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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

11 (4) Division D—Severability.

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

Sec. 1. Short title.

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

DIVISION A—PREVENTING ABUSES OF PRESIDENTIAL POWER

TITLE I—ABUSE OF THE PARDON POWER PREVENTION

Sec. 101. Short title.

Sec. 102. Congressional oversight relating to certain pardons.

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

Sec. 104. Prohibition on presidential self-pardon.

TITLE II—ENSURING NO PRESIDENT IS ABOVE THE LAW

Sec. 201. Short title.

Sec. 202. Tolling of statute of limitations.

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

Sec. 301. Short title.

Sec. 302. Definitions.

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

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

Sec. 305. Disclosures concerning foreign and domestic emoluments.

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

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

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

TITLE IV—ENFORCEMENT OF CONGRESSIONAL SUBPOENAS

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

TITLE V—REASSERTING CONGRESSIONAL POWER OF THE PURSE

- Sec. 500. Short title.

Subtitle A—Strengthening Congressional Control and Review to Prevent
Impoundment

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

Subtitle B—Strengthening Transparency and Reporting

PART 1—FUNDS MANAGEMENT AND REPORTING TO THE CONGRESS

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

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

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

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

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

TITLE VI—SECURITY FROM POLITICAL INTERFERENCE IN
JUSTICE

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

TITLE VII—PROTECTING INSPECTOR GENERAL INDEPENDENCE

Subtitle A—Requiring Cause for Removal

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

Subtitle B—Inspectors General of Intelligence Community

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

Subtitle C—Congressional Notification

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

TITLE VIII—PROTECTING WHISTLEBLOWERS

Subtitle A—Whistleblower Protection Improvement

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

Subtitle B—Whistleblowers of the Intelligence Community

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

TITLE IX—ACCOUNTABILITY FOR ACTING OFFICIALS

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

TITLE X—STRENGTHENING HATCH ACT ENFORCEMENT AND
PENALTIES

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

TITLE XI—PROMOTING EFFICIENT PRESIDENTIAL TRANSITIONS

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

TITLE XII—PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY

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

DIVISION C—DEFENDING ELECTIONS AGAINST FOREIGN INTERFERENCE

TITLE XIII—REPORTING FOREIGN INTERFERENCE IN ELECTIONS

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

TITLE XIV—ELIMINATING FOREIGN INTERFERENCE IN ELECTIONS

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

DIVISION D—SEVERABILITY

TITLE XV—SEVERABILITY

- Sec. 1501. Severability.

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

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

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

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

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

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

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

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

21 (c) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

1 (1) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 302. DEFINITIONS.**

2 In this title:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (1) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

23 **SEC. 402. FINDINGS.**

24 The Congress finds as follows:

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

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

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

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

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

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

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

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

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

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

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

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

15 “(c) PENALTIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(b) FAILURE TO PRODUCE INFORMATION.—

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

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

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

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

7 “(B) The type of information.

8 “(C) The general subject matter.

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

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

12 “(F) The custodian of the information.

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

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

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

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

“105. Response to congressional subpoenas.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(b) APPROVING OFFICIALS.—

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

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

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

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

“1019. Reporting.”.

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

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

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

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

15 “(c) REVIEW.—

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

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

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

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

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

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

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

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

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

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

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

11 “SUITS BY COMPTROLLER GENERAL

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

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

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

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

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

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

3 “(b) REPORTING VIOLATIONS.—

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

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

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

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

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

“1020. Penalties for failure to comply.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(42) a report on—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **PART 2—EMPOWERING CONGRESSIONAL REVIEW**
2 **THROUGH NONPARTISAN CONGRESSIONAL**
3 **AGENCIES AND TRANSPARENCY INITIATIVES**
4 **SEC. 521. REQUIREMENT TO RESPOND TO REQUESTS FOR**
5 **INFORMATION FROM THE GOVERNMENT AC-**
6 **COUNTABILITY OFFICE FOR BUDGET AND AP-**
7 **PROPRIATIONS LAW DECISIONS.**

8 (a) IN GENERAL.—Subchapter II of chapter 7 of title
9 31, United States Code, is amended by adding at the end
10 the following:

11 **“SEC. 722. REQUIREMENT TO RESPOND TO REQUESTS FOR**
12 **INFORMATION FROM THE GOVERNMENT AC-**
13 **COUNTABILITY OFFICE FOR BUDGET AND AP-**
14 **PROPRIATIONS LAW DECISIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 “(b)(1) If an executive agency or the District of Co-
21 lumbia government reports, under section 1351, a viola-
22 tion of section 1341(a) or 1342, the Attorney General
23 shall promptly review such report and investigate to the
24 extent necessary to determine whether there are reason-
25 able grounds to believe that the responsible officer or em-

