter 31 of title 28, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

“530E. Presidential oversight of Attorney General.”.

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

7 **SEC. 2101. SHORT TITLE.**

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

10 **SEC. 2102. ENFORCEMENT OF CONGRESSIONAL SUB-**
11 **POENAS.**

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

15 **“§ 1365a. Congressional actions against subpoena re-**
16 **ipients**

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

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

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

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

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

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

24 “(c) PENALTIES.—

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

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

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

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

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

22 “(2) LEGAL FEES.—In addition to any other
23 penalties or sanctions, the court shall require that
24 any defendant, other than a Government agency,
25 held to have willfully failed to comply with any part

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

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

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

1 rules to Congress within 6 months after the effective date
2 of this section and then pursuant to section 2074 there-
3 after.

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

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

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

16 **SEC. 2103. COMPLIANCE WITH CONGRESSIONAL SUB-**
17 **POENAS.**

18 (a) IN GENERAL.—Chapter 7 of title II of the Re-
19 vised Statutes (2 U.S.C. 191 et seq.) is amended by add-
20 ing at the end the following:

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

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

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

3 “(b) FAILURE TO PRODUCE INFORMATION.—

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

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

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

18 “(B) The type of information.

19 “(C) The general subject matter.

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

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

23 “(F) The custodian of the information.

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

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

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

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

 “105. Response to congressional subpoenas.”.

12 **SEC. 2104. RULE OF CONSTRUCTION.**

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

19 **SEC. 2105. ENFORCEMENT OF REQUESTS FOR INFORMA-**
20 **TION FROM CERTAIN COMMITTEES OF CON-**
21 **GRESS.**

22 Section 2954 of title 5, United States Code, is
23 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 shall apply to such a request in the
9 same manner as such sections 1365a and 105 apply to
10 a subpoena.”.

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

14 **SEC. 2201. 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. 2221. 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 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 2221(b), is further amended by insert-
23 ing after the item relating to section 1018 the following:

“Sec. 1019. Reporting on apportionment of appropriations by departments and agencies.”.

1 **SEC. 2223. UPDATED AUTHORITIES FOR AND REPORTING**
2 **BY 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
18 Government Reform of the House of Represent-
19 atives, and any other appropriate congressional
20 committee of the Senate or the House of Rep-
21 resentatives a report, and any relevant informa-
22 tion related to the report, on any noncompliance
23 with this 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. 2224. 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. 2225. 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 2222(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 2222(b), is further amended by insert-
22 ing after the item relating to section 1019 the following:

“Sec. 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. 2241. 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 “(39) for the budget for each of fiscal years
10 2027 through 2031, 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. 2242. CANCELLED BALANCE REPORTING IN THE**
2 **PRESIDENT'S BUDGET.**

3 Section 1105(a) of title 31, United States Code, as
4 amended by section 2241, is further amended by adding
5 at the end the following:

6 “(40) for the budget for each of fiscal years
7 2027 through 2031, 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. 2243. LAPSE IN APPROPRIATIONS—REPORTING IN**
11 **THE PRESIDENT’S BUDGET.**

12 Section 1105(a) of title 31, United States Code, as
13 amended by section 2242, is further amended by adding
14 at the end the following:

15 “(41) 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. 2244. 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 2243, is further amended by adding
21 at the end the following:

22 “(42) for the budget for fiscal year 2027, 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 **PART 2—EMPOWERING CONGRESSIONAL REVIEW**
10 **THROUGH NONPARTISAN CONGRESSIONAL**
11 **AGENCIES AND TRANSPARENCY INITIATIVES**
12 **SEC. 2251. 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-
25 propriations law, the agency shall provide the requested

1 information, documentation, or views not later than 20
2 days after receiving the written request, unless such writ-
3 ten request specifically provides otherwise.

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

7 “(1) the Comptroller General shall notify, in
8 writing, the Committee on Homeland Security and
9 Governmental Affairs of the Senate, the Committee
10 on Oversight and Government Reform of the House
11 of Representatives, and any other appropriate con-
12 gressional committee of such failure;

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

19 “(3) the court in a civil action brought under
20 paragraph (2) is expressly empowered to enter
21 against any department, agency, officer, or employee
22 of the United States any decree, judgment, or order
23 which may be necessary or appropriate to require
24 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. 2252. 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. 2253. 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. 2254. 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. 2255. 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. 2261. IMPROVING CHECKS AND BALANCES ON THE**
8 **USE 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 Protecting Our De-
6 mocracy Act shall supersede this title unless it does so
7 in specific terms, referring to this title, and declaring that
8 the new law supersedes the provisions of this title.

9 “(e) LIMITATIONS.—

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

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

23 **“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-**
24 **GENCIES.**

25 “(a) TEMPORARY EFFECTIVE PERIODS.—

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

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

1 be exercised after that period expires unless there is
2 enacted into law a joint resolution of approval under
3 section 203 approving—

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

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

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

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

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

24 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

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

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

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

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

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

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

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

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

4 **“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMER-**
5 **GENCIES.**

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

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

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

14 “(B) Executive orders issued under section
15 201(b)(2); or

16 “(C) Executive orders issued under section
17 202(b).

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

23 “(b) JOINT RESOLUTION OF TERMINATION DE-
24 FINED.—In this section, the term ‘joint resolution of ter-

1 mination’ means a resolution introduced in the House or
2 Senate to terminate—

3 “(1) a national emergency declared under sec-
4 tion 201; or

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

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

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

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

21 “(A) COMMITTEE REFERRAL.—A joint res-
22 olution of approval or joint resolution of termi-
23 nation shall be referred to the appropriate com-
24 mittee or committees.

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

9 “(C) PROCEEDING TO CONSIDERATION.—
10 Notwithstanding Rule XXII of the Standing
11 Rules of the Senate, when a committee to which
12 a joint resolution of approval or joint resolution
13 of termination is referred has reported the reso-
14 lution, or when that committee is discharged
15 under subparagraph (B) from further consider-
16 ation of the resolution, it is at any time there-
17 after in order to move to proceed to the consid-
18 eration of the joint resolution, and all points of
19 order against the joint resolution (and against
20 the motion to proceed to the consideration of
21 the joint resolution) are waived. The motion to
22 proceed shall be debatable for 4 hours evenly
23 divided between proponents and opponents of
24 the joint resolution of approval or joint resolu-
25 tion of termination. The motion is not subject

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

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

21 “(E) AMENDMENTS.—No amendments
22 shall be in order with respect to a joint resolu-
23 tion of approval or joint resolution of termi-
24 nation in the Senate.

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

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

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

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

19 “(B)(i) PROCEEDING TO CONSIDER-
20 ATION.—Beginning on the third legislative day
21 after each committee to which a joint resolution
22 of approval or joint resolution of termination
23 has been referred reports it to the House or has
24 been discharged from further consideration
25 thereof, it shall be in order to move to proceed

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

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

21 “(C) CONSIDERATION.—The joint resolu-
22 tion of approval or joint resolution of termi-
23 nation shall be considered as read. All points of
24 order against the joint resolution of approval or
25 joint resolution of termination and against its

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

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

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

22 “(i) The joint resolution of approval
23 or joint resolution of termination of the
24 other House shall not be referred to a com-
25 mittee.

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

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

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

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

21 “(B) TREATMENT OF LEGISLATION OF
22 OTHER HOUSE.—If one House fails to introduce
23 a joint resolution of approval or joint resolution
24 of termination under this section, the joint reso-
25 lution of approval or joint resolution of termi-

1 nation of the other House shall be entitled to
2 expedited floor procedures under this section.

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

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

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

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

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

1 tion, and supersedes other rules only to the extent
2 that it is inconsistent with such other rules; and

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

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

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

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

23 “(2) The estimated duration of the national
24 emergency, or a statement that the duration of the

1 national emergency cannot reasonably be estimated
2 at the time of transmission of the report.

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

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

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

18 “(f) PERIODIC REPORTS ON STATUS OF EMER-
19 GENCIES.—If the President declares a national emergency
20 under section 201(a), the President shall, not less fre-
21 quently than every 90 days for the duration of the emer-
22 gency, report to Congress on the status of the emergency
23 and the actions the President or other officers have taken
24 and authorities the President and such officers have relied
25 on in addressing the emergency.”.

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

6 (1) by redesignating subsection (c) as sub-
7 section (d); and

8 (2) by inserting after subsection (b) the fol-
9 lowing:

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

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

17 (d) CONFORMING AMENDMENT.—Title III of the Na-
18 tional Emergencies Act (50 U.S.C. 1631) is repealed.

19 (e) EFFECTIVE DATE; APPLICABILITY.—

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

1 (2) APPLICABILITY TO RENEWALS OF EXISTING
2 EMERGENCIES.—When a national emergency de-
3 clared under section 201 of the National Emer-
4 gencies Act before the date of the enactment of this
5 Act would expire or be renewed under section 202(d)
6 of that Act (as in effect on the day before such date
7 of enactment), that national emergency shall be sub-
8 ject to the requirements for renewal under section
9 202(b) of that Act, as amended by subsection (a).

10 **SEC. 2262. NATIONAL EMERGENCIES ACT DECLARATION**
11 **SPENDING REPORTING IN THE PRESIDENT’S**
12 **BUDGET.**

13 Section 1105(a) of title 31, United States Code, as
14 amended by section 2244, is further amended by adding
15 at the end the following:

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

24 “(B) Obligations and expenditures contained in
25 the report under subparagraph (A) shall be orga-

1 nized by Treasury Appropriation Fund Symbol or
2 fund account and by program, project, and activity,
3 and include—

4 “(i) a description of each such program,
5 project, and activity;

6 “(ii) the authorities under which such
7 funding actions are taken; and

8 “(iii) the purpose and progress of such ob-
9 ligations and expenditures toward addressing
10 the applicable national emergency.

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

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

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

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

1 **SEC. 2263. DISCLOSURE TO CONGRESS OF PRESIDENTIAL**
2 **EMERGENCY ACTION DOCUMENTS.**

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

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

14 (c) DEFINITIONS.—In this section:

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

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

24 (B) the Committee on Oversight and Gov-
25 ernment Reform, the Committee on the Judici-
26 ary, and the Permanent Select Committee on

1 Intelligence of the House of Representatives;
2 and

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

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

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

17 (B) any other precoordinated legal docu-
18 ment in existence before, on, or after the date
19 of the enactment of this Act, that—

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

22 (ii) is designed to implement a presi-
23 dential decision or transmit a presidential
24 request when an emergency disrupts nor-
25 mal governmental or legislative processes.

1 **SEC. 2264. CONGRESSIONAL DESIGNATIONS.**

2 Section 251(b)(2)(A) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985 (2 U.S.C.
4 901(b)(2)(A)) is amended—

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

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

9 **TITLE XXIII—SECURITY FROM**
10 **POLITICAL INTERFERENCE**
11 **IN JUSTICE**

12 **SEC. 2301. SHORT TITLE.**

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

15 **SEC. 2302. DEFINITIONS.**

16 In this title:

17 (1) **COMMUNICATIONS LOG.**—The term “com-
18 munications log” means the log required to be main-
19 tained under section 2303(a).

20 (2) **COVERED COMMUNICATION.**—

21 (A) **IN GENERAL.**—The term “covered
22 communication” means any communication re-
23 lating to any contemplated or ongoing investiga-
24 tion or litigation conducted by the Department
25 of Justice in any civil or criminal matter (re-

1 regardless of whether a civil action or criminal in-
2 dictment or information has been filed).

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

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

17 (I) The President, the Vice Presi-
18 dent, a President-elect, a Vice Presi-
19 dent-elect, a former President, a
20 former Vice President, or a member
21 of the immediate family of the Presi-
22 dent or Vice President.

23 (II) Any individual working in
24 the Executive Office of the President
25 who is compensated at a rate of pay

1 at or above level II of the Executive
2 Schedule under section 5313 of title
3 5, United States Code.

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

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

1 keeps the designating person informed of
2 each such communication, except to the ex-
3 tent that the communication concerns a
4 contemplated or ongoing investigation or
5 litigation in which a target or subject is
6 one of the following:

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

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

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

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

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

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

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

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

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

7 (B) stands in loco parentis.

8 (4) PRESIDENT-ELECT.—The term “President-
9 elect” means any person who is an apparent success-
10 ful candidate for the office of President, as deter-
11 mined under section 3(c) of the Presidential Transi-
12 tion Act of 1963 (3 U.S.C. 102 note; Public Law
13 88–277) and has not yet assumed the office of
14 President.

15 (5) VICE PRESIDENT-ELECT.—The term “Vice
16 President-elect” means any person who is an appar-
17 ent successful candidate for the office of Vice Presi-
18 dent, as determined under section 3(c) of the Presi-
19 dential Transition Act of 1963 (3 U.S.C. 102 note;
20 Public Law 88–277) and has not yet assumed the
21 office of Vice President.

22 **SEC. 2303. COMMUNICATIONS LOGS.**

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

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

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

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

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

10 (c) OVERSIGHT.—

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

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

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

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

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

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

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

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

13 **SEC. 2304. RULE OF CONSTRUCTION.**

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

17 **TITLE XXIV—PROTECTING**
18 **WHISTLEBLOWERS**

19 **SEC. 2401. SHORT TITLE.**

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

22 **Subtitle A—Whistleblower**
23 **Protection Improvement**

24 **SEC. 2421. ADDITIONAL WHISTLEBLOWER PROTECTIONS.**

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

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

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

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

7 (C) by inserting after clause (xi) the fol-
8 lowing:

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

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

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

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

1 menced, expanded, or extended, or to any referral
2 made, as described in clause (xii) of section
3 2302(a)(2)(A) of title 5, United States Code, as
4 amended by that paragraph, on or after the date of
5 enactment of this Act.

6 (b) RIGHT TO PETITION CONGRESS.—

7 (1) IN GENERAL.—Section 2302(b)(9) of title
8 5, United States Code, is amended—

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

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

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

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

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

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

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

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

11 “(A) the other employee provides express writ-
12 ten consent before the communication or trans-
13 mission of the identity or personally identifiable in-
14 formation of that other employee;

15 “(B) the communication or transmission is
16 made in accordance with the provisions of section
17 552a;

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

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

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

1 “(A) the President;

2 “(B) a Member of Congress;

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

4 “(D) an employee, as that term is defined in
5 section 2105, including an employee of the United
6 States Postal Service, the Postal Regulatory Com-
7 mission, or the Department of Veterans Affairs (in-
8 cluding any employee appointed pursuant to chapter
9 73 or 74 of title 38); and

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

12 (2) APPLICATION.—The amendment made by
13 paragraph (1) shall apply to any transmission or
14 communication described in subsection (g) of section
15 2302 of title 5, United States Code, as added by
16 paragraph (1), made on or after the date of enact-
17 ment of this Act.

18 (d) RIGHT TO PETITION CONGRESS.—

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

21 **“§ 7211. Employees’ right to petition or furnish infor-**
22 **mation or respond to Congress**

23 “(a) IN GENERAL.—Each officer or employee of the
24 Federal Government, individually or collectively, has a
25 right to—

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

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

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

11 “(b) PROHIBITED ACTIONS.—No officer or employee
12 of the Federal Government may interfere with or deny the
13 right under subsection (a), including by—

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

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

1 or threatening to commit any of the foregoing ac-
2 tions, because the other officer or employee engaged
3 in activity protected under subsection (a).

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

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

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

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

16 “(1) the President;

17 “(2) a Member of Congress;

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

19 “(4) an employee (as that term is defined in
20 section 2105);

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

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

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

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

5 **SEC. 2422. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**
6 **TIONS.**

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

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

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

1 “(3) In any case in which the Special Counsel deter-
2 mines that a referral to an Inspector General of an entity
3 of the Federal Government was in retaliation for a dislo-
4 sure or protected activity described in section 2302(b)(8)
5 or in retaliation for exercising a right described in section
6 2302(b)(9)(A)(i), the Special Counsel shall transmit that
7 finding in writing to the Inspector General within 7 days
8 of making the finding. The Inspector General shall con-
9 sider that finding and make a determination on whether
10 to initiate an investigation or continue an investigation
11 based on the referral that the Special Counsel found to
12 be retaliatory.”.

13 (c) ENSURING TIMELY RELIEF.—

14 (1) INDIVIDUAL RIGHT OF ACTION.—Section
15 1221 of title 5, United States Code, is amended by
16 striking “section 2302(b)(8) or section
17 2302(b)(9)(A)(i), (B), (C), or (D),” each place that
18 term appears and inserting “section 2302(b)(8), sec-
19 tion 2302(b)(9)(A)(i), (B), (C), (D), or (E), section
20 2302(b)(13), or section 2302(g),”.

