

PROTECTING OUR DEMOCRACY ACT: SECTION BY SECTION
DIVISION A—PREVENTING ABUSES OF PRESIDENTIAL POWER

TITLE XI—ABUSE OF THE PARDON POWER PREVENTION

This title incorporates many of the provisions in the *Abuse of the Pardon Prevention Act*. It amends the federal bribery statute (18 USC 201) to make explicit that offering or granting a pardon or commutation may serve as the basis for finding criminal culpability under the statute. Finally, it makes explicit that a president may not issue a self-pardon.

TITLE XII—ENSURING NO PRESIDENT IS ABOVE THE LAW

The *No President is Above the Law Act* would suspend the statute of limitations for any federal offense committed by a sitting president or vice president, whether it was committed before or during their terms in office. This legislation would ensure that presidents and vice presidents can be held accountable for criminal conduct just like every other American and not use their offices as a shield to avoid legal consequences.

TITLE XIII—ENFORCEMENT OF THE FOREIGN AND DOMESTIC EMOLUMENTS

CLAUSES OF THE CONSTITUTION

The Foreign Emoluments Clause of the Constitution prohibits federal officers from receiving “presents” or “emoluments” from foreign nations unless Congress first provides its consent, while the Domestic Emoluments Clause bars the President from receiving any emoluments from the United States government or from any state government. This section contains a general prohibition on the President’s acceptance of Foreign and Domestic Emoluments and creates a Congressional cause of action to address violations of the Foreign Emoluments Clause. Additions have been made this Congress to explicitly prohibit a subset of emoluments and to create processes to facilitate Congressional notification (and, as applicable to foreign emoluments, Congressional consent). This section makes explicit the Executive Branch’s legal obligations to enforce these prohibitions on the acceptance of Domestic and Foreign Emoluments and, where appropriate, also provides for private “whistleblower” lawsuits similar to *qui tam* actions under the False Claims Act to further facilitate enforcement. Lastly, this section includes prohibitions on payments to the President by certain covered officials and clemency grantees to prevent the President from instituting a “pay-to-play” regime that covers activities that – while they may not meet the legal standard for criminal bribery – the appearance of which is nonetheless corrosive to democracy.

TITLE XIV—INVESTIGATIVE INTEGRITY PROTECTION

The Investigative Integrity Protection Act would prevent a sitting president from dismissing an active criminal prosecution against him or herself, including through coercion of an attorney general by the president or anyone acting on the president’s behalf.

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

TITLE XXI—ENFORCEMENT OF CONGRESSIONAL SUBPOENAS

The *Congressional Subpoena Compliance and Enforcement Act* reinforces Congress’s Article I powers by strengthening its tools to enforce lawfully issued subpoenas. First, the bill affirms the House’s and Senate’s authority to enforce their subpoenas through civil suits and provides expedited processes for these actions, as well as enhanced penalties for non-compliance. Second, it specifies the manner in which subpoena recipients must comply, including by creating an express requirement to testify and produce subpoenaed information and, to the extent any information is withheld, to produce a detailed log describing the basis for non-compliance.

TITLE XXII—REASSERTING CONGRESSIONAL POWER OF THE PURSE

The Congressional Power of the Purse Act would strengthen Congress’s constitutional control over federal spending and reinforce the separation of powers. It prevents the President from withholding funds without congressional approval, ensures timely release of funds by the Office of Management and Budget (OMB), and closes loopholes that allow unilateral executive budget decisions—especially in emergencies. The Act also increases executive branch transparency by requiring public access to OMB apportionments, DOJ legal opinions on budget law, and detailed reporting on cancelled funds and violations of budget laws. Finally, it adds enforcement tools, including faster legal action by GAO, disciplinary measures for budget law violations, and DOJ investigations into serious breaches.

TITLE XXIII—SECURITY FROM POLITICAL INTERFERENCE IN JUSTICE

Since Watergate, every Administration has issued guidance limiting contact between the White House and DOJ in order to limit political interference in criminal and civil enforcement matters. Unfortunately, in recent years we have seen numerous instances where that norm was ignored. The *Security from Political Interference in Justice Act* seeks to help ensure that these norms are followed in the future, by requiring that the Attorney General (AG) maintain a log of certain designated contacts between the White House and DOJ that is to be shared with the DOJ Inspector General (IG) on a semi-annual basis, with an additional requirement that the IG share any inappropriate or improper contacts with the House and Senate Judiciary Committees.

TITLE XXIV—PROTECTING WHISTLEBLOWERS

Subtitle A—Whistleblower Protection Improvement

The *Whistleblower Protection Improvement Act* would strengthen the law to ensure that federal employees who blow the whistle on waste, fraud, and abuse are protected from retaliation. The *Whistleblower Protection Improvement Act* would clarify that no federal official may interfere with a federal employee’s ability to share information with Congress. This measure would also limit disclosure of a whistleblower’s identity, prohibit retaliatory investigations, expand whistleblower protections to all noncareer appointees in the Senior Executive Service, and provide access to jury trials for whistleblowers.

Subtitle B—Whistleblowers of the Intelligence Community

Subtitle B would provide additional protections for whistleblowers within the IC. Specifically, it makes unlawful the sharing of whistleblower complaints with the subjects of those complaints; provides a secure mechanism for whistleblowers to provide information directly to the congressional intelligence committees; prohibits the disclosure of a whistleblower's identity without his or her consent; and creates a private cause of action for whistleblowers against whom an adverse personnel action is taken as a reprisal.