1 ployee knowingly and willfully violated such section
2 1341(a) or 1342, as applicable. If the Attorney General
3 determines that there are such reasonable grounds, the
4 Attorney General diligently shall investigate a criminal
5 violation under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **TICE OFFICE OF LEGAL COUNSEL.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (A) in writing;

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

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

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

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

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

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

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

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

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

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

10 (1) with respect to each opinion—

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

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

19 (i) the title of the opinion;

20 (ii) the date of publication or revision;

21 or

22 (iii) the full text of the opinion;

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

1 the opinion was transmitted for publication;
2 and

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

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

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

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

14 (d) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(a) TEMPORARY EFFECTIVE PERIODS.—

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

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

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

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

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

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

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

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

21 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(b) NATIONAL EMERGENCY DESCRIBED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (d) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

11 (e) EFFECTIVE DATE; APPLICABILITY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (c) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **SEC. 602. DEFINITIONS.**

10 In this title:

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

14 (2) COVERED COMMUNICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (B) stands in loco parentis.

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

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

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

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

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

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

13 (c) OVERSIGHT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

24 This subtitle may be cited as the “Inspector General
25 Independence Act”.

1 **SEC. 702. AMENDMENT.**

2 The Inspector General Act of 1978 (5 U.S.C. App.)
3 is amended—

4 (1) in section 3(b)—

5 (A) by striking “An Inspector General”
6 and inserting “(1) An Inspector General”;

7 (B) by inserting after “by the President”
8 the following: “in accordance with paragraph
9 (2)”; and

10 (C) by inserting at the end the following
11 new paragraph:

12 “(2) The President may remove an Inspector General
13 only for any of the following grounds (and the documenta-
14 tion of any such ground shall be included in the commu-
15 nication required pursuant to paragraph (1)):

16 “(A) Documented permanent incapacity.

17 “(B) Documented neglect of duty.

18 “(C) Documented malfeasance.

19 “(D) Documented conviction of a felony or con-
20 duct involving moral turpitude.

21 “(E) Documented knowing violation of a law or
22 regulation.

23 “(F) Documented gross mismanagement.

24 “(G) Documented gross waste of funds.

25 “(H) Documented abuse of authority.

26 “(I) Documented inefficiency.”; and

1 (2) in section 8G(e)(2), by adding at the end
2 the following new sentence: “An Inspector General
3 may be removed only for any of the following
4 grounds (and the documentation of any such ground
5 shall be included in the communication required pur-
6 suant to this paragraph):

7 “(A) Documented permanent incapacity.

8 “(B) Documented neglect of duty.

9 “(C) Documented malfeasance.

10 “(D) Documented conviction of a felony or con-
11 duct involving moral turpitude.

12 “(E) Documented knowing violation of a law or
13 regulation.

14 “(F) Documented gross mismanagement.

15 “(G) Documented gross waste of funds.

16 “(H) Documented abuse of authority.

17 “(I) Documented inefficiency.”.

18 **SEC. 703. REMOVAL OR TRANSFER REQUIREMENTS.**

19 (a) REASONS FOR REMOVAL OR TRANSFER.—Section
20 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.),
21 as amended by section 702, is further amended—

22 (1) in paragraph (1), by striking “reasons” and
23 inserting “substantive rationale, including detailed
24 and case-specific reasons,”; and

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

3 “(3) If there is an open or completed inquiry
4 into an Inspector General that relates to the removal
5 or transfer of the Inspector General under para-
6 graph (1), the written communication required
7 under that paragraph shall—

8 “(A) identify each entity that is con-
9 ducting, or that conducted, the inquiry; and

10 “(B) in the case of a completed inquiry,
11 contain the findings made during the inquiry.”.

12 (b) REASONS FOR REMOVAL OR TRANSFER FOR DES-
13 IGNATED FEDERAL ENTITIES.—Section 8G(e) of the In-
14 spector General Act of 1978 (5 U.S.C. App.) is amend-
15 ed—

16 (1) in paragraph (2), by striking “reasons” and
17 inserting “substantive rationale, including detailed
18 and case-specific reasons,”; and

19 (2) by inserting at the end the following new
20 paragraph:

21 “(3) If there is an open or completed inquiry
22 into an Inspector General that relates to the removal
23 or transfer of the Inspector General under para-
24 graph (2), the written communication required
25 under that paragraph shall—

1 “(A) identify each entity that is con-
2 ducting, or that conducted, the inquiry; and

3 “(B) in the case of a completed inquiry,
4 contain the findings made during the inquiry.”.