21 (2) STAYS.—Section 1221(c)(2) of title 5,
22 United States Code, is amended to read as follows:
23 “(2) Any stay requested under paragraph (1) shall
24 be granted within 10 calendar days (excluding Saturdays,

1 Sundays, and legal holidays) after the date the request
2 is made, if the Board—

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

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

8 (3) APPEAL OF STAY.—Section 1221(c) of title
9 5, United States Code, is amended by adding at the
10 end the following:

11 “(4) If any stay requested under paragraph (1) is de-
12 nied, the employee, former employee, or applicant for em-
13 ployment may, within 7 days after receiving notice of the
14 denial, file an appeal for expedited review by the Board.
15 The agency shall have 7 days thereafter to respond. The
16 Board shall provide a decision not later than 21 days after
17 receiving the appeal. During the period of appeal, both
18 parties may supplement the record with information un-
19 available to them at the time the stay was first re-
20 quested.”.

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

23 (A) IN GENERAL.—Section 1221(i) of title
24 5, United States Code, is amended—

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

3 (ii) by adding at the end the fol-
4 lowing:

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

24 “(B) If the Board certifies (in writing) to the parties
25 of a case that the complexity of such case requires a longer

1 period of review, subparagraph (A) shall be applied by
2 substituting ‘240 days’ for ‘180 days’.

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

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

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

10 (B) APPLICATION.—

11 (i) IN GENERAL.—The amendments
12 made by subparagraph (A) shall apply to
13 any corrective action duly submitted to the
14 Merit Systems Protection Board, during
15 the 5-year period preceding the date of en-
16 actment of this Act, by an employee,
17 former employee, or applicant for employ-
18 ment based on an alleged prohibited per-
19 sonnel practice described in section
20 2302(b)(8), 2302(b)(9)(A)(i), (B), (C), or
21 (D), or 2302(b)(13) of title 5, United
22 States Code, with respect to which no final
23 order or decision has been issued by the
24 Board.

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

12 (I) provides written notice to the
13 Office of Special Counsel and the
14 Merit Systems Protection Board not
15 later than 90 days after the date of
16 enactment of this Act; and

17 (II) brings such action not later
18 than 20 days after providing such no-
19 tice.

20 (d) RECIPIENTS OF WHISTLEBLOWER DISCLO-
21 SURES.—Section 2302(b)(8)(B) of title 5, United States
22 Code, is amended by striking “or to the Inspector General
23 of an agency or another employee designated by the head
24 of the agency to receive such disclosures” and inserting
25 “the Inspector General of an agency, a supervisor in the

1 employee's direct chain of command up to and including
2 the head of the employing agency, or to an employee des-
3 igned by any of the aforementioned individuals for the
4 purpose of receiving such disclosures”.

5 (e) ATTORNEY FEES.—

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

9 “(3) If an employee, former employee, or applicant
10 for employment is the prevailing party under a proceeding
11 brought under this section, the employee, former em-
12 ployee, or applicant for employment shall be entitled to
13 attorney fees for all representation carried out pursuant
14 to this section. In such an action for attorney fees, the
15 agency responsible for taking the personnel action shall
16 be the respondent and shall be responsible for paying the
17 fees.”.

18 (2) APPLICATION.—In addition to any pro-
19 ceeding brought by an employee, former employee,
20 or applicant for employment on or after the date of
21 enactment of this Act in a court of the United
22 States under section 7703 of title 5, United States
23 Code, the amendment made by paragraph (1) shall
24 apply to any proceeding brought by an employee,
25 former employee, or applicant for employment under

1 such section 7703 before the date of enactment of
2 this Act with respect to which the applicable court
3 has not issued a final decision.

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

6 (1) IN GENERAL.—Section 2302(a)(2)(A) of
7 title 5, United States Code, is amended, in the mat-
8 ter following clause (xiii), as so redesignated by this
9 title—

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

13 (B) by inserting after “title 31” the fol-
14 lowing: “, a fellow or intern at an agency, a
15 commissioned officer or applicant for employ-
16 ment in the Public Health Service, an officer or
17 applicant for employment in the commissioned
18 officer corps of the National Oceanic and At-
19 mospheric Administration, or a noncareer ap-
20 pointee in the Senior Executive Service”.

21 (2) CONFORMING AMENDMENTS.—Section 261
22 of the National Oceanic and Atmospheric Adminis-
23 tration Commissioned Officer Corps Act of 2002 (33
24 U.S.C. 3071) is amended—

25 (A) in subsection (a)—

- 1 (i) by striking paragraph (8); and
2 (ii) by redesignating paragraphs (9)
3 through (26) as paragraphs (8) through
4 (25), respectively; and
5 (B) in subsection (b), by striking the sec-
6 ond sentence.

7 (3) APPLICATION.—

8 (A) IN GENERAL.—With respect to an offi-
9 cer or applicant for employment in the commis-
10 sioned officer corps of the National Oceanic and
11 Atmospheric Administration, the amendments
12 made by paragraphs (1) and (2) shall apply to
13 any personnel action taken against such officer
14 or applicant on or after December 23, 2020, for
15 making any disclosure protected under section
16 2302(b)(8) of title 5, United States Code.

17 (B) EXCEPTION.—Subparagraph (A) shall
18 not apply to any personnel action with respect
19 to which an allegation has been submitted pur-
20 suant to section 1034 of title 10, United States
21 Code, and a final decision has been made re-
22 garding such allegation under subsection (h) of
23 such section.

24 (C) DEFINITIONS.—In this paragraph, the
25 terms “disclosure” and “personnel action” have

1 the meanings given those terms in section
2 2302(a) of title 5, United States Code.

3 (g) RELIEF.—

4 (1) IN GENERAL.—Section 7701(b)(2)(A) of
5 title 5, United States Code, is amended, in the mat-
6 ter preceding clause (i), by striking “upon the mak-
7 ing of the decision” and inserting “upon the making
8 of the decision, necessary to make the employee
9 whole as if there had been no prohibited personnel
10 practice, including training, seniority, and pro-
11 motions consistent with the employee’s prior
12 record”.

13 (2) APPLICATION.—In addition to any appeal
14 made on or after the date of enactment of this Act
15 to the Merit Systems Protection Board under section
16 7701 of title 5, United States Code, the amendment
17 made by paragraph (1) shall apply to any appeal
18 made under that section before the date of enact-
19 ment of this Act with respect to which the Board
20 has not issued a final decision.

21 **SEC. 2423. CLASSIFYING CERTAIN FURLOUGHS AS AD-**
22 **VERSE PERSONNEL ACTIONS.**

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

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

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

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

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

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

14 **SEC. 2424. CODIFICATION OF PROTECTIONS FOR DISCLO-**
15 **SURES OF CENSORSHIP RELATED TO RE-**
16 **SEARCH, ANALYSIS, OR TECHNICAL INFOR-**
17 **MATION.**

18 (a) IN GENERAL.—Section 2302 of title 5, United
19 States Code, as amended by this title, is further amended
20 by adding at the end the following:

21 “(h)(1) In this subsection—

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

24 “(B) the term ‘censorship related to research,
25 analysis, or technical information’ means any effort

1 to distort, misrepresent, or suppress research, anal-
2 ysis, or technical information; and

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

5 “(2) Any disclosure of information by an employee
6 or applicant that the employee or applicant reasonably be-
7 lieves is evidence of censorship related to research, anal-
8 ysis, or technical information—

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

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

15 “(I) any violation of law, rule, or reg-
16 ulation; or

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

21 “(ii) the disclosure is not specifically pro-
22 hibited by law or that information is not specifi-
23 cally required by Executive order to be kept
24 classified in the interest of national defense or
25 the conduct of foreign affairs; and

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

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

7 “(I) any violation of law, rule, or reg-
8 ulation; or

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

13 “(ii) the disclosure is made to the Special
14 Counsel, or to the Inspector General of an
15 agency or another person designated by the
16 head of the agency to receive the disclosure,
17 consistent with the protection of sources and
18 methods.

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

22 “(4) Nothing in this subsection shall be construed to
23 imply any limitation on the protections of employees and
24 applicants afforded by any other provision of law, includ-
25 ing protections with respect to any disclosure of informa-

1 tion believed to be evidence of censorship related to re-
2 search, analysis, or technical information.”.

3 (b) REPEAL.—

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

7 (2) RULE OF CONSTRUCTION.—Nothing in this
8 subsection shall be construed to limit or otherwise
9 affect any action under section 110 of the Whistle-
10 blower Protection Enhancement Act of 2012 (5
11 U.S.C. 2302 note) commenced before the date of en-
12 actment of this Act or any protections afforded by
13 that section with respect to that action.

14 **SEC. 2425. TITLE 5 TECHNICAL AND CONFORMING AMEND-**
15 **MENTS.**

16 Title 5, United States Code, is amended—

17 (1) in section 1212(h), by striking “or (9)”
18 each place that term appears and inserting “, (b)(9),
19 (b)(13), or (g)”;

20 (2) in section 1214—

21 (A) in subsections (a) and (b), by striking
22 “section 2302(b)(8) or section 2302(b)(9)(A)(i),
23 (B), (C), or (D)” each place that term appears
24 and inserting “section 2302(b)(8), section

1 2302(b)(9)(A)(i), (B), (C), (D), or (E), section
2 2302(b)(13), or section 2302(g)”; and

3 (B) in subsection (i), by striking “section
4 2302(b)(8) or subparagraph (A)(i), (B), (C), or
5 (D) of section 2302(b)(9)” and inserting “sec-
6 tion 2302(b)(8), subparagraph (A)(i), (B), (C),
7 (D), or (E) of section 2302(b)(9), section
8 2302(b)(13), or section 2302(g)”;

9 (3) in section 1215(a)(3)(B), by striking “sec-
10 tion 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or
11 (D)” each place that term appears and inserting
12 “section 2302(b)(8), section 2302(b)(9)(A)(i), (B),
13 (C), (D), or (E), section 2302(b)(13), or section
14 2302(g)”;

15 (4) in section 2302—

16 (A) in subsection (a)—

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

19 (ii) in paragraph (2)(C)(i), by striking
20 “subsection (b)(8) or section
21 2302(b)(9)(A)(i), (B), (C), or (D)” and in-
22 serting “subsection (b)(8), (b)(9)(A)(i),
23 (B), (C), (D), or (E), (b)(13), or (g)”; and

24 (B) in subsection (c)(1)(B), by striking
25 “paragraph (8) or subparagraph (A)(i), (B),

1 (C), or (D) of paragraph (9) of subsection (b)”
2 and inserting “subsection (b)(8), subparagraph
3 (A)(i), (B), (C), or (D) of subsection (b)(9),
4 subsection (b)(13), or subsection (g)”;

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

9 (6) in section 7701(c)(2)(B), by striking “sec-
10 tion 2302(b)” and inserting “subsection (b) or (g) of
11 section 2302”; and

12 (7) in section 7703(b)(1)(B), by striking “sec-
13 tion 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or
14 (D)” and inserting “section 2302(b)(8), section
15 2302(b)(9)(A)(i), (B), (C), (D), or (E), section
16 2302(b)(13), or section 2302(g)”.

17 **Subtitle B—Whistleblowers of the**
18 **Intelligence Community**

19 **SEC. 2441. LIMITATION ON SHARING OF INTELLIGENCE**
20 **COMMUNITY WHISTLEBLOWER COMPLAINTS**
21 **WITH PERSONS NAMED IN SUCH COM-**
22 **PLAINTS.**

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

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

5 **“SEC. 1202. LIMITATION ON SHARING OF INTELLIGENCE**
6 **COMMUNITY WHISTLEBLOWER COMPLAINTS**
7 **WITH PERSONS NAMED IN SUCH COM-**
8 **PLAINTS.**

9 “(a) WHISTLEBLOWER DISCLOSURE INFORMATION
10 DEFINED.—In this section, the term ‘whistleblower disclo-
11 sure information’ means, with respect to a whistleblower
12 disclosure—

13 “(1) the disclosure;

14 “(2) confirmation of the fact of the existence of
15 the disclosure; or

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

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

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

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

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

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

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

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

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

15 (b) TECHNICAL AND CLERICAL AMENDMENTS.—

16 (1) TRANSFER.—The National Security Act of
17 1947 (50 U.S.C. 3001 et seq.) is amended as fol-
18 lows:

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

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

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

24 (iii) redesignated as section 1201.

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

1 (i) amended by striking “section
2 1104” each place it appears and inserting
3 “section 1201”;

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

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

8 (iv) redesignated as section 1203.

9 (2) CLERICAL AMENDMENTS.—The table of sec-
10 tions at the beginning of the National Security Act
11 of 1947 is amended—

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

14 (B) by adding after the items relating to
15 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 com-
plaints with persons named in such complaints.

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

16 (c) DEFINITIONS.—Section 3 of such Act (50 U.S.C.
17 3003) is amended by adding at the end the following new
18 paragraphs:

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

21 “(A) The Inspector General of the Intel-
22 ligence Community.

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

3 “(C) The Inspector General of the Defense
4 Intelligence Agency.

5 “(D) The Inspector General of the Na-
6 tional Reconnaissance Office.

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

9 “(F) The Inspector General of the Na-
10 tional Security Agency.

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

13 “(10) The term ‘whistleblower disclosure’
14 means a disclosure that is protected under section
15 1201 of this Act or section 3001(j)(1) of the Intel-
16 ligence Reform and Terrorism Prevention Act of
17 2004 (50 U.S.C. 3341(j)).”.

18 (d) CONFORMING AMENDMENT.—Section 5331 of the
19 Damon Paul Nelson and Matthew Young Pollard Intel-
20 ligence Authorization Act for Fiscal Years 2018, 2019,
21 and 2020 (division E of Public Law 116–92; 50 U.S.C.
22 3033 note) is amended by striking “section 1104 of the
23 National Security Act of 1947 (50 U.S.C. 3234)” and in-
24 serting “section 1201 of the National Security Act of
25 1947”.

1 **SEC. 2442. DISCLOSURES TO CONGRESS.**

2 (a) IN GENERAL.—Title XII of the National Security
3 Act of 1947, as added by section 2441, is further amended
4 by inserting after section 1203, as designated by section
5 2441(b), the following new section:

6 **“SEC. 1204. PROCEDURES REGARDING DISCLOSURES TO**
7 **CONGRESS.**

8 “(a) GUIDANCE.—

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

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

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

1 “(B) the element at which such whistle-
2 blower is employed, detailed, or assigned as a
3 contractor employee.

4 “(b) OVERSIGHT OF OBLIGATION.—If a covered In-
5 specter General determines that the head of an element
6 of the intelligence community denied a request by a whis-
7 tleblower under subsection (a), directed the whistleblower
8 not to contact the congressional intelligence committees,
9 or unreasonably delayed in providing information under
10 such subsection, the covered Inspector General shall notify
11 the congressional intelligence committees of such denial,
12 direction, or unreasonable delay.

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

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of the National Security Act of 1947 is
19 amended by inserting after the item relating to section
20 1203, as added by section 2411(b)(2), the following new
21 item:

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

22 (c) CONFORMING AMENDMENT.—Section
23 103H(k)(5)(D)(i) of the National Security Act of 1947
24 (50 U.S.C. 3033(k)(5)(D)(i)) is amended by adding at the
25 end the following: “The employee may request information

1 pursuant to section 1204 with respect to contacting such
2 committees.”.

3 **SEC. 2443. PROHIBITION AGAINST DISCLOSURE OF WHIS-**
4 **TLEBLOWER IDENTITY AS REPRISAL**
5 **AGAINST WHISTLEBLOWER DISCLOSURE BY**
6 **EMPLOYEES AND CONTRACTORS IN INTEL-**
7 **LIGENCE COMMUNITY.**

8 (a) IN GENERAL.—Paragraph (3) of subsection (a)
9 of section 1201 of the National Security Act of 1947, as
10 designated by section 2441(b)(1)(A), is amended—

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

13 (2) by redesignating subparagraph (J) as sub-
14 paragraph (K); and

15 (3) by inserting after subparagraph (I) the fol-
16 lowing new subparagraph:

17 “(J) a knowing and willful disclosure re-
18 vealing the identity or other personally identifi-
19 able information of such employee or such con-
20 tractor employee without the express written
21 consent of such employee or such contractor
22 employee or if the Inspector General determines
23 such disclosure is necessary for the exclusive
24 purpose of investigating a complaint or infor-

1 mation received under section 416 of title 5,
2 United States Code; or”.