TITLE XXV—ACCOUNTABILITY FOR ACTING OFFICIALS

The Accountability for Acting Officials Act would amend the Federal Vacancies Reform Act (FVRA) to bring greater accountability to the process for filling vacant positions. The Act would promote filling vacancies with qualified acting officials, incentivize the President to nominate officials for vacancies more rapidly, and close loopholes in existing law.

TITLE XXVI—STRENGTHENING HATCH ACT ENFORCEMENT AND PENALTIES

Under existing law, only the President can impose discipline on senior political appointees when they violate the Hatch Act, which prohibits federal employees from engaging in improper partisan activities. The Hatch Act Accountability Act would provide the Merit Systems Protection Board with the authority to hold senior political appointees accountable when the President fails to take action, by issuing a fine of up to \$50,000.

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

Subtitle B directs the Office of Government Ethics to promulgate regulations establishing ethics requirements for the establishment or operation of legal expense funds for the benefit of the President, Vice President, or any political appointee.

TITLE XXVII—PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY

Title XXVII requires sitting presidents and vice presidents and major party candidates for the presidency and vice-presidency to publicly disclose their 10 most recent federal income tax returns.

TITLE XXVIII—BRINGING EXECUTIVE ACCOUNTABILITY, CLARITY, AND OVERSIGHT

Inspectors General provide an important mechanism for accountability, documenting wrongdoing, and detecting fraud and abuse within the Executive Branch. The White House uniquely lacks a body to conduct these necessary activities, creating opportunity for malfeasance and wrongdoing. The *Bringing Executive Accountability, Clarity, and Oversight Now (BEACON) Act* would create an EOP IG, to undergo the normal presidential appointment process with additional protections to ensure independence from the White House.

DIVISION C—MISCELLANEOUS

TITLE XXXI—REPORTING FOREIGN INTERFERENCE IN ELECTIONS

Title XXXI of the Act requires political campaigns, parties, and political committees like political action committees (PACs) and Super PACs to report attempts by foreign governments, foreign political parties, and their agents to influence our elections to the Federal Election Commission (FEC) and Federal Bureau of Investigation (FBI). It requires the FBI to report on these notifications annually to the congressional intelligence committees. It also requires campaigns to establish compliance mechanisms. It ensures violations of these foreign contact reporting requirements can incur criminal or civil liability.

TITLE XXXII—ELIMINATING FOREIGN INTERFERENCE IN ELECTIONS

Title XXXII works to eliminate foreign interference in U.S. elections by making clear that the Federal Election Campaign Act prohibits the acceptance of opposition research, polling, and other non-public information relating to a candidate for federal, state, or local office by foreign governments and political parties for the purpose of influencing an election. It provides for enhanced criminal penalties for violations of this prohibition. Finally, it ensures that members and employees of political campaigns will be on notice of this prohibition by requiring the FEC to provide a written explanation of the prohibition to political campaigns, and for campaigns to certify their receipt and understanding of the explanation.

TITLE XXXIII—HONEST ADS

The Honest Ads Act modernizes Federal Election Commission (FEC) disclosure requirements to ensure online political advertisements meet the same transparency and disclosure requirements that already apply to political ads sold on TV, radio, and satellite platforms. This title also requires online platforms to take reasonable steps to ensure that foreign individuals and entities are not purchasing political advertisements in order to influence the American electorate and directs the FEC to commission an independent study and report on media literacy with respect to online political content consumption among voting-age Americans.

TITLE XXXIV—PREVENTING A PATRONAGE SYSTEM

The *Saving the Civil Service Act* protects the federal workforce from politicization and political manipulation by prohibiting the establishment of schedule F of the excepted service.

TITLE XXXV—USE OF FEDERAL PROPERTY; VISITOR RECORDS

This title bans national political party conventions for federal candidates from being held on federal property, including the White House, with violations punishable by fines or imprisonment. It further requires the President to maintain a public database of White House visitor records, with limited exceptions for sensitive or personal visits.

TITLE XXXVI—NO CORPORATE CROOKS

The *No Corporate Crooks Act* would prohibit corporate executives from serving in the executive branch if they have been convicted of financial or corruption crimes.

**TITLE XXXVII—RECUSAL OF EXECUTIVE BRANCH OFFICERS AND
EMPLOYEES**

The *Stop Millionaires Using Service for Kickbacks (MUSK) Act* would amend the federal conflicts of interest statute (18 USC 208) to require government employees to recuse themselves from any matters affecting the financial interests of previous employers from four-year period prior.

TITLE XXXVIII—CLARIFICATION OF DEFINITION OF OFFICIAL ACT

In *McDonnell v. United States*, the Supreme Court unanimously eroded the Hobbs Act’s application to public officials by narrowing the definition of “official acts.” The Closing Bribery Loopholes Act would close a loophole in the federal bribery statute that the Supreme Court opened.

DIVISION D—SEVERABILITY

TITLE XLI—SEVERABILITY

This title provides that if any provision within the Act is found unconstitutional or otherwise invalid, the validity of the remainder of the Act shall not be affected.