5 **Subtitle B—Inspectors General of**
6 **Intelligence Community**

7 **SEC. 711. INDEPENDENCE OF INSPECTORS GENERAL OF**
8 **THE INTELLIGENCE COMMUNITY.**

9 (a) IN GENERAL.—The National Security Act of
10 1947 (50 U.S.C. 3001 et seq.) is amended by adding at
11 the end the following new title:

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

16 **“Subtitle A—Inspectors General**

17 **“SEC. 1201. INDEPENDENCE OF INSPECTORS GENERAL.**

18 “(a) REMOVAL.—A covered Inspector General may be
19 removed from office only by the head official. The head
20 official may remove a covered Inspector General only for
21 any of the following grounds:

22 “(1) Documented permanent incapacity.

23 “(2) Documented neglect of duty.

24 “(3) Documented malfeasance.

1 “(4) Documented conviction of a felony or con-
2 duct involving moral turpitude.

3 “(5) Documented knowing violation of a law or
4 regulation.

5 “(6) Documented gross mismanagement.

6 “(7) Documented gross waste of funds.

7 “(8) Documented abuse of authority.

8 “(9) Documented Inefficiency.

9 “(b) ADMINISTRATIVE LEAVE.—A covered Inspector
10 General may be placed on administrative leave only by the
11 head official. The head official may place a covered Inspec-
12 tor General on administrative leave only for any of the
13 grounds specified in subsection (a).

14 “(c) NOTIFICATION.—The head official may not re-
15 move a covered Inspector General under subsection (a) or
16 place a covered Inspector General on administrative leave
17 under subsection (b) unless—

18 “(1) the head official transmits in writing to
19 the appropriate congressional committees a notifica-
20 tion of such removal or placement, including an ex-
21 planation of the documented grounds specified in
22 subsection (a) for such removal or placement; and

23 “(2) with respect to the removal of a covered
24 Inspector General, a period of 30 days elapses fol-
25 lowing the date of such transmittal.

1 “(d) REPORT.—Not later than 30 days after the date
2 on which the head official notifies a covered Inspector
3 General of being removed under subsection (a) or placed
4 on administrative leave under subsection (b), the office of
5 that Inspector General shall submit to the appropriate
6 congressional committees a report containing—

7 “(1) a description of the facts and cir-
8 cumstances of any pending complaint, investigation,
9 inspection, audit, or other review or inquiry, includ-
10 ing any information, allegation, or complaint re-
11 ported to the Attorney General in accordance with
12 section 535 of title 28, United States Code, that the
13 Inspector General was working on as of the date of
14 such removal or placement; and

15 “(2) any other significant matter that the office
16 of the Inspector General determines appropriate.

17 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to prohibit a personnel action of
19 a covered Inspector General otherwise authorized by law,
20 other than transfer or removal.

21 “(f) DEFINITIONS.—In this section:

22 “(1) ADMINISTRATIVE LEAVE.—The term ‘ad-
23 ministrative leave’ includes any other type of paid or
24 unpaid non-duty status.

1 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term ‘appropriate congressional com-
3 mittees’ means—

4 “(A) the congressional intelligence commit-
5 tees; and

6 “(B) the Committee on Oversight and Re-
7 form of the House of Representatives and the
8 Committee on Homeland Security and Govern-
9 mental Affairs of the Senate.

10 “(3) HEAD OFFICIAL.—The term ‘head official’
11 means—

12 “(A) with respect to the position of a cov-
13 ered Inspector General that requires appoint-
14 ment by the President, by and with the advice
15 and consent of the Senate, the President; and

16 “(B) with respect to the position of a cov-
17 ered Inspector General that requires appoint-
18 ment by a head of a department or agency of
19 the Federal Government, the head of such de-
20 partment or agency.”.

21 (b) DEFINITION.—Section 3 of such Act (50 U.S.C.
22 3003) is amended by adding at the end the following new
23 paragraph:

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

1 “(A) The Inspector General of the Intel-
2 ligence Community.

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

5 “(C) The Inspector General of the Defense
6 Intelligence Agency.

7 “(D) The Inspector General of the Na-
8 tional Reconnaissance Office.

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

11 “(F) The Inspector General of the Na-
12 tional Security Agency.”.

13 (c) CLERICAL AMENDMENTS.—The table of sections
14 at the beginning of the National Security Act of 1947 is
15 amended by adding after the items relating to title XI the
16 end the following new items:

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

 “SUBTITLE A—INSPECTORS GENERAL

 “Sec. 1201. Independence of Inspectors General.”.