3 (b) APPLICABILITY TO DETAILEES.—Such subsection
4 is amended by adding at the end the following new para-
5 graph:

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

11 (c) PRIVATE RIGHT OF ACTION FOR UNLAWFUL DIS-
12 CLOSURE OF WHISTLEBLOWER IDENTITY.—Subsection
13 (f) of such section is amended to read as follows:

14 “(f) ENFORCEMENT.—

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

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

1 contractor employee takes a personnel action de-
2 scribed in such subsection against another con-
3 tractor employee as a reprisal in violation of sub-
4 section (c), the employee or contractor employee
5 against whom the personnel action was taken may
6 bring a private action for all appropriate remedies,
7 including injunctive relief and compensatory and pu-
8 nitive damages, against the employee or contractor
9 employee who took the personnel action, in a Fed-
10 eral district court of competent jurisdiction within
11 180 days of when the employee or contractor em-
12 ployee first learned of or should have learned of the
13 violation.”.

14 **TITLE XXV—ACCOUNTABILITY**
15 **FOR ACTING OFFICIALS**

16 **SEC. 2501. SHORT TITLE.**

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

19 **SEC. 2502. CLARIFICATION OF FEDERAL VACANCIES RE-**
20 **FORM ACT OF 1998.**

21 (a) **ELIGIBILITY REQUIREMENTS.**—Section 3345 of
22 title 5, United States Code, is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1), by adding before the
25 semicolon at the end the following: “, but, and

1 except as provided in subsection (e), only if the
2 individual serving in the position of first assist-
3 ant has occupied such position for a period of
4 at least 30 days during the 365-day period pre-
5 ceding the date of the death, resignation, or be-
6 ginning of inability to serve of the applicable of-
7 ficer”; and

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

10 “(A) the officer or employee served in a
11 position in such agency for a period of at least
12 1 year preceding the date of death, resignation,
13 or beginning of inability to serve of the applica-
14 ble officer; and”; and

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

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

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

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

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

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

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

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

24 (c) APPLICATION TO INDIVIDUALS REMOVED FROM
25 OFFICE.—Section 3345(c)(2) of title 5, United States

1 Code, is amended by inserting after “the expiration of a
2 term of office” the following: “, or removal (voluntarily
3 or involuntarily) from office,”.

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

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

15 “(2) Paragraph (1) may be waived upon mutual
16 agreement of the chairs and ranking members of the com-
17 mittees described in that paragraph.”.

18 (e) TIME LIMITATION FOR PRINCIPAL OFFICES.—
19 Section 3346 of title 5, United States Code, is amended—

20 (1) in subsection (a), in the matter preceding
21 paragraph (1), by inserting “or as provided in sub-
22 section (d)” after “sickness”; and

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

24 “(d) With respect to the vacancy of the position of
25 head of any agency listed in section 901(b) of title 31 (or

1 of any other Executive department) and to which this sec-
2 tion applies, subsections (a) through (c) of this section and
3 sections 3348(c), 3349(b), and 3349a(b) shall be applied
4 by substituting ‘120’ for ‘210’ in each instance.”.

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

7 (1) by redesignating subsection (b) as sub-
8 section (c); and

9 (2) by inserting after subsection (a) the fol-
10 lowing:

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

19 (g) REPORTING OF VACANCIES.—

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

22 (A) in subsection (a)—

23 (i) by striking “immediately upon”
24 each place that term appears and inserting
25 “not later than 7 days after”;

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

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

6 (iv) by adding at the end the fol-
7 lowing:

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

14 (B) in subsection (b), in the matter pre-
15 ceding paragraph (1), by striking “imme-
16 diately” and inserting “not later than 14 days
17 after the date of such determination”.

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

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

23 “(2) the Committee on Oversight and Govern-
24 ment Reform of the House of Representatives;”.

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

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

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

12 “(2) subject to section 3346(b), once a first or
13 second nomination for the office is submitted to the
14 Senate, from the date of such nomination for the pe-
15 riod that the nomination is pending in the Senate.”.

16 **TITLE XXVI—STRENGTHENING**
17 **HATCH ACT ENFORCEMENT**
18 **AND PENALTIES**

19 **SEC. 2601. SHORT TITLE.**

20 This title may be cited as the “Hatch Act Account-
21 ability Act”.

1 **Subtitle A—Strengthening Hatch**
2 **Act Enforcement and Penalties**

3 **SEC. 2621. STRENGTHENING HATCH ACT ENFORCEMENT**
4 **AND PENALTIES AGAINST POLITICAL AP-**
5 **POINTEES.**

6 (a) INVESTIGATIONS BY OFFICE OF SPECIAL COUN-
7 SEL.—Section 1216 of title 5, United States Code, as
8 amended by section 1307 of this Act, is amended—

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

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

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

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

17 “(B) may, regardless of whether the Special
18 Counsel has received an allegation, conduct any in-
19 vestigation as the Special Counsel considers nec-
20 essary concerning political activity prohibited under
21 subchapter III of chapter 73.

22 “(2) With respect to any investigation under para-
23 graph (1), the Special Counsel may seek corrective action
24 under section 1214 and disciplinary action under section

1 1215 in the same way as if a prohibited personnel practice
2 were involved.

3 “(f)(1) Notwithstanding section 1215(b), consistent
4 with paragraph (3) of this subsection, if, after an inves-
5 tigation under subsection (d)(1), the Special Counsel de-
6 termines that a political appointee has violated section
7 7323 or 7324, the Special Counsel may present a com-
8 plaint to the Merit Systems Protection Board under the
9 process provided in section 1215 against such political ap-
10 pointee.

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

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

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

20 “(B) until on or after the date that is 90 days
21 after the date that the complaint regarding the polit-
22 ical appointee was presented to the President under
23 section 1215(b), notwithstanding whether the Presi-
24 dent submits a written statement pursuant to para-
25 graph (4) of this subsection.

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

11 “(B) Not later than 14 days after the date on which
12 the Special Counsel receives a written statement under
13 subparagraph (A) of this paragraph, the Special Counsel
14 shall—

15 “(i) submit the written statement to the Com-
16 mittee on Homeland Security and Governmental Af-
17 fairs of the Senate and the Committee on Oversight
18 and Government Reform of the House of Represent-
19 atives; and

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

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

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

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

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

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

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

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

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

5 (c) CRIMINAL PENALTY.—

6 (1) IN GENERAL.—Subchapter III of chapter
7 73 of title 5, United States Code, is amended by
8 adding at the end the following:

9 **“§ 7327. Criminal penalty for Hatch Act violations**

10 “(a) IN GENERAL.—Any person who knowingly vio-
11 lates section 7323 or 7324 shall be fined \$50,000 (not-
12 withstanding section 3571(e) of title 18), imprisoned for
13 not more than 1 year, or both. Notwithstanding section
14 3571(e) of title 18, for each violation after the first, the
15 fine applicable under this section shall be double the
16 amount of the fine assessed for the previous violation.

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

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions for subchapter III of chapter 73 of title 5,

1 United States Code, is amended by inserting after
2 the item relating to section 7326 the following:

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

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

9 **SEC. 2622. INCLUDING EXECUTIVE OFFICE OF THE PRESI-**
10 **DENT UNDER LIMITATION ON NEPOTISM IN**
11 **THE CIVIL SERVICE.**

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

15 **SEC. 2623. DISCLOSURE OF HATCH ACT INVESTIGATIONS**
16 **FOR CERTAIN POLITICAL EMPLOYEES.**

17 Section 1216 of title 5, United States Code, as
18 amended by section 2621 of this Act, is amended by add-
19 ing at the end the following:

20 “(g)(1) With respect to any investigation of an allega-
21 tion of prohibited activity under subsection (a)(1) against
22 a political employee, not later than 14 days after the date
23 on which the Special Counsel makes a final determination
24 under that investigation with respect to whether a viola-
25 tion occurred, the Special Counsel shall—

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

4 “(B) submit the report required under subpara-
5 graph (A) to the Committee on Homeland Security
6 and Governmental Affairs of the Senate and the
7 Committee on Oversight and Government Reform of
8 the House of Representatives.

9 “(2) In this subsection, the term ‘political employee’
10 means any individual occupying any of the following posi-
11 tions in the executive branch of Government (including an
12 individual carrying out the duties of such a position in
13 an acting capacity):

14 “(A) Any position required to be filled by an
15 appointment by the President, by and with the ad-
16 vice and consent of the Senate.

17 “(B) Any position in the executive branch of
18 the Government of a confidential or policy-deter-
19 mining character under schedule C of subpart C of
20 part 213 of title 5, Code of Federal Regulations, or
21 any successor regulations.

22 “(C) Any position in or under the Executive Of-
23 fice of the President.

24 “(D) Any position in or under the Office of the
25 Vice President.

1 “(E) Any position in the Senior Executive Serv-
2 ice that is not a career appointee, a limited term ap-
3 pointee, or a limited emergency appointee (as those
4 terms are defined in section 3132(a)).”.

5 **SEC. 2624. CLARIFICATION ON CANDIDATES VISITING FED-**
6 **ERAL PROPERTY.**

7 (a) **IN GENERAL.**—Section 7323 of title 5, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

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

15 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—
16 Section 7323 of title 5, United States Code, is amended—

17 (1) in subsection (a)(1), by striking “his official
18 authority or influence” and inserting “the official
19 authority or influence of the employee”; and

20 (2) in subsection (c)—

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

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

1 **SEC. 2625. APPLYING HATCH ACT TO PRESIDENT AND VICE**
2 **PRESIDENT WHILE ON FEDERAL PROPERTY.**

3 (a) IN GENERAL.—Subchapter III of chapter 73 of
4 title 5, United States Code, as amended by this Act, is
5 further amended—

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

8 (2) by inserting after section 7325 the fol-
9 lowing:

10 **“§ 7326. Limitations on political activity of President**
11 **and Vice President while on White House**
12 **grounds**

13 “Notwithstanding section 7322(1), the prohibitions
14 on political activity under sections 7323(a) and 7324 shall
15 apply to the President and Vice President while the Presi-
16 dent and Vice President are on or in any part of the White
17 House, or any part of the White House grounds, that is
18 regularly used in the discharge of official duties.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 of subchapter III of chapter 73 of title 5, United States
21 Code, as amended by this Act, is further amended by
22 striking the items relating to sections 7326 and 7327 and
23 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.”.

1 **SEC. 2626. GRANTING THE OFFICE OF SPECIAL COUNSEL**
2 **RULEMAKING AUTHORITY.**

3 Notwithstanding any other provision of law, rule, or
4 regulation, the Office of Special Counsel shall have exclu-
5 sive authority to promulgate regulations with respect to
6 authority granted to the Office under subchapter III of
7 chapter 73 of title 5, United States Code.

8 **SEC. 2627. GREATER ACCOUNTABILITY FOR POLITICAL AP-**
9 **POINTEES.**

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

19 **SEC. 2628. INVESTIGATING FORMER POLITICAL EMPLOY-**
20 **EES.**

21 (a) DEFINITION.—In this section, the term “em-
22 ployee” has the meaning given the term in section 7322
23 of title 5, United States Code.

24 (b) CONTINUATION OF INVESTIGATION.—Notwith-
25 standing any other provision of law, the Office of Special
26 Counsel may continue an investigation of a violation of

1 section 7323 or 7324 of title 5, United States Code, of
2 an individual who is a former employee only if that inves-
3 tigation commenced while the individual was an employee.

4 **SEC. 2629. GAO REVIEW OF REIMBURSABLE POLITICAL**
5 **EVENTS.**

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

14 (b) CONTENTS.—The report required under sub-
15 section (a) shall include the following:

16 (1) Whether, during the covered period, the re-
17 quirements in annual appropriations Acts with re-
18 spect to reimbursable political events have been fol-
19 lowed, including the requirements under the heading
20 “Executive Residence at the White House—Reim-
21 bursable Expenses” in title II of division D of the
22 Consolidated Appropriations Act, 2019 (Public Law
23 116–6).

24 (2) An assessment of what constitutes a polit-
25 ical event during the covered period.

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

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

7 (5) Recommendations for Congress on—

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

10 (B) how to assess whether presidential ad-
11 ministrations are following the requirements de-
12 scribed in paragraph (1); and

13 (C) how to hold presidential administra-
14 tions accountable if the requirements described
15 in paragraph (1) are not followed.

16 **Subtitle B—Strengthening Ethics**
17 **Enforcement and Penalties for**
18 **Federal Executive Employees**

19 **SEC. 2641. DEFINITIONS.**

20 (a) IN GENERAL.—Subject to subsection (b), in this
21 subtitle:

22 (1) ADMINISTRATION.—The term “Administra-
23 tion” means each term of office of the incumbent
24 President serving at the time of the appointment of
25 an appointee.

- 1 (2) APPOINTEE.—The term “appointee”—
- 2 (A) includes each individual appointed—
- 3 (i) to a full-time, noncareer position
- 4 by the President or the Vice President;
- 5 (ii) to a position described in sections
- 6 5312 through 5316 of title 5, United
- 7 States Code (relating to the Executive
- 8 Schedule);
- 9 (iii) to a position as a noncareer ap-
- 10 pointee in the Senior Executive Service, as
- 11 described in section 3132(a) of title 5,
- 12 United States Code, or as a noncareer ap-
- 13 pointee under another comparable per-
- 14 sonnel system for senior personnel; or
- 15 (iv) to a position in an Executive
- 16 agency excepted from the competitive serv-
- 17 ice by reason of being of a confidential or
- 18 policy-determining character under sched-
- 19 ule C of subpart C of part 213 of title 5,
- 20 Code of Federal Regulations, or another
- 21 position excepted from the competitive
- 22 service under comparable criteria; and
- 23 (B) does not include any individual ap-
- 24 pointed to a position in the Senior Foreign

1 Service or solely as a uniformed service commis-
2 sioned officer.

3 (3) COVERED EXECUTIVE BRANCH OFFICIAL;
4 LOBBYING ACTIVITIES, LOBBYIST.—The terms “cov-
5 ered executive branch official”, “lobbying activities”,
6 and “lobbyist” have the meanings given those terms
7 in section 3 of the Lobbying Disclosure Act of 1995
8 (2 U.S.C. 1602).

9 (4) DIRECTLY AND SUBSTANTIALLY RELATED
10 TO MY FORMER EMPLOYER OR ANY FORMER CLI-
11 ENT.—The term “directly and substantially related
12 to my former employer or any former client” means
13 any matter in which the former employer or a
14 former client of an appointee is a party or rep-
15 represents a party to the matter.

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

20 (A) includes—

21 (i) the Executive Office of the Presi-
22 dent;

23 (ii) the United States Postal Service;

24 and

1 (iii) the Postal Regulatory Commis-
2 sion; and

3 (B) does not include the Government Ac-
4 countability Office.

5 (6) FORMER CLIENT.—The term “former cli-
6 ent”—

7 (A) means any person for whom an ap-
8 pointee, during the 2-year period before the
9 date of the appointment of the appointee,
10 served personally as an agent, an attorney, or
11 a consultant, except that such service as an
12 agent, an attorney, or a consultant shall not in-
13 clude any instance in which the service provided
14 was limited to speeches or similar appearances;
15 and

16 (B) does not include any clients of the
17 former employer of the appointee to whom the
18 appointee did not personally provide services.

19 (7) FORMER EMPLOYER.—The term “former
20 employer”—

21 (A) means any person for whom an ap-
22 pointee, during the 2-year period before the
23 date of appointment of the appointee, served as
24 an employee, officer, director, trustee, or gen-
25 eral partner; and

- 1 (B) does not include—
- 2 (i) any Executive agency or other en-
- 3 tity of the Federal Government;
- 4 (ii) any State or local government;
- 5 (iii) the Government of the District of
- 6 Columbia;
- 7 (iv) any Tribal government;
- 8 (v) any government of a United States
- 9 territory or possession; or
- 10 (vi) any international organization of
- 11 which the United States is a member state.

12 (8) GIFT.—The term “gift”—

13 (A) has the meaning given the term in sec-

14 tion 2635.203(b) of title 5, Code of Federal

15 Regulations;

16 (B) includes any gift that is solicited or ac-

17 cepted indirectly, as defined in section

18 2635.203(f) of title 5, Code of Federal Regula-

19 tions; and

20 (C) does not include any item excepted

21 under subsections (b), (c), (e)(1), (e)(3), (j), or

22 (l) of section 2635.204 of title 5, Code of Fed-

23 eral Regulations.

1 (9) GOVERNMENT OFFICIAL.—The term “Gov-
2 ernment official” means any employee of the execu-
3 tive branch of the Government.

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

6 (11) MATERIALLY ASSIST.—The term “materi-
7 ally assist”—

8 (A) means to provide substantive assist-
9 ance; and

10 (B) does not include—

11 (i) the provision of background or
12 general education on a matter of law or
13 policy based upon the subject matter ex-
14 pertise of an individual; or

15 (ii) any conduct or assistance per-
16 mitted under section 207(j) of title 18,
17 United States Code.

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

20 (13) PARTICULAR MATTER.—The term “par-
21 ticular matter” has the meaning given the term in
22 section 207 of title 18, United States Code, and sec-
23 tion 2635.402(b)(3) of title 5, Code of Federal Reg-
24 ulations.

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

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

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

14 (15) PLEDGE.—The term “pledge” means the
15 ethics pledge under section 2642.

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

19 (A) any lobbyist or an organization re-
20 quired to file a registration pursuant to section
21 4 of the Lobbying Disclosure Act of 1995 (2
22 U.S.C. 1603); and

23 (B) in the case of an organization required
24 to file such a registration, includes each of the
25 lobbyists of the organization identified therein.

1 (17) SENIOR WHITE HOUSE STAFF.—The term
2 “Senior White House staff” means any individual
3 appointed by—

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

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

10 (b) RULE OF CONSTRUCTION.—Any reference to a
11 provision of Federal law, including any regulation, under
12 this subtitle shall be construed to refer to any such provi-
13 sion in effect on January 20, 2025.

14 **SEC. 2642. ETHICS PLEDGE.**

15 Each appointee in each Executive agency appointed
16 on or after January 20, 2025, shall sign, and upon signing
17 shall be contractually committed to, an ethics pledge that
18 states the following:

19 “I recognize that this pledge is part of a broader eth-
20 ics in Government plan designed to restore and maintain
21 public trust in the Federal Government, and I commit my-
22 self to conduct consistent with that plan. I commit to deci-
23 sion-making on the merits and exclusively in the public
24 interest, without regard to private gain or personal ben-
25 efit. I commit to conduct that upholds the independence

1 of law enforcement and precludes improper interference
2 with investigative or prosecutorial decisions of the Depart-
3 ment of Justice. I commit to ethical choices of post-Gov-
4 ernment employment that do not raise the appearance
5 that I have used my Government service for private gain,
6 including by using confidential information acquired and
7 relationships established for the benefit of future clients.

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

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

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

24 “(3) REVOLVING DOOR BAN; LOBBYISTS AND
25 REGISTERED AGENTS ENTERING GOVERNMENT.—If,

1 during the 2-year period before the date of my ap-
2 pointment, I was registered under the Lobbying Dis-
3 closure Act of 1995 (2 U.S.C. 1601 et seq.) or the
4 Foreign Agents Registration Act of 1938, as amend-
5 ed (22 U.S.C. 611 et seq.), in addition to abiding by
6 the limitations of paragraph (2), I will not, for a pe-
7 riod of 2 years beginning on the date of my appoint-
8 ment—

9 “(A) participate in any particular matter
10 with respect to which I lobbied, or engaged in
11 any activity that would require registration
12 under the Foreign Agents Registration Act of
13 1938, as amended (22 U.S.C. 611 et seq.), dur-
14 ing the 2-year period before the date of my ap-
15 pointment;

16 “(B) participate in the specific issue area
17 involving the particular matter described in
18 subparagraph (A); or

19 “(C) seek or accept employment with any
20 Executive agency with respect to which I lob-
21 bied, or engaged in any activity that would re-
22 quire registration under the Foreign Agents
23 Registration Act of 1938, as amended (22
24 U.S.C. 611 et seq.), during the 2-year period
25 before the date of my appointment.

1 “(4) REVOLVING DOOR BAN; APPOINTEES LEAV-
2 ING GOVERNMENT.—If, upon my departure from the
3 Government, the post-employment restrictions relat-
4 ing to communicating with employees of my former
5 Executive agency under section 207(c) of title 18,
6 United States Code, and any implementing regula-
7 tions, apply to me, I agree that I will abide by those
8 restrictions for a period of 2 years beginning on the
9 last date of my appointment. I will abide by those
10 same restrictions with respect to communicating
11 with the Senior White House staff.

12 “(5) REVOLVING DOOR BAN; SENIOR AND VERY
13 SENIOR APPOINTEES LEAVING GOVERNMENT.—If,
14 upon my departure from the Government, the post-
15 employment restrictions under subsections (c) or (d)
16 of section 207 of title 18, United States Code, and
17 any implementing regulations, apply to me, I agree
18 that, in addition to abiding by those restrictions, for
19 a period of 1 year beginning on the last date of my
20 appointment, I will not materially assist any other
21 person in making any communication or appearance
22 that I am prohibited from undertaking myself by—

23 “(A) holding myself out as being available
24 to engage in lobbying activities in support of
25 any such communication or appearance; or

1 “(B) engaging in any such lobbying activi-
2 ties.

3 “(6) REVOLVING DOOR BAN; APPOINTEES LEAV-
4 ING GOVERNMENT TO LOBBY.—In addition to abid-
5 ing by the limitations under paragraph (4), I also
6 agree, upon leaving Government service, not to lobby
7 any covered executive branch official or noncareer
8 appointee in the Senior Executive Service, as de-
9 scribed in section 3132(a) of title 5, United States
10 Code, or engage in any activity on behalf of any for-
11 eign government or foreign political party that, if
12 such activity was undertaken on January 20, 2025,
13 would require that I register under the Foreign
14 Agents Registration Act of 1938, as amended (22
15 U.S.C. 611 et seq.), for the remainder of the Admin-
16 istration or the 2-year period beginning on the last
17 date of my appointment, whichever is later.

18 “(7) GOLDEN PARACHUTE BAN.—I have not ac-
19 cepted and will not accept, including after entering
20 Government service, any salary or other cash pay-
21 ment from my former employer the eligibility for
22 and payment of which is limited to individuals ac-
23 cepting a position in the United States Government.
24 I also have not accepted and will not accept any

1 non-cash benefit from my former employer that is
2 provided in lieu of such a prohibited cash payment.

3 “(8) EMPLOYMENT QUALIFICATION COMMIT-
4 MENT.—I agree that any hiring or other employment
5 decisions I make will be based on the qualifications,
6 competence, and experience of the candidate.

7 “(9) ASSENT TO ENFORCEMENT.—I acknowl-
8 edge that subtitle B of title XXVI of the Protecting
9 Our Democracy Act, which I have read before sign-
10 ing this document, defines certain of the terms ap-
11 plicable to the foregoing obligations and sets forth
12 the methods for enforcing them. I expressly accept
13 the provisions of that subtitle as a part of this
14 agreement and as binding on me. I understand that
15 the terms of this pledge are in addition to any statu-
16 tory or other legal restrictions applicable to me by
17 virtue of Federal Government service.”.

18 **SEC. 2643. WAIVERS.**

19 (a) IN GENERAL.—

20 (1) REQUIREMENTS FOR WAIVER.—The Direc-
21 tor of the Office of Management and Budget, in con-
22 sultation with the Counsel to the President, may
23 grant to any current or former appointee a written
24 waiver of any restrictions contained in the pledge
25 signed by such appointee if, and to the extent that,

1 the Director of the Office of Management and Budg-
2 et certifies in writing—

3 (A) that the literal application of the re-
4 striction is inconsistent with the purposes of the
5 restriction; or

6 (B) that, subject to subsection (c), it is in
7 the public interest to grant the waiver.

8 (2) CONTENTS.—Any waiver granted under
9 paragraph (1) shall—

10 (A) reflect the basis for the waiver; and

11 (B) in the case of a waiver of the restric-
12 tions under subparagraph (B) or (C) of para-
13 graph (3) of the pledge, include a discussion of
14 the findings with respect to the considerations
15 set forth in subsection (c)(2) of this section.

16 (b) EFFECTIVE DATE; PUBLICATION.—

17 (1) EFFECTIVE DATE.—A waiver granted under
18 subsection (a) shall take effect on the date on which
19 the Director of the Office of Management and Budg-
20 et signs the waiver.

21 (2) PUBLICATION.—The Director of the Office
22 of Management and Budget shall make any waiver
23 granted under subsection (a) public not later than
24 10 days after the waiver is granted.

25 (c) PUBLIC INTEREST.—

1 (1) IN GENERAL.—With respect to consider-
2 ation of the public interest under subsection
3 (a)(2)(B), the public interest shall include exigent
4 circumstances relating to national security, the econ-
5 omy, public health, or the environment.

6 (2) SPECIFIC CONSIDERATIONS.—In deter-
7 mining whether it is in the public interest to grant
8 a waiver under subsection (a)(2)(B) of the restric-
9 tions under subparagraph (B) or (C) of paragraph
10 (3) of the pledge, the responsible official may con-
11 sider the following factors:

12 (A) The need of the Government for the
13 services of the individual, including the exist-
14 ence of special circumstances related to national
15 security, the economy, public health, or the en-
16 vironment of the United States.

17 (B) The uniqueness of the qualifications of
18 the individual to meet the needs of the Govern-
19 ment.

20 (C) The scope and nature of the prior lob-
21 bying activities of the individual, including
22 whether such activities were de minimis or ren-
23 dered on behalf of a nonprofit organization.

24 (D) The extent to which the purposes of
25 the restriction may be satisfied through other

1 limitations on the services of the individual,
2 such as those required by paragraph (3)(A) of
3 the pledge.

4 **SEC. 2644. ADMINISTRATION.**

5 (a) IN GENERAL.—The head of each Executive agen-
6 cy shall, in consultation with the Director of the Office
7 of Government Ethics, establish such rules or procedures
8 (conforming as nearly as practicable to the general ethics
9 rules and procedures of the Executive agency, including
10 those relating to designated agency ethics officials) as are
11 necessary or appropriate to ensure—

12 (1) that every appointee in the Executive agen-
13 cy signs the pledge upon assuming the appointed of-
14 fice or otherwise becoming an appointee;

15 (2) that compliance with paragraph (3) of the
16 pledge is addressed in a written ethics agreement
17 with each appointee to whom that paragraph applies,
18 which agreement shall also be approved by the
19 Counsel to the President prior to the appointee com-
20 mencing work;

21 (3) that any spousal employment issue or other
22 conflict not expressly addressed by the pledge is ad-
23 dressed in ethics agreements with appointees or,
24 where no such agreements are required, through eth-
25 ics counseling; and

1 (4) that the Executive agency generally com-
2 plies with this subtitle.

3 (b) EXECUTIVE OFFICE OF THE PRESIDENT.—With
4 respect to the Executive Office of the President, the duties
5 set forth in subsection (a) shall be the responsibility of
6 the Counsel to the President.

7 (c) DIRECTOR OF THE OFFICE OF GOVERNMENT
8 ETHICS GENERAL RESPONSIBILITIES.—The Director of
9 the Office of Government Ethics shall—

10 (1) ensure that the pledge and a copy of this
11 subtitle are made available for use by each Executive
12 agency in fulfilling the duties of the Executive agen-
13 cy under subsection (a);

14 (2) in consultation with the Attorney General or
15 the Counsel to the President, when appropriate, as-
16 sist designated agency ethics officials (as defined in
17 section 13101 of title 5, United States Code) in pro-
18 viding advice to current or former appointees re-
19 garding the application of the pledge;

20 (3) in consultation with the Attorney General
21 and the Counsel to the President, adopt such rules
22 or procedures as are necessary or appropriate—

23 (A) to carry out the foregoing responsibil-
24 ities;

1 (B) to authorize limited exceptions to the
2 lobbyist gift ban under paragraph (1) of the
3 pledge for circumstances that do not implicate
4 the purposes of the ban;

5 (C) to make clear that no individual shall
6 have violated the lobbyist gift ban under para-
7 graph (1) of the pledge if the individual prop-
8 erly disposes of a gift as provided under section
9 2635.206 of title 5, Code of Federal Regula-
10 tions;

11 (D) to ensure that existing rules and pro-
12 cedures for Government employees engaged in
13 negotiations for future employment with private
14 businesses that are affected by the official ac-
15 tions of the employees do not affect the integ-
16 rity of the programs and operations of the Gov-
17 ernment; and

18 (E) to ensure, in consultation with the Di-
19 rector of the Office of Personnel Management,
20 that the requirement set forth in paragraph (6)
21 of the pledge is honored by every employee of
22 the executive branch;

23 (4) in consultation with the Director of the Of-
24 fice of Management and Budget, submit a report to
25 the President on whether full compliance is being

1 achieved with existing Federal laws and regulations
2 governing executive branch procurement lobbying
3 disclosure, provided that such report shall include—

4 (A) recommendations relating to steps the
5 executive branch can take to expand, to the
6 fullest extent practicable, disclosure of both ex-
7 ecutive branch procurement lobbying and of lob-
8 bying for presidential pardons; and

9 (B) recommendations relating to both im-
10 mediate actions the executive branch can take
11 and, if necessary, recommendations for legisla-
12 tion; and

13 (5) provide an annual report on the administra-
14 tion of the pledge and this subtitle.

15 (d) REVOLVING DOOR BAN REPORT.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of this Act, the Director
18 of the Office of Government Ethics shall, in con-
19 sultation with the Attorney General, the Counsel to
20 the President, and the Director of the Office of Per-
21 sonnel Management, report to the President on steps
22 the executive branch can take to expand to the full-
23 est extent practicable the revolving door ban under
24 paragraph (5) of the pledge to all executive branch
25 employees who are involved in the procurement proc-

1 ess such that those employees may not for 2 years
2 after leaving Government service lobby any Govern-
3 ment official regarding a Government contract that
4 was under the official responsibility of the employee
5 during the last 2 years of Government service of the
6 employee.

7 (2) ACTIONS AND RECOMMENDATIONS.—The
8 report required under paragraph (1) shall include
9 both immediate actions the executive branch can
10 take and, if necessary, recommendations for legisla-
11 tion.

12 (e) FILING AND RETENTION.—Each pledge signed by
13 an appointee, and any waiver granted under section 2643
14 with respect thereto, shall be filed with the head of the
15 agency of the relevant appointee for permanent retention
16 in the official personnel folder of the appointee or any
17 equivalent folder.

18 **SEC. 2645. ENFORCEMENT.**

19 (a) IN GENERAL.—The contractual, fiduciary, and
20 ethical commitments in the pledge provided for herein are
21 solely enforceable by the United States pursuant to this
22 section by any legally available means, including—

23 (1) debarment proceedings within any affected
24 Executive agency; or

1 (2) judicial civil proceedings for declaratory, in-
2 junctive, or monetary relief.

3 (b) BAR ON LOBBYING.—

4 (1) IN GENERAL.—Any former appointee who is
5 determined, after notice and hearing, by the duly
6 designated authority within any Executive agency, to
7 have violated the pledge signed by the appointee may
8 be barred from lobbying any officer or employee of
9 the Executive agency to which the appointee was ap-
10 pointed for not more than 5 years in addition to any
11 other restriction on lobbying under the pledge signed
12 by the appointee.

13 (2) PROCEDURES.—The head of each Executive
14 agency shall, in consultation with the Director of the
15 Office of Government Ethics, establish procedures to
16 implement this subsection, which shall include pro-
17 viding for fact-finding and investigation of possible
18 violations of this subtitle and for referrals to the At-
19 torney General for consideration pursuant to sub-
20 section (c).

21 (c) AUTHORITY OF THE ATTORNEY GENERAL.—

22 (1) IN GENERAL.—The Attorney General
23 may—

24 (A) upon receiving information regarding
25 the possible breach of any commitment in a

1 signed pledge by an appointee, request any ap-
2 propriate Federal investigative authority to con-
3 duct an investigation of the alleged breach, as
4 may be appropriate; and

5 (B) upon determining that there is a rea-
6 sonable basis to believe that a breach of a com-
7 mitment in a signed pledge by an appointee has
8 occurred, will occur, or will continue to occur if
9 not enjoined, commence a civil action against
10 the former employee in any district court of the
11 United States with jurisdiction to consider the
12 matter.

13 (2) CIVIL RELIEF.—In any civil action com-
14 menced under paragraph (1)(B), the Attorney Gen-
15 eral may request any and all relief authorized by
16 Federal law, including—

17 (A) such temporary restraining orders and
18 preliminary and permanent injunctions as may
19 be appropriate to restrain future, recurring, or
20 continuing conduct by the former appointee in
21 breach of the commitments in the pledge the
22 former appointee signed; and

23 (B) establishment of a constructive trust
24 for the benefit of the United States, requiring
25 an accounting and payment to the United

1 States Treasury of all money and other things
2 of value received by, or payable to, the former
3 employee arising out of any breach or at-
4 tempted breach of the pledge the former ap-
5 pointee signed.

6 **SEC. 2646. GENERAL PROVISIONS.**

7 (a) SEVERABILITY.—If any provision of this subtitle
8 or the application of such provision is held to be invalid,
9 the remainder of this subtitle and other dissimilar applica-
10 tions of such provision shall not be affected.

11 (b) RULE OF CONSTRUCTION.—Nothing in this sub-
12 title shall be construed to impair or otherwise affect—

13 (1) the authority granted by Federal law to any
14 Executive agency, or the head thereof; or

15 (2) the functions of the Director of the Office
16 of Management and Budget relating to budgetary,
17 administrative, or legislative proposals.

18 (c) IMPLEMENTATION.—This subtitle shall be imple-
19 mented consistent with applicable law and subject to the
20 availability of appropriations.

21 (d) RULE OF CONSTRUCTION.—This subtitle is not
22 intended to, and does not, create any right or benefit, sub-
23 stantive or procedural, enforceable at law or in equity by
24 any party against the United States, its departments,

1 agencies, or entities, its officers, employees, or agents, or
2 any other person.

3 **TITLE XXVII—PRESIDENTIAL**
4 **AND VICE PRESIDENTIAL TAX**
5 **TRANSPARENCY**

6 **SEC. 2701. PRESIDENTIAL AND VICE PRESIDENTIAL TAX**
7 **TRANSPARENCY.**

8 (a) DEFINITIONS.—In this section—

9 (1) The term “covered candidate” means a can-
10 didate of a major party in a general election for the
11 office of President or Vice President.

12 (2) The term “income tax return” means, with
13 respect to an individual, any return (as such term is
14 defined in section 6103(b)(1) of the Internal Rev-
15 enue Code of 1986, except that such term shall not
16 include declarations of estimated tax) of—

17 (A) such individual, other than information
18 returns issued to persons other than such indi-
19 vidual; or

20 (B) any corporation, partnership, or trust
21 in which such individual holds, directly or indi-
22 rectly, a significant interest as the sole or prin-
23 cipal owner or the sole or principal beneficial
24 owner (as such terms are defined in regulations
25 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 Protecting
5 Our Democracy Act shall be filed in electronic form acces-
6 sible by computers and shall be treated as a report filed
7 under and required by this Act for purposes of subpara-
8 graphs (B) and (C), except that if it would require consid-
9 erable, extensive, and significant time for the Commission
10 to make redactions to such a return, as required under
11 section 2701(b)(3) of the Protecting Our Democracy Act
12 or subparagraph (B)(ii) of section 6103(l)(23) of the In-
13 ternal Revenue Code of 1986, the Commission may make
14 the return available for public inspection more than 48
15 hours after receipt by the Commission, but in no event
16 later than 30 days after receipt by the Commission.”.

17 (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND
18 VICE PRESIDENTS AND CERTAIN CANDIDATES FOR
19 PRESIDENT AND VICE PRESIDENT.—

20 (1) IN GENERAL.—Section 6103(l) of the Inter-
21 nal Revenue Code of 1986 is amended by adding at
22 the end the following new paragraph:

23 “(23) DISCLOSURE OF RETURN INFORMATION
24 OF PRESIDENTS AND VICE PRESIDENTS AND CER-

1 TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-
2 DENT.—

3 “(A) IN GENERAL.—Upon written request
4 by the chairman of the Federal Election Com-
5 mission under section 2701(b)(2) of the Pro-
6 tecting Our Democracy Act, not later than the
7 date that is 15 days after the date of such re-
8 quest, the Secretary shall provide copies of any
9 return which is so requested to officers and em-
10 ployees of the Federal Election Commission
11 whose official duties include disclosure or redac-
12 tion of such return under this paragraph.

13 “(B) DISCLOSURE TO THE PUBLIC.—

14 “(i) IN GENERAL.—The chairman of
15 the Federal Election Commission shall
16 make publicly available any return which is
17 provided under subparagraph (A).

18 “(ii) REDACTION OF CERTAIN INFOR-
19 MATION.—Before making publicly available
20 under clause (i) any return, the chairman
21 of the Federal Election Commission shall
22 redact such information as the Federal
23 Election Commission and the Secretary
24 jointly determine is necessary for pro-

1 tecting against identity theft, such as so-
2 cial security numbers.”.

3 (2) CONFORMING AMENDMENTS.—Section
4 6103(p)(4) of such Code is amended—

5 (A) in the matter preceding subparagraph
6 (A) by striking “or (22)” and inserting “(22),
7 or (23)”; and

8 (B) in subparagraph (F)(ii) by striking “or
9 (22)” and inserting “(22), or (23)”.

10 (3) EFFECTIVE DATE.—The amendments made
11 by this subsection shall apply to disclosures made on
12 or after the date of enactment of this Act.

13 **TITLE XXVIII—BRINGING EXECU-**
14 **TIVE ACCOUNTABILITY,**
15 **CLARITY, AND OVERSIGHT**

16 **SEC. 2801. SHORT TITLE.**

17 This title may be cited as the cited as the “Bringing
18 Executive Accountability, Clarity, and Oversight Now
19 Act” or the “BEACON Act”.

20 **SEC. 2802. OFFICE OF INSPECTOR GENERAL IN THE EXECU-**
21 **TIVE OFFICE OF THE PRESIDENT.**

22 (a) ESTABLISHMENT.—

23 (1) IN GENERAL.—Section 401 of title 5,
24 United States Code, (commonly referred to as the
25 “Inspector General Act of 1978”) is amended—

1 (A) in paragraph (1), by striking “or the
2 National Reconnaissance Office” and inserting
3 “the National Reconnaissance Office, or the
4 Executive Office of the President”; and

5 (B) in paragraph (3), by striking “or the
6 Director of the National Reconnaissance Of-
7 fice” and inserting “the Director of the Na-
8 tional Reconnaissance Office; or the President
9 (with respect to the Executive Office of the
10 President)”.

11 (2) APPOINTMENT OF INSPECTOR GENERAL.—
12 Not later than 120 days after the date of enactment
13 of this Act, the President shall appoint an individual
14 as the Inspector General of the Executive Office of
15 the President in accordance with the requirements of
16 section 403(a) of title 5, United States Code.

17 (b) SPECIAL PROVISIONS.—Chapter 4 of title 5,
18 United States Code, is amended by inserting after section
19 424 the following:

20 **“§ 425. Special provisions concerning the Executive**
21 **Office of the President**

22 “(a) AUDITS, INVESTIGATIONS, AND ISSUANCE OF
23 SUBPOENAS.—

24 “(1) AUTHORITY, DIRECTION, AND CONTROL.—
25 Notwithstanding the last 2 sentences of section

1 403(a), the Inspector General of the Executive Of-
2 fice of the President shall be under the authority, di-
3 rection, and control of the President with respect to
4 audits or investigations, or the issuance of sub-
5 poenas, that require access to information con-
6 cerning any of the following:

7 “(A) The identity of a confidential source,
8 including a protected witness.

9 “(B) An intelligence or counterintelligence
10 matter.

11 “(C) An undercover operation.

12 “(2) PROHIBITION IN CERTAIN SITUATIONS.—
13 With respect to the information described in para-
14 graph (1), the President may prohibit the Inspector
15 General of the Executive Office of the President
16 from initiating, carrying out, or completing any
17 audit or investigation, or from issuing any subpoena,
18 after the Inspector General has decided to initiate,
19 carry out, or complete such audit or investigation, or
20 to issue such subpoena, if the President determines
21 that such prohibition is necessary to prevent the dis-
22 closure of any information described in paragraph
23 (1).

24 “(3) NOTICE AFTER PROHIBITION.—

1 “(A) TO INSPECTOR GENERAL.—If the
2 President exercises any power under paragraph
3 (2), not later than 30 days after exercising any
4 such power, the President shall notify the In-
5 spector General of the Executive Office of the
6 President in writing, stating the reasons for ex-
7 ercising that power.

8 “(B) TO CONGRESS.—Not later than 30
9 days after receiving a notice under subpara-
10 graph (A), the Inspector General of the Execu-
11 tive Office of the President shall transmit a
12 copy of the notice to the chair and ranking
13 member of each of the following:

14 “(i) The Committee on Homeland Se-
15 curity and Governmental Affairs of the
16 Senate.

17 “(ii) The Committee on the Judiciary
18 of the Senate.

19 “(iii) The Committee on Oversight
20 and Government Reform of the House of
21 Representatives.

22 “(iv) The Committee on the Judiciary
23 of the House of Representatives.

24 “(v) Any other appropriate committee
25 or subcommittee of Congress.

1 “(b) SEMIANNUAL REPORTS.—

2 “(1) ADDITIONAL INFORMATION TO BE IN-
3 CLUDED.—Any semiannual report prepared by the
4 Inspector General of the Executive Office of the
5 President under section 405(b) shall also include the
6 following:

7 “(A) With respect to each significant rec-
8 ommendation on which corrective action has
9 been completed, a description of the corrective
10 action.

11 “(B) A certification of whether the Inspec-
12 tor General of the Executive Office of the Presi-
13 dent has had full and direct access to all infor-
14 mation relevant to the performance of the func-
15 tions of the Inspector General.

16 “(C) A description of any audit, inspection,
17 or evaluation occurring during the reporting pe-
18 riod in which the Inspector General of the Ex-
19 ecutive Office of the President could not obtain
20 relevant information due to an exercise of power
21 by the President under subsection (a)(2).

22 “(D) Such recommendations as the Inspec-
23 tor General of the Executive Office of the Presi-
24 dent considers appropriate with respect to effi-
25 ciency in the administration of programs and

1 operations undertaken by the President, and
2 the detection and elimination of fraud, waste,
3 and abuse in such programs and operations.

4 “(2) SUBMISSION TO PRESIDENT.—Notwith-
5 standing section 405(c), the Inspector General of the
6 Executive Office of the President shall submit to the
7 President the semiannual reports prepared under
8 section 405(b), including the additional information
9 required under paragraph (1), not later than April
10 30 and October 31 of each year.

11 “(3) TRANSMISSION TO CONGRESS.—Not later
12 than 30 days after submitting the semiannual report
13 to the President under paragraph (2), the Inspector
14 General of the Executive Office of the President
15 shall transmit the semiannual report to the chair
16 and ranking member of each of the following:

17 “(A) The Committee on Homeland Secu-
18 rity and Governmental Affairs of the Senate.

19 “(B) The Committee on the Judiciary of
20 the Senate.

21 “(C) The Committee on Oversight and
22 Government Reform of the House of Represent-
23 atives.

24 “(D) The Committee on the Judiciary of
25 the House of Representatives.

1 “(c) AUDIT OF THE OFFICE OF THE INSPECTOR
2 GENERAL OF THE EXECUTIVE OFFICE OF THE PRESI-
3 DENT .—

4 “(1) IN GENERAL.—Not later than 120 days
5 after the President appoints an individual as the In-
6 spector General of the Executive Office of the Presi-
7 dent, and annually thereafter, the Council of Inspec-
8 tors General on Integrity and Efficiency shall con-
9 duct an audit of the Office of the Inspector General
10 of the Executive Office of the President to ensure
11 that the office is able to effectively provide oversight
12 of the Executive Office of the President.

13 “(2) REPORT.—Not later than October 31 after
14 the first audit is completed under paragraph (1),
15 and annually thereafter, the Council of Inspectors
16 General on Integrity and Efficiency shall submit to
17 Congress a report on the findings of the audit.”.

18 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

19 (1) IN GENERAL.—Chapter 4 of title 5, United
20 States Code, is amended—

21 (A) in section 415(a)(2)—

22 (i) by striking subparagraph (C); and

23 (ii) by redesignating subparagraphs

24 (D) through (F) as subparagraphs (C)

25 through (E), respectively; and

1 (B) in section 418, by striking “or 421”
2 and inserting “, 421, or 425”.

3 (2) TABLE OF SECTIONS.—The table of sections
4 for chapter 4 of title 5, United States Code, is
5 amended by adding at the end the following:

“425. Special provisions concerning the Executive Office of the President.”.

6 (d) OVER-CLASSIFICATION AUDIT.—

7 (1) EVALUATIONS REQUIRED.—The Inspector
8 General of the Executive Office of the President, in
9 consultation with the Information Security Oversight
10 Office of the National Archives and Records Admin-
11 istration, shall carry out 2 evaluations of the Execu-
12 tive Office of the President—

13 (A) to assess whether applicable classifica-
14 tion policies, procedures, rules, and regulations
15 have been adopted, followed, and effectively ad-
16 ministered within the Executive Office of the
17 President; and

18 (B) to identify policies, procedures, rules,
19 regulations, or management practices that may
20 be contributing to persistent misclassification of
21 material within the Executive Office of the
22 President.

23 (2) DEADLINES FOR EVALUATIONS.—

24 (A) INITIAL EVALUATION.—The first eval-
25 uation required under paragraph (1) shall be

1 completed not later than 1 year after the date
2 of enactment of this Act.

3 (B) SECOND EVALUATION.—The second
4 evaluation required under paragraph (1) shall
5 review progress made pursuant to the results of
6 the first evaluation and shall be completed not
7 later than 1 year after the date on which the
8 first evaluation is completed.

9 (3) COORDINATION.—The Inspector General of
10 the Executive Office of the President shall coordi-
11 nate with other Inspectors General and the Informa-
12 tion Security Oversight Office to ensure that evalua-
13 tions follow a consistent methodology, as appro-
14 priate, that allows for cross-agency comparisons.

15 (4) REPORTS REQUIRED.—

16 (A) IN GENERAL.—Not later than 45 days
17 after the completion of an evaluation, the In-
18 spector General of the Executive Office of the
19 President shall submit to the appropriate enti-
20 ties a report on that evaluation.

21 (B) CONTENT.—Each report submitted
22 under subparagraph (A) shall include a descrip-
23 tion of—

24 (i) the policies, procedures, rules, reg-
25 ulations, or management practices, if any,

1 identified by the Inspector General under
2 paragraph (1)(B); and

3 (ii) the recommendations, if any, of
4 the Inspector General to address any such
5 identified policies, procedures, rules, regu-
6 lations, or management practices.

7 (5) APPROPRIATE ENTITIES DEFINED.—In this
8 subsection, the term “appropriate entities” means
9 each of the following:

10 (A) The Committee on Homeland Security
11 and Governmental Affairs of the Senate.

12 (B) The Committee on the Judiciary of the
13 Senate.

14 (C) The Committee on Oversight and Gov-
15 ernment Reform of the House of Representa-
16 tives.

17 (D) The Committee on the Judiciary of the
18 House of Representatives.

19 (E) Any other appropriate committee or
20 subcommittee of Congress.

21 (F) The President.

22 (G) The Director of the Information Secu-
23 rity Oversight Office.

1 **DIVISION C—MISCELLANEOUS**
2 **TITLE XXXI—REPORTING FOR-**
3 **EIGN INTERFERENCE IN**
4 **ELECTIONS**

5 **SEC. 3101. FEDERAL CAMPAIGN REPORTING OF FOREIGN**
6 **CONTACTS.**

7 (a) INITIAL NOTICE.—

8 (1) IN GENERAL.—Section 304 of the Federal
9 Election Campaign Act of 1971 (52 U.S.C. 30104),
10 as amended by section 1309, is amended by adding
11 at the end the following new subsection:

12 “(i) DISCLOSURE OF REPORTABLE FOREIGN CON-
13 TACTS.—

14 “(1) COMMITTEE OBLIGATION TO NOTIFY.—

15 Not later than 1 week after a reportable foreign con-
16 tact, each political committee shall notify the Fed-
17 eral Bureau of Investigation and the Commission of
18 the reportable foreign contact and provide a sum-
19 mary of the circumstances with respect to such re-
20 portable foreign contact. The Federal Bureau of In-
21 vestigation, not later than 1 week after receiving a
22 notification from a political committee under this
23 paragraph, shall submit to the political committee,
24 the Permanent Select Committee on Intelligence of
25 the House of Representatives, and the Select Com-

1 mittee on Intelligence of the Senate written or elec-
2 tronic confirmation of receipt of the notification.

3 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—

4 Not later than 3 days after a reportable foreign con-
5 tact—

6 “(A) each candidate and each immediate
7 family member of a candidate shall notify the
8 treasurer or other designated official of the
9 principal campaign committee of such candidate
10 of the reportable foreign contact and provide a
11 summary of the circumstances with respect to
12 such reportable foreign contact; and

13 “(B) each official, employee, or agent of a
14 political committee shall notify the treasurer or
15 other designated official of the committee of the
16 reportable foreign contact and provide a sum-
17 mary of the circumstances with respect to such
18 reportable foreign contact.

19 “(3) REPORTABLE FOREIGN CONTACT.—In this
20 subsection:

21 “(A) IN GENERAL.—The term ‘reportable
22 foreign contact’ means any direct or indirect
23 contact or communication that—

24 “(i) is between—

1 “(I) a candidate, an immediate
2 family member of the candidate, a po-
3 litical committee, or any official, em-
4 ployee, or agent of such committee;
5 and

6 “(II) an individual that the per-
7 son described in subclause (I) knows,
8 has reason to know, or reasonably be-
9 lieves is a covered foreign national;
10 and

11 “(ii) the person described in clause
12 (i)(I) knows, has reason to know, or rea-
13 sonably believes involves—

14 “(I) an offer or other proposal
15 for a contribution, donation, expendi-
16 ture, disbursement, or solicitation de-
17 scribed in section 319; or

18 “(II) coordination or collabora-
19 tion with, an offer or provision of in-
20 formation or services to or from, or
21 persistent and repeated contact with,
22 a covered foreign national in connec-
23 tion with an election.

24 “(B) EXCEPTIONS.—

1 “(i) CONTACTS IN OFFICIAL CAPACITY
2 AS ELECTED OFFICIAL.—The term ‘report-
3 able foreign contact’ shall not include any
4 contact or communication with a covered
5 foreign national by an elected official or an
6 employee of an elected official solely in an
7 official capacity as such an official or em-
8 ployee.

9 “(ii) CONTACTS FOR PURPOSES OF
10 ENABLING OBSERVATION OF ELECTIONS
11 BY INTERNATIONAL OBSERVERS.—The
12 term ‘reportable foreign contact’ shall not
13 include any contact or communication with
14 a covered foreign national by any person
15 which is made for purposes of enabling the
16 observation of elections in the United
17 States by a foreign national or the obser-
18 vation of elections outside of the United
19 States by a candidate, political committee,
20 or any official, employee, or agent of such
21 committee.

22 “(iii) EXCEPTIONS NOT APPLICABLE
23 IF CONTACTS OR COMMUNICATIONS IN-
24 VOLVE PROHIBITED DISBURSEMENTS.—A
25 contact or communication by an elected of-

1 ficial or an employee of an elected official
2 shall not be considered to be made solely
3 in an official capacity for purposes of
4 clause (i), and a contact or communication
5 shall not be considered to be made for pur-
6 poses of enabling the observation of elec-
7 tions for purposes of clause (ii), if the con-
8 tact or communication involves a contribu-
9 tion, donation, expenditure, disbursement,
10 or solicitation described in section 319.

11 “(C) COVERED FOREIGN NATIONAL DE-
12 FINED.—

13 “(i) IN GENERAL.—In this paragraph,
14 the term ‘covered foreign national’
15 means—

16 “(I) a foreign principal (as de-
17 fined in section 1(b) of the Foreign
18 Agents Registration Act of 1938 (22
19 U.S.C. 611(b))) that is a government
20 of a foreign country or a foreign polit-
21 ical party;

22 “(II) any person who acts as an
23 agent, representative, employee, or
24 servant, or any person who acts in
25 any other capacity at the order, re-

1 quest, or under the direction or con-
2 trol, of a foreign principal described in
3 subclause (I) or of a person any of
4 whose activities are directly or indi-
5 rectly supervised, directed, controlled,
6 financed, or subsidized in whole or in
7 major part by a foreign principal de-
8 scribed in subclause (I); or

9 “**(III)** any person included in the
10 list of specially designated nationals
11 and blocked persons maintained by
12 the Office of Foreign Assets Control
13 of the Department of the Treasury
14 pursuant to authorities relating to the
15 imposition of sanctions relating to the
16 conduct of a foreign principal de-
17 scribed in subclause (I).

18 “**(ii)** **CLARIFICATION REGARDING AP-**
19 **PLICATION TO CITIZENS OF THE UNITED**
20 **STATES.**—In the case of a citizen of the
21 United States, subclause (II) of clause (i)
22 applies only to the extent that the person
23 involved acts within the scope of that per-
24 son’s status as the agent of a foreign prin-

1 cipal described in subclause (I) of clause
2 (i).

3 “(4) IMMEDIATE FAMILY MEMBER.—In this
4 subsection, the term ‘immediate family member’
5 means, with respect to a candidate, a parent, parent-
6 in-law, spouse, adult child, or sibling.”.

7 (2) EFFECTIVE DATE.—The amendment made
8 by paragraph (1) shall apply with respect to report-
9 able foreign contacts which occur on or after the
10 date of the enactment of this Act.

11 (b) INFORMATION INCLUDED ON REPORT.—

12 (1) IN GENERAL.—Section 304(b) of such Act
13 (52 U.S.C. 30104(b)) is amended—

14 (A) by striking “and” at the end of para-
15 graph (7);

16 (B) by striking the period at the end of
17 paragraph (8) and inserting “; and”; and

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

20 “(9) for any reportable foreign contact (as de-
21 fined in subsection (i)(3))—

22 “(A) the date, time, and location of the
23 contact;

1 “(B) the date and time of when a des-
2 gnated official of the committee was notified of
3 the contact;

4 “(C) the identity of individuals involved;
5 and

6 “(D) a description of the contact, including
7 the nature of any contribution, donation, ex-
8 penditure, disbursement, or solicitation involved
9 and the nature of any activity described in sub-
10 section (i)(3)(A)(ii)(II) involved.”.

11 (2) EFFECTIVE DATE.—The amendments made
12 by paragraph (1) shall apply with respect to reports
13 filed on or after the expiration of the 60-day period
14 which begins on the date of the enactment of this
15 Act.

16 **SEC. 3102. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**
17 **PORTING COMPLIANCE SYSTEM.**

18 (a) IN GENERAL.—Section 302 of the Federal Elec-
19 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
20 by adding at the end the following new subsection:

21 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE
22 POLICY.—

23 “(1) REPORTING.—Each political committee
24 shall establish a policy that requires all officials, em-
25 ployees, and agents of such committee to notify the

1 treasurer or other appropriate designated official of
2 the committee of any reportable foreign contact (as
3 defined in section 304(i)) not later than 3 days after
4 such contact was made.

5 “(2) RETENTION AND PRESERVATION OF
6 RECORDS.—Each political committee shall establish
7 a policy that provides for the retention and preserva-
8 tion of records and information related to reportable
9 foreign contacts (as so defined) for a period of not
10 less than 3 years.

11 “(3) CERTIFICATION.—

12 “(A) IN GENERAL.—Upon filing its state-
13 ment of organization under section 303(a), and
14 with each report filed under section 304(a), the
15 treasurer of each political committee (other
16 than an authorized committee) shall certify
17 that—

18 “(i) the committee has in place poli-
19 cies that meet the requirements of para-
20 graphs (1) and (2);

21 “(ii) the committee has designated an
22 official to monitor compliance with such
23 policies; and

24 “(iii) not later than 1 week after the
25 beginning of any formal or informal affili-

1 ation with the committee, all officials, em-
2 ployees, and agents of such committee
3 will—

4 “(I) receive notice of such poli-
5 cies;

6 “(II) be informed of the prohibi-
7 tions under section 319; and

8 “(III) sign a certification affirm-
9 ing their understanding of such poli-
10 cies and prohibitions.

11 “(B) AUTHORIZED COMMITTEES.—With
12 respect to an authorized committee, the can-
13 didate shall make the certification required
14 under subparagraph (A).”

15 (b) EFFECTIVE DATE.—

16 (1) IN GENERAL.—The amendment made by
17 subsection (a) shall apply with respect to political
18 committees which file a statement of organization
19 under section 303(a) of the Federal Election Cam-
20 paign Act of 1971 (52 U.S.C. 30103(a)) on or after
21 the date of the enactment of this Act.

22 (2) TRANSITION RULE FOR EXISTING COMMIT-
23 TEES.—Not later than 30 days after the date of the
24 enactment of this Act, each political committee
25 under the Federal Election Campaign Act of 1971

1 shall file a certification with the Federal Election
2 Commission that the committee is in compliance
3 with the requirements of section 302(j) of such Act
4 (as added by subsection (a)).

5 **SEC. 3103. CRIMINAL PENALTIES.**

6 Section 309(d)(1) of the Federal Election Campaign
7 Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-
8 ing at the end the following new subparagraphs:

9 “(E) Any person who knowingly and will-
10 fully commits a violation of subsection (i) or
11 (b)(9) of section 304 or section 302(j) shall be
12 fined not more than \$500,000, imprisoned not
13 more than 5 years, or both.

14 “(F) Any person who knowingly and will-
15 fully conceals or destroys any materials relating
16 to a reportable foreign contact (as defined in
17 section 304(i)) shall be fined not more than
18 \$1,000,000, imprisoned not more than 5 years,
19 or both.”.

20 **SEC. 3104. REPORT TO CONGRESSIONAL INTELLIGENCE**
21 **COMMITTEES.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, and annually thereafter,
24 the Director of the Federal Bureau of Investigation shall
25 submit to the congressional intelligence committees a re-

1 port relating to notifications received by the Federal Bu-
2 reau of Investigation under section 304(i)(1) of the Fed-
3 eral Election Campaign Act of 1971 (as added by section
4 3101(a) of this Act).

5 (b) ELEMENTS.—Each report under subsection (a)
6 shall include, at a minimum, the following with respect
7 to notifications described in subsection (a):

8 (1) The number of such notifications received
9 from political committees during the year covered by
10 the report.

11 (2) A description of protocols and procedures
12 developed by the Federal Bureau of Investigation re-
13 lating to receipt and maintenance of records relating
14 to such notifications.

15 (3) With respect to such notifications received
16 during the year covered by the report, a description
17 of any subsequent actions taken by the Director re-
18 sulting from the receipt of such notifications.

19 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
20 DEFINED.—In this section, the term “congressional intel-
21 ligence committees” has the meaning given that term in
22 section 3 of the National Security Act of 1947 (50 U.S.C.
23 3003).

1 **SEC. 3105. RULE OF CONSTRUCTION.**

2 Nothing in this title or the amendments made by this
3 title shall be construed—

4 (1) to impede legitimate journalistic activities;

5 or

6 (2) to impose any additional limitation on the
7 right to express political views or to participate in
8 public discourse of any individual who—

9 (A) resides in the United States;

10 (B) is not a citizen of the United States or
11 a national of the United States, as defined in
12 section 101(a)(22) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1101(a)(22)); and

14 (C) is not lawfully admitted for permanent
15 residence, as defined by section 101(a)(20) of
16 the Immigration and Nationality Act (8 U.S.C.
17 1101(a)(20)).

18 **TITLE XXXII—ELIMINATING FOR-**
19 **EIGN INTERFERENCE IN**
20 **ELECTIONS**

21 **SEC. 3201. CLARIFICATION OF APPLICATION OF FOREIGN**
22 **MONEY BAN.**

23 (a) CLARIFICATION OF TREATMENT OF PROVISION
24 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
25 TION OF A THING OF VALUE.—Section 319 of the Federal
26 Election Campaign Act of 1971 (52 U.S.C. 30121) is

1 amended by adding at the end the following new sub-
2 section:

3 “(c) CLARIFICATION OF TREATMENT OF PROVISION
4 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
5 TION OF A THING OF VALUE.—For purposes of this sec-
6 tion, a ‘contribution or donation of money or other thing
7 of value’ includes the provision of opposition research,
8 polling, or other non-public information relating to a can-
9 didate for election for a Federal, State, or local office for
10 the purpose of influencing the election, regardless of
11 whether such research, polling, or information has mone-
12 tary value, except that nothing in this subsection shall be
13 construed to treat the mere provision of an opinion about
14 a candidate as a thing of value for purposes of this sec-
15 tion.”.

16 (b) CLARIFICATION OF APPLICATION OF FOREIGN
17 MONEY BAN TO ALL CONTRIBUTIONS AND DONATIONS
18 OF THINGS OF VALUE AND TO ALL SOLICITATIONS OF
19 CONTRIBUTIONS AND DONATIONS OF THINGS OF
20 VALUE.—Section 319(a) of such Act (52 U.S.C.
21 30121(a)) is amended—

22 (1) in paragraph (1)(A), by striking “promise
23 to make a contribution or donation” and inserting
24 “promise to make such a contribution or donation”;

1 (2) in paragraph (1)(B), by striking “donation”
2 and inserting “donation of money or other thing of
3 value, or to make an express or implied promise to
4 make such a contribution or donation,”; and

5 (3) by amending paragraph (2) to read as fol-
6 lows:

7 “(2) a person to solicit, accept, or receive (di-
8 rectly or indirectly) a contribution or donation de-
9 scribed in subparagraph (A) or (B) of paragraph
10 (1), or to solicit, accept, or receive (directly or indi-
11 rectly) an express or implied promise to make such
12 a contribution or donation, from a foreign na-
13 tional.”.

14 (c) ENHANCED PENALTY FOR CERTAIN VIOLA-
15 TIONS.—

16 (1) IN GENERAL.—Section 309(d)(1) of such
17 Act (52 U.S.C. 30109(d)(1)), as amended by section
18 3103, is further amended by adding at the end the
19 following new subparagraph:

20 “(G)(i) Any person who knowingly and
21 willfully commits a violation of section 319
22 which involves a foreign national which is a
23 government of a foreign country or a foreign
24 political party, or which involves a thing of
25 value consisting of the provision of opposition

1 research, polling, or other non-public informa-
2 tion relating to a candidate for election for a
3 Federal, State, or local office for the purpose of
4 influencing the election, shall be fined under
5 title 18, United States Code, or imprisoned for
6 not more than 5 years, or both.

7 “(ii) In clause (i), each of the terms ‘gov-
8 ernment of a foreign country’ and ‘foreign polit-
9 ical party’ has the meaning given such term in
10 section 1 of the Foreign Agents Registration
11 Act of 1938, as Amended (22 U.S.C. 611).”.

12 (2) EFFECTIVE DATE.—The amendment made
13 by paragraph (1) shall apply with respect to viola-
14 tions committed on or after the date of the enact-
15 ment of this Act.

16 **SEC. 3202. REQUIRING ACKNOWLEDGMENT OF FOREIGN**
17 **MONEY BAN BY POLITICAL COMMITTEES.**

18 (a) PROVISION OF INFORMATION BY FEDERAL ELEC-
19 TION COMMISSION.—Section 303 of the Federal Election
20 Campaign Act of 1971 (52 U.S.C. 30103) is amended by
21 adding at the end the following new subsection:

22 “(e) ACKNOWLEDGMENT OF FOREIGN MONEY
23 BAN.—

24 “(1) NOTIFICATION BY COMMISSION.—Not later
25 than 30 days after a political committee files its

1 statement of organization under subsection (a), and
2 biennially thereafter until the committee terminates,
3 the Commission shall provide the committee with a
4 written explanation of section 319.

5 “(2) ACKNOWLEDGMENT BY COMMITTEE.—

6 “(A) IN GENERAL.—Not later than 30
7 days after receiving the written explanation of
8 section 319 under paragraph (1), the committee
9 shall transmit to the Commission a signed cer-
10 tification that the committee has received such
11 written explanation and has provided a copy of
12 the explanation to all members, employees, con-
13 tractors, and volunteers of the committee.

14 “(B) PERSON RESPONSIBLE FOR SIGNA-
15 TURE.—The certification required under sub-
16 paragraph (A) shall be signed—

17 “(i) in the case of an authorized com-
18 mittee of a candidate, by the candidate; or

19 “(ii) in the case of any other political
20 committee, by the treasurer of the com-
21 mittee.”.

22 (b) EFFECTIVE DATE; TRANSITION FOR EXISTING
23 COMMITTEES.—

24 (1) IN GENERAL.—The amendment made by
25 subsection (a) shall apply with respect to political

1 committees which file statements of organization
2 under section 303 of the Federal Election Campaign
3 Act of 1971 (52 U.S.C. 30103) on or after the date
4 of the enactment of this Act.

5 (2) TRANSITION FOR EXISTING COMMITTEES.—

6 (A) NOTIFICATION BY FEDERAL ELECTION
7 COMMISSION.—Not later than 90 days after the
8 date of the enactment of this Act, the Federal
9 Election Commission shall provide each political
10 committee under such Act with the written ex-
11 planation of section 319 of such Act, as re-
12 quired under section 303(e)(1) of such Act (as
13 added by subsection (a)).

14 (B) ACKNOWLEDGMENT BY COMMITTEE.—
15 Not later than 30 days after receiving the writ-
16 ten explanation under subparagraph (A), each
17 political committee under such Act shall trans-
18 mit to the Federal Election Commission the
19 signed certification, as required under section
20 303(e)(2) of such Act (as added by subsection
21 (a)).

1 **SEC. 3203. PROHIBITION ON CONTRIBUTIONS AND DONA-**
2 **TIONS BY FOREIGN NATIONALS IN CONNEC-**
3 **TIONS WITH BALLOT INITIATIVES AND**
4 **REFERENDA.**

5 (a) IN GENERAL.—Section 319(a)(1)(A) of the Fed-
6 eral Election Campaign Act of 1971 (52 U.S.C.
7 30121(a)(1)(A)) is amended by striking “State, or local
8 election” and inserting the following: “State, or local elec-
9 tion, including a State or local ballot initiative or ref-
10 erendum”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 this section shall apply with respect to elections held in
13 2026 or any succeeding year.

14 **TITLE XXXIII—HONEST ADS**

15 **SEC. 3301. SHORT TITLE.**

16 This title may be cited as the “Honest Ads Act”.

17 **SEC. 3302. EXPANSION OF DEFINITION OF PUBLIC COMMU-**
18 **NICATION.**

19 (a) IN GENERAL.—Paragraph (22) of section 301 of
20 the Federal Election Campaign Act of 1971 (52 U.S.C.
21 30101(22)) is amended by striking “or satellite commu-
22 nication” and inserting “satellite, paid internet, or paid
23 digital communication”.

24 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
25 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
26 amended—

1 (1) in paragraph (8)(B)(v), by striking “on
2 broadcasting stations, or in newspapers, magazines,
3 or similar types of general public political adver-
4 tising” and inserting “in any public communica-
5 tion”; and

6 (2) in paragraph (9)(B)—

7 (A) by amending clause (i) to read as fol-
8 lows:

9 “(i) any news story, commentary, or
10 editorial distributed through the facilities
11 of any broadcasting station or any print,
12 online, or digital newspaper, magazine,
13 publication, periodical, blog, or platform,
14 unless such broadcasting, print, online, or
15 digital facilities are owned or controlled by
16 any political party, political committee, or
17 candidate;” and

18 (B) in clause (iv), by striking “on broad-
19 casting stations, or in newspapers, magazines,
20 or similar types of general public political ad-
21 vertising” and inserting “in any public commu-
22 nication”.

23 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
24 Subsection (a) of section 318 of such Act (52 U.S.C.
25 30120) is amended—

1 (1) by striking “financing any communication
2 through any broadcasting station, newspaper, maga-
3 zine, outdoor advertising facility, mailing, or any
4 other type of general public political advertising”
5 and inserting “financing any public communication”;
6 and

7 (2) by striking “solicits any contribution
8 through any broadcasting station, newspaper, maga-
9 zine, outdoor advertising facility, mailing, or any
10 other type of general public political advertising”
11 and inserting “solicits any contribution through any
12 public communication”.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on the date of the enactment
15 of this Act and shall take effect without regard to whether
16 or not the Federal Election Commission has promulgated
17 the final regulations necessary to carry out this part and
18 the amendments made by this part by the deadline set
19 forth in subsection (e).

20 (e) REGULATION.—Not later than 1 year after the
21 date of the enactment of this Act, the Federal Election
22 Commission shall promulgate regulations on what con-
23 stitutes a paid internet or paid digital communication for
24 purposes of paragraph (22) of section 301 of the Federal
25 Election Campaign Act of 1971 (52 U.S.C. 30101(22)),

1 as amended by subsection (a), except that such regulation
2 shall not define a paid internet or paid digital communica-
3 tion to include communications for which the only pay-
4 ment consists of internal resources, such as employee com-
5 pensation, of the entity paying for the communication.

6 **SEC. 3303. EXPANSION OF DEFINITION OF ELECTION-**
7 **EERING COMMUNICATION.**

8 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

9 (1) APPLICATION TO QUALIFIED INTERNET AND
10 DIGITAL COMMUNICATIONS.—

11 (A) IN GENERAL.—Subparagraph (A) of
12 section 304(f)(3) of the Federal Election Cam-
13 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
14 is amended by striking “or satellite communica-
15 tion” each place it appears in clauses (i) and
16 (ii) and inserting “satellite, or qualified internet
17 or digital communication”.

18 (B) QUALIFIED INTERNET OR DIGITAL
19 COMMUNICATION.—Paragraph (3) of section
20 304(f) of such Act (52 U.S.C. 30104(f)) is
21 amended by adding at the end the following
22 new subparagraph:

23 “(D) QUALIFIED INTERNET OR DIGITAL
24 COMMUNICATION.—The term ‘qualified internet
25 or digital communication’ means any commu-

1 nication which is placed or promoted for a fee
2 on an online platform (as defined in subsection
3 (j)(3)).”.

4 (2) NONAPPLICATION OF RELEVANT ELEC-
5 TORATE TO ONLINE COMMUNICATIONS.—Section
6 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
7 30104(f)(3)(A)(i)(III)) is amended by inserting “any
8 broadcast, cable, or satellite” before “communica-
9 tion”.

10 (3) NEWS EXEMPTION.—Section
11 304(f)(3)(B)(i) of such Act (52 U.S.C.
12 30104(f)(3)(B)(i)) is amended to read as follows:

13 “(i) a communication appearing in a
14 news story, commentary, or editorial dis-
15 tributed through the facilities of any
16 broadcasting station or any online or dig-
17 ital newspaper, magazine, publication, peri-
18 odical, blog, or platform, unless such
19 broadcasting, online, or digital facilities are
20 owned or controlled by any political party,
21 political committee, or candidate;”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 this section shall apply with respect to communications
24 made on or after the date of enactment of this Act, and
25 shall take effect without regard to whether or not the Fed-

1 eral Election Commission has promulgated regulations to
2 carry out such amendments.

3 **SEC. 3304. APPLICATION OF DISCLAIMER STATEMENTS TO**
4 **ONLINE COMMUNICATIONS.**

5 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
6 MENT.—Subsection (a) of section 318 of the Federal Elec-
7 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
8 amended—

9 (1) by striking “shall clearly state” each place
10 it appears in paragraphs (1), (2), and (3) and in-
11 serting “shall state in a clear and conspicuous man-
12 ner”; and

13 (2) by adding at the end the following flush
14 sentence: “For purposes of this section, a commu-
15 nication does not make a statement in a clear and
16 conspicuous manner if it is difficult to read or hear
17 or if the placement is easily overlooked.”.

18 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR
19 DIGITAL COMMUNICATIONS.—

20 (1) IN GENERAL.—Section 318 of such Act (52
21 U.S.C. 30120) is amended by adding at the end the
22 following new subsection:

23 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
24 DIGITAL COMMUNICATIONS.—

1 “(1) SPECIAL RULES WITH RESPECT TO STATE-
2 MENTS.—In the case of any qualified internet or
3 digital communication (as defined in section
4 304(f)(3)(D)) which is disseminated through a me-
5 dium in which the provision of all of the information
6 specified in this section is not possible, the commu-
7 nication shall, in a clear and conspicuous manner—

8 “(A) state the name of the person who
9 paid for the communication; and

10 “(B) provide a means for the recipient of
11 the communication to obtain the remainder of
12 the information required under this section with
13 minimal effort and without receiving or viewing
14 any additional material other than such re-
15 quired information.

16 “(2) SAFE HARBOR FOR DETERMINING CLEAR
17 AND CONSPICUOUS MANNER.—A statement in a
18 qualified internet or digital communication (as de-
19 fined in section 304(f)(3)(D)) shall be considered to
20 be made in a clear and conspicuous manner as pro-
21 vided in subsection (a) if the communication meets
22 the following requirements:

23 “(A) TEXT OR GRAPHIC COMMUNICA-
24 TIONS.—In the case of a text or graphic com-
25 munication, the statement—

1 “(i) appears in letters at least as large
2 as the majority of the text in the commu-
3 nication; and

4 “(ii) meets the requirements of para-
5 graphs (2) and (3) of subsection (c).

6 “(B) AUDIO COMMUNICATIONS.—In the
7 case of an audio communication, the statement
8 is spoken in a clearly audible and intelligible
9 manner at the beginning or end of the commu-
10 nication and lasts at least 3 seconds.

11 “(C) VIDEO COMMUNICATIONS.—In the
12 case of a video communication which also in-
13 cludes audio, the statement—

14 “(i) is included at either the beginning
15 or the end of the communication; and

16 “(ii) is made both in—

17 “(I) a written format that meets
18 the requirements of subparagraph (A)
19 and appears for at least 4 seconds;
20 and

21 “(II) an audible format that
22 meets the requirements of subpara-
23 graph (B).

24 “(D) OTHER COMMUNICATIONS.—In the
25 case of any other type of communication, the

1 statement is at least as clear and conspicuous
2 as the statement specified in subparagraph (A),
3 (B), or (C).”.

4 (2) NONAPPLICATION OF CERTAIN EXCEP-
5 TIONS.—The exceptions provided in section
6 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
7 Regulations, or any successor to such rules, shall
8 have no application to qualified internet or digital
9 communications (as defined in section 304(f)(3)(D)
10 of the Federal Election Campaign Act of 1971).

11 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
12 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
13 Act (52 U.S.C. 30120(d)) is amended—

14 (1) in paragraph (1)(A)—

15 (A) by striking “which is transmitted
16 through radio” and inserting “which is in an
17 audio format”; and

18 (B) by striking “BY RADIO” in the heading
19 and inserting “AUDIO FORMAT”;

20 (2) in paragraph (1)(B)—

21 (A) by striking “which is transmitted
22 through television” and inserting “which is in
23 video format”; and

24 (B) by striking “BY TELEVISION” in the
25 heading and inserting “VIDEO FORMAT”; and

1 (3) in paragraph (2)—

2 (A) by striking “transmitted through radio
3 or television” and inserting “made in audio or
4 video format”; and

5 (B) by striking “through television” in the
6 second sentence and inserting “in video for-
7 mat”.

8 (d) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall take effect on the date of the enact-
10 ment of this Act and shall take effect without regard to
11 whether or not the Federal Election Commission has pro-
12 mulgated regulations to carry out such amendments.

13 **SEC. 3305. POLITICAL RECORD REQUIREMENTS FOR ON-**
14 **LINE PLATFORMS.**

15 (a) IN GENERAL.—Section 304 of the Federal Elec-
16 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
17 ed by sections 1309 and 3101, is amended by adding at
18 the end the following new subsection:

19 “(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
20 MENTS.—

21 “(1) IN GENERAL.—

22 “(A) REQUIREMENTS FOR ONLINE PLAT-
23 FORMS.—

24 “(i) IN GENERAL.—An online plat-
25 form shall maintain, and make available

1 for online public inspection in machine
2 readable format, a complete record of any
3 qualified political advertisement which is
4 purchased by a person whose aggregate
5 purchases of qualified political advertise-
6 ments on such online platform during the
7 calendar year exceeds \$500.

8 “(ii) REQUIREMENT RELATING TO PO-
9 LITICAL ADS SOLD BY THIRD-PARTY AD-
10 VERTISING VENDORS.—An online platform
11 that displays a qualified political advertise-
12 ment sold by a third-party advertising ven-
13 dor shall include on its own platform—

14 “(I) an easily accessible and
15 identifiable link to the records main-
16 tained by the third-party advertising
17 vendor under clause (i) regarding
18 such qualified political advertisement;
19 or

20 “(II) in any case in which the
21 third party advertising vendor does
22 not make such records available, a
23 statement that no records from the
24 third-party advertising vendors
25 records are available.

1 “(B) REQUIREMENTS FOR ADVER-
2 TISERS.—Any person who purchases a qualified
3 political advertisement on an online platform
4 shall provide the online platform with such in-
5 formation as is necessary for the online plat-
6 form to comply with the requirements of sub-
7 paragraph (A).

8 “(2) CONTENTS OF RECORD.—A record main-
9 tained under paragraph (1)(A) shall contain—

10 “(A) a digital copy of the qualified political
11 advertisement;

12 “(B) a description of the audience that re-
13 ceived the advertisement, the number of views
14 generated from the advertisement, and the date
15 and time that the advertisement is first dis-
16 played and last displayed; and

17 “(C) information regarding—

18 “(i) the total cost of the advertise-
19 ment (which may be rounded to the near-
20 est \$100);

21 “(ii) the name of the candidate to
22 which the advertisement refers and the of-
23 fice to which the candidate is seeking elec-
24 tion, the election to which the advertise-
25 ment refers, or the national legislative

1 issue to which the advertisement refers (as
2 applicable);

3 “(iii) in the case of a request made
4 by, or on behalf of, a candidate, the name
5 of the candidate, the authorized committee
6 of the candidate, and the treasurer of such
7 committee; and

8 “(iv) in the case of any request not
9 described in clause (iii), the name of the
10 person purchasing the advertisement, the
11 name and address of a contact person for
12 such person, and a list of the chief execu-
13 tive officers or members of the executive
14 committee or of the board of directors of
15 such person.

16 “(3) ONLINE PLATFORM.—

17 “(A) IN GENERAL.—For purposes of this
18 subsection, subject to subparagraph (B), the
19 term ‘online platform’ means any public-facing
20 website, web application, or digital application
21 (including a social network, ad network, or
22 search engine) which—

23 “(i)(I) sells qualified political adver-
24 tisements; and

1 “(II) has 50,000,000 or more unique
2 monthly United States visitors or users for
3 a majority of months during the preceding
4 12 months; or

5 “(ii) is a third-party advertising ven-
6 dor that has 50,000,000 or more unique
7 monthly United States visitors in the ag-
8 gregate on any advertisement space that it
9 has sold or bought for a majority of
10 months during the preceding 12 months,
11 as measured by an independent digital rat-
12 ings service accredited by the Media Rat-
13 ings Council (or its successor).

14 “(B) EXEMPTION.—Such term shall not
15 include any online platform that is a distribu-
16 tion facility of any broadcasting station or
17 newspaper, magazine, blog, publication, or peri-
18 odical.

19 “(C) THIRD-PARTY ADVERTISING VENDOR
20 DEFINED.—For purposes of this subsection, the
21 term ‘third-party advertising vendor’ includes
22 any third-party advertising vendor network, ad-
23 vertising agency, advertiser, or third-party ad-
24 vertisement serving company that buys and
25 sells advertisement space on behalf of unaffili-

1 ated third-party websites, search engines, dig-
2 ital applications, or social media sites.

3 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—
4 For purposes of this subsection, the term ‘qualified
5 political advertisement’ means any advertisement
6 (including search engine marketing, display adver-
7 tisements, video advertisements, native advertise-
8 ments, and sponsorships) that—

9 “(A) is made by or on behalf of a can-
10 didate; or

11 “(B) communicates a message relating to
12 any political matter of national importance, in-
13 cluding—

14 “(i) a candidate;

15 “(ii) any election to Federal office; or

16 “(iii) a national legislative issue of
17 public importance.

18 “(5) TIME TO MAINTAIN FILE.—The informa-
19 tion required under this subsection shall be made
20 available as soon as possible and shall be retained by
21 the online platform for a period of not less than 4
22 years.

23 “(6) SPECIAL RULE.—For purposes of this sub-
24 section, multiple versions of an advertisement that
25 contain no material differences (such as versions

1 that differ only because they contain a recipient’s
2 name, or differ only in size, color, font, or layout)
3 may be treated as a single qualified political adver-
4 tisement.

5 “(7) PENALTIES.—For penalties for failure by
6 online platforms, and persons requesting to purchase
7 a qualified political advertisement on online plat-
8 forms, to comply with the requirements of this sub-
9 section, see section 309.”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on the date of the enactment
12 of this Act and shall take effect without regard to whether
13 or not the Federal Election Commission has promulgated
14 the final regulations necessary to carry out this part and
15 the amendments made by this part by the deadline set
16 forth in subsection (c).

17 (c) RULEMAKING.—Not later than 120 days after the
18 date of the enactment of this Act, the Federal Election
19 Commission shall establish rules—

20 (1) for determining whether an advertisement
21 communicates a national legislative issue for pur-
22 poses of section 304(j) of the Federal Election Cam-
23 paign Act of 1971 (as added by subsection (a));

24 (2) requiring common data formats for the
25 record required to be maintained under such section

1 304(j) so that all online platforms submit and main-
2 tain data online in a common, machine-readable and
3 publicly accessible format; and

4 (3) establishing search interface requirements
5 relating to such record, including searches by can-
6 didate name, issue, purchaser, and date.

7 (d) REPORTING.—Not later than 2 years after the
8 date of the enactment of this Act, and biannually there-
9 after, the Chairman of the Federal Election Commission
10 shall submit a report to Congress on—

11 (1) matters relating to compliance with and the
12 enforcement of the requirements of section 304(j) of
13 the Federal Election Campaign Act of 1971, as
14 added by subsection (a);

15 (2) recommendations for any modifications to
16 such section to assist in carrying out its purposes;
17 and

18 (3) identifying ways to bring transparency and
19 accountability to political advertisements distributed
20 online for free.

1 **SEC. 3306. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
2 **INDEPENDENT EXPENDITURES, AND DIS-**
3 **BURSEMENTS FOR ELECTIONEERING COM-**
4 **MUNICATIONS BY FOREIGN NATIONALS IN**
5 **THE FORM OF ONLINE ADVERTISING.**

6 Section 319 of the Federal Election Campaign Act
7 of 1971 (52 U.S.C. 30121), as amended by section 3201,
8 is amended by redesignating subsections (b) and (c) as
9 subsections (c) and (d), respectively, and by inserting after
10 subsection (a) the following new subsection:

11 “(b) RESPONSIBILITIES OF BROADCAST STATIONS,
12 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
13 ONLINE PLATFORMS.—

14 “(1) IN GENERAL.—Each television or radio
15 broadcast station, provider of cable or satellite tele-
16 vision, or online platform (as defined in section
17 304(j)(3)) shall make reasonable efforts to ensure
18 that communications described in section 318(a) and
19 made available by such station, provider, or platform
20 are not purchased by a foreign national, directly or
21 indirectly.

22 “(2) REGULATIONS.—Not later than 1 year
23 after the date of the enactment of this subsection,
24 the Commission shall promulgate regulations on
25 what constitutes reasonable efforts under paragraph
26 (1).”.

1 **SEC. 3307. REQUIRING ONLINE PLATFORMS TO DISPLAY**
2 **NOTICES IDENTIFYING SPONSORS OF POLIT-**
3 **ICAL ADVERTISEMENTS AND TO ENSURE NO-**
4 **TICES CONTINUE TO BE PRESENT WHEN AD-**
5 **VERTISEMENTS ARE SHARED.**

6 (a) IN GENERAL.—Section 304 of the Federal Elec-
7 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
8 ed by sections 1309, 3101, and 3305(a), is amended by
9 adding at the end the following new subsection:

10 “(k) ENSURING DISPLAY AND SHARING OF SPONSOR
11 IDENTIFICATION IN ONLINE POLITICAL ADVERTISE-
12 MENTS.—

13 “(1) REQUIREMENT.—Any online platform that
14 displays a qualified political advertisement (regard-
15 less of whether such qualified political advertisement
16 was purchased directly from the online platform)
17 shall—

18 “(A) display with the advertisement a visi-
19 ble notice identifying the sponsor of the adver-
20 tisement (or, if it is not practical for the plat-
21 form to display such a notice, a notice that the
22 advertisement is sponsored by a person other
23 than the platform); and

24 “(B) ensure that the notice will continue to
25 be displayed if a viewer of the advertisement

1 shares the advertisement with others on that
2 platform.

3 “(2) SAFE HARBOR.—An online platform shall
4 not be treated as having failed to comply with the
5 requirements of paragraph (1)(A) for the
6 misidentification of a person as the sponsor of the
7 advertisement if—

8 “(A) the person placing the online adver-
9 tisement designated the person displayed in the
10 advertisement as the sponsor; and

11 “(B) the online platform relied on such
12 designation in good faith.

13 “(3) DEFINITIONS.—In this subsection—

14 “(A) the term ‘online platform’ has the
15 meaning given such term in subsection (j)(3);

16 “(B) the term ‘qualified political adver-
17 tisement’ has the meaning given such term in
18 subsection (j)(4); and

19 “(C) the term ‘sponsor’ means the person
20 purchasing the advertisement.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall apply with respect to advertisements
23 displayed on or after the 120-day period which begins on
24 the date of the enactment of this Act and shall take effect
25 without regard to whether or not the Federal Election

1 Commission has promulgated regulations to carry out
2 such amendments.

3 **TITLE XXXIV—PREVENTING A**
4 **PATRONAGE SYSTEM**

5 **SEC. 3401. SHORT TITLE.**

6 This title may be cited as the “Saving the Civil Serv-
7 ice Act”.

8 **SEC. 3402. LIMITATIONS ON EXCEPTING POSITIONS FROM**
9 **COMPETITIVE SERVICE AND TRANSFERRING**
10 **POSITIONS.**

11 (a) IN GENERAL.—A position in the competitive serv-
12 ice may not be excepted from the competitive service un-
13 less that position is placed—

14 (1) in any of schedules A through E, as de-
15 scribed in section 6.2 of title 5, Code of Federal
16 Regulations, as in effect on September 30, 2020;
17 and

18 (2) under the terms and conditions under part
19 6 of title 5, Code of Federal Regulations, as in effect
20 on September 30, 2020.

21 (b) TRANSFERS.—

22 (1) WITHIN EXCEPTED SERVICE.—A position in
23 the excepted service may not be transferred to any
24 schedule other than a schedule described in sub-
25 section (a)(1).

1 (2) OPM CONSENT REQUIRED.—An agency
2 may not transfer any occupied position from the
3 competitive service or excepted service into schedule
4 C of subpart C of part 213 of title 5, Code of Fed-
5 eral Regulations, without the prior consent of the
6 Director.

7 (3) LIMIT DURING PRESIDENTIAL TERM.—Dur-
8 ing any 4-year presidential term, an agency may not
9 transfer from the competitive service into the ex-
10 cepted service a total number of employees that is
11 more than 1 percent of the total number of employ-
12 ees at that agency, as of the first day of that term,
13 or 5 employees, whichever is greater.

14 (4) EMPLOYEE CONSENT REQUIRED.—Notwith-
15 standing any other provision of this section—

16 (A) an employee who occupies a position in
17 the excepted service may not be transferred to
18 an excepted service schedule other than the
19 schedule in which that position is located with-
20 out the prior written consent of the employee;
21 and

22 (B) an employee who occupies a position in
23 the competitive service may not be transferred
24 to the excepted service without the prior written
25 consent of the employee.

1 (c) OTHER MATTERS.—

2 (1) APPLICATION.—Notwithstanding section
3 7425(b) of title 38, United States Code, this section
4 shall apply to positions under chapters 73 and 74 of
5 that title.

6 (2) REGULATIONS.—The Director shall issue
7 regulations to implement this section.

8 (d) DEFINITIONS.—In this section—

9 (1) the term “agency” means any department,
10 agency, or instrumentality of the Federal Govern-
11 ment;

12 (2) the term “competitive service” has the
13 meaning given that term in section 2102 of title 5,
14 United States Code;

15 (3) the term “Director” means the Director of
16 the Office of Personnel Management; and

17 (4) the term “excepted service” has the mean-
18 ing given that term in section 2103 of title 5, United
19 States Code.

1 **TITLE XXXV—USE OF FEDERAL**
2 **PROPERTY; VISITOR RECORDS**

3 **SEC. 3501. PROHIBITION ON USE OF FEDERAL PROPERTY**
4 **FOR POLITICAL CONVENTIONS.**

5 (a) IN GENERAL.—Chapter 29 of title 18, United
6 States Code, is amended by inserting after section 611 the
7 following:

8 **“§ 612. Prohibition on use of federal property for cer-**
9 **tain political activities**

10 “(a) A convention of a national political party held
11 to nominate a candidate for the office of President or Vice
12 President may not be held on or in any Federal property.

13 “(b) Any candidate or the authorized committee of
14 the candidate under the Federal Election Campaign Act
15 of 1971 which was responsible for a convention in violation
16 of subsection (a) shall be subject to an assessment of a
17 civil penalty equal to the fair market value of the cost of
18 the convention or \$50,000, whichever is greater, or impris-
19 oned not more than five years, or both.

20 “(c) In this section, the term ‘Federal property’
21 means any building, land, or other real property owned,
22 leased, or occupied by any department, agency, or instru-
23 mentality of the United States, including the White House
24 grounds and the White House (including the Old Execu-
25 tive Office Building, the West Wing, the East Wing, the

1 Rose Garden, and the Executive Residence, but not includ-
2 ing the second floor of the Executive Residence).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for such chapter is amended by inserting after the item
5 relating to section 611 the following:

“612. Prohibition on use of Federal property for certain political activities.”.

6 (c) APPLICATION.—

7 (1) IN GENERAL.—This section and the amend-
8 ments made by this section shall apply to any con-
9 vention described in section 612(a) of title 18,
10 United States Code, as added by subsection (a), oc-
11 ccurring on or after the date of enactment of this
12 Act.

13 (2) TRAVEL.—Nothing in this section or the
14 amendments made by this section shall be construed
15 to limit or otherwise prevent the President or Vice
16 President from using vehicles (including aircraft)
17 owned or leased by the Government for travel to or
18 from any such convention.

19 **SEC. 3502. IMPROVING ACCESS TO INFLUENTIAL VISITOR**

20 **ACCESS RECORDS.**

21 (a) DEFINITIONS.—In this section:

22 (1) COVERED LOCATION.—The term “covered
23 location” means—

24 (A) the White House;

1 (B) the residence of the Vice President;
2 and

3 (C) any other location at which the Presi-
4 dent or the Vice President regularly conducts
5 official business.

6 (2) COVERED RECORDS.—The term “covered
7 records” means information relating to a visit at a
8 covered location, which shall include—

9 (A) the name of each visitor at the covered
10 location;

11 (B) the name of each individual with whom
12 each visitor described in subparagraph (A) met
13 at the covered location; and

14 (C) the purpose of the visit.

15 (b) REQUIREMENT.—Except as provided in sub-
16 section (c), not later than 90 days after the date of enact-
17 ment of this Act, the President shall establish and update,
18 every 90 days thereafter, a publicly available database that
19 contains covered records for the preceding 90-day period,
20 on a publicly available website in an easily searchable and
21 downloadable format.

22 (c) EXCEPTIONS.—

23 (1) IN GENERAL.—The President shall not in-
24 clude in the database established under subsection

25 (b) any covered record—

1 (A) the posting of which would implicate
2 personal privacy or law enforcement concerns or
3 threaten national security;

4 (B) relating to a purely personal guest at
5 a covered location; or

6 (C) that reveals the social security number,
7 taxpayer identification number, birth date,
8 home address, or personal phone number of an
9 individual, the name of an individual who is less
10 than 18 years old, or a financial account num-
11 ber.

12 (2) SENSITIVE MEETINGS.—With respect to a
13 particularly sensitive meeting at a covered location,
14 the President shall—

15 (A) include the number of visitors at the
16 covered location in the database established
17 under subsection (b);

18 (B) post the applicable covered records in
19 the database established under subsection (b)
20 when the President determines that release of
21 the covered records is no longer sensitive; and

22 (C) post any reasonably segregable portion
23 that is not covered by an exception described in
24 subsection (c) of any such excepted record on
25 the website described under subsection (b).

1 **TITLE XXXVI—NO CORPORATE**
2 **CROOKS**

3 **SEC. 3601. SHORT TITLE.**

4 This title may be cited as the “No Corporate Crooks
5 Act”.

6 **SEC. 3602. RESTRICTION ON SERVICE IN THE EXECUTIVE**
7 **BRANCH.**

8 (a) RESTRICTION.—

9 (1) IN GENERAL.—Any individual who is finally
10 convicted of a covered crime for which any portion
11 of the conduct constituting the covered crime was
12 committed while the individual was serving or em-
13 ployed as the chief executive officer of any public or
14 private non-Federal entity, without regard to wheth-
15 er the conduct was committed in the course of the
16 official duties of the individual as chief executive of-
17 ficer, shall be ineligible for appointment to a position
18 in the executive branch of the Federal Government.

19 (2) COVERED CRIME DEFINED.—In this sub-
20 section, the term “covered crime” means any of the
21 following:

22 (A) Any corruption-related offense under
23 Federal law, which includes the following:

1 (i) Bribery, which includes a violation
2 of section 201 or 666 of title 18, United
3 States Code.

4 (ii) Copyright infringement, which in-
5 cludes a violation of chapter 5 of title 17,
6 United States Code.

7 (iii) Cybercrime, which includes a vio-
8 lation of section 1030 of title 18, United
9 States Code.

10 (iv) Embezzlement, which includes a
11 violation of chapter 31 of title 18, United
12 States Code.

13 (v) Fraud, which includes a violation
14 of chapter 63 of title 18, United States
15 Code.

16 (vi) Insider trading, which includes a
17 violation of section 10 of the Securities Ex-
18 change Act of 1934 (15 U.S.C. 78j).

19 (vii) Wage theft, which includes a vio-
20 lation of the Fair Labor Standards Act of
21 1938 (29 U.S.C. 201 et seq.).

22 (viii) Tax evasion, which includes a
23 violation of section 7201 of the Internal
24 Revenue Code of 1986.

1 (B) Any offense under the law of a State
2 that is comparable to an offense under Federal
3 law described in subparagraph (A).

4 (b) PENALTY.—Any individual serving in a position
5 in the executive branch of the Federal Government on the
6 date of enactment of this Act who would not be eligible
7 for appointment to such a position under subsection (a)
8 shall removed from service or employment in the executive
9 branch of the Federal Government.

10 **TITLE XXXVII—RECUSAL OF EX-**
11 **ECUTIVE BRANCH OFFICERS**
12 **AND EMPLOYEES**

13 **SEC. 3701. SHORT TITLE.**

14 This title may be cited as the “Stop Millionaires
15 Using Service for Kickbacks Act” or the “Stop MUSK
16 Act”.

17 **SEC. 3702. RECUSAL OF EXECUTIVE BRANCH OFFICERS**
18 **AND EMPLOYEES IN MATTERS AFFECTING FI-**
19 **NANCIAL INTERESTS OF PREVIOUS EMPLOY-**
20 **ERS.**

21 Section 208(a) of title 18, United States Code, is
22 amended by inserting after “organization in which he is
23 serving as officer, director, trustee, general partner or em-
24 ployee,” the following: “organization for which he, during
25 the 4-year period preceding such participation, served as

1 an officer, director, trustee, general partner, agent, attor-
2 ney, consultant, contractor, employee, or direct compet-
3 itor, organization (other than a political organization, as
4 defined in section 527(e) of the Internal Revenue Code
5 of 1986) in which he is an active participant.”

6 **TITLE XXXVIII—CLARIFICATION**
7 **OF DEFINITION OF OFFICIAL**
8 **ACT**

9 **SEC. 3801. SHORT TITLE.**

10 This title may be cited as the “Closing Bribery Loop-
11 holes Act”.

12 **SEC. 3802. CLARIFICATION OF DEFINITION OF OFFICIAL**
13 **ACT.**

14 Section 201(a)(3) of title 18, United States Code, is
15 amended to read as follows:

16 “(3)(A) the term ‘official act’ means any act
17 within the range of official duty, and any decision,
18 recommendation, or action on any question, matter,
19 cause, suit, proceeding, or controversy, which may at
20 any time be pending, or which may by law be
21 brought before any public official, in such public of-
22 ficial’s official capacity or in such official’s place of
23 trust or profit, including any pardon, commutation,
24 or reprieve, or an offer of any such pardon, com-
25 mutation, or reprieve; and

1 “(B) for purposes of subparagraph (A), an offi-
2 cial act—

3 “(i) may be comprised of a single act,
4 more than one act, or a course of conduct to ef-
5 fect the official act; and

6 “(ii) may occur whether or not it success-
7 fully achieves a desired outcome.”.

8 **DIVISION D—SEVERABILITY**

9 **TITLE XLI—SEVERABILITY**

10 **SEC. 4101. SEVERABILITY.**

11 If any provision of this Act or any amendment made
12 by this Act, or the application of a provision of this Act
13 or an amendment made by this Act to any person or cir-
14 cumstance, is held to be unconstitutional, the remainder
15 of this Act, and the application of the provision or amend-
16 ment to any person or circumstance, shall not be affected
17 by the holding.