17 **SEC. 712. AUTHORITY OF INSPECTORS GENERAL OF THE**
18 **INTELLIGENCE COMMUNITY TO DETERMINE**
19 **MATTERS OF URGENT CONCERN.**

20 (a) DETERMINATION.—

21 (1) IN GENERAL.—Title XII of the National Se-
22 curity Act of 1947, as added by section 711, is

1 amended by inserting after section 1201 the fol-
2 lowing new section:

3 **“SEC. 1203. DETERMINATION OF MATTERS OF URGENT**
4 **CONCERN.**

5 “(a) DETERMINATION.—Each covered Inspector
6 General shall have sole authority to determine whether any
7 complaint or information reported to the Inspector Gen-
8 eral is a matter of urgent concern. Such determination is
9 final and conclusive.

10 “(b) FOREIGN INTERFERENCE IN ELECTIONS.—In
11 addition to any other matter which is considered an urgent
12 concern pursuant to section 103H(k)(5)(G), section
13 17(d)(5)(G) of the Central Intelligence Agency Act of
14 1949 (50 U.S.C. 3517(d)(5)(G)), or other applicable pro-
15 vision of law, the term ‘urgent concern’ includes a serious
16 or flagrant problem, abuse, violation of law or Executive
17 order, or deficiency relating to foreign interference in elec-
18 tions in the United States.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of the National Security Act
21 of 1947 is amended by inserting after the item relat-
22 ing to section 1201, as added by section 711, the
23 following new item:

“Sec. 1203. Determination of matters of urgent concern.”.

24 (b) CONFORMING AMENDMENTS.—

1 (1) INTELLIGENCE COMMUNITY.—Section
2 103H(k)(5)(G) of the National Security Act of 1947
3 (50 U.S.C. 3033(k)(5)(G)) is amended by striking
4 “*In this paragraph*” and inserting “*In accordance*
5 with section 1203, in this paragraph”.

6 (2) CENTRAL INTELLIGENCE AGENCY.—Section
7 17(d)(5)(G) of the Central Intelligence Agency Act
8 of 1949 (50 U.S.C. 3517(d)(5)(G)) is amended by
9 striking “*In this paragraph*” and inserting “*In ac-*
10 *cordance with section 1203 of the National Security*
11 *Act of 1947, in this paragraph*”.

12 (c) REPORTS ON UNRESOLVED DIFFERENCES.—
13 Paragraph (3) of section 103H(k) of the National Security
14 Act of 1947 (50 U.S.C. 3033(k)) is amended by adding
15 at the end the following new subparagraph:

16 “(C) With respect to each report submitted pursuant
17 to subparagraph (A)(i), the Inspector General shall in-
18 clude in the report, at a minimum—

19 “(i) a general description of the unresolved dif-
20 ferences, the particular duties or responsibilities of
21 the Inspector General involved, and, if such dif-
22 ferences relate to a complaint or information under
23 paragraph (5), a description of the complaint or in-
24 formation and the entities or individuals identified in
25 the complaint or information; and

1 “(ii) to the extent such differences can be at-
2 tributed not only to the Director but also to any
3 other official, department, agency, or office within
4 the executive branch, or a component thereof, the ti-
5 tles of such official, department, agency, or office.”.

6 (d) CLARIFICATION OF ROLE OF DIRECTOR OF NA-
7 TIONAL INTELLIGENCE.—Section 102A(f)(1) of such Act
8 (50 U.S.C. 3024(f)(1)) is amended—

9 (1) by redesignating subparagraph (B) as sub-
10 paragraph (C); and

11 (2) by inserting after subparagraph (A) the fol-
12 lowing new subparagraph:

13 “(B) The authority of the Director of National
14 Intelligence under subparagraph (A) includes coordi-
15 nating and supervising activities undertaken by ele-
16 ments of the intelligence community for the purpose
17 of protecting the United States from any foreign in-
18 terference in elections in the United States.”.

19 **SEC. 713. CONFORMING AMENDMENTS AND COORDINATION**
20 **WITH OTHER PROVISIONS OF LAW.**

21 (a) INTELLIGENCE COMMUNITY.—Paragraph (4) of
22 section 103H(c) of the National Security Act of 1947 (50
23 U.S.C. 3033(c)) is amended to read as follows:

24 “(4) The provisions of title XII shall apply to the In-
25 specter General with respect to the removal of the Inspec-

1 tor General and any other matter relating to the Inspector
2 General as specifically provided for in such title.”.

3 (b) CENTRAL INTELLIGENCE AGENCY.—Paragraph
4 (6) of section 17(b) of the Central Intelligence Agency Act
5 of 1949 (50 U.S.C. 3517(b)) is amended to read as fol-
6 lows:

7 “(6) The provisions of title XII of the National Secu-
8 rity Act of 1947 shall apply to the Inspector General with
9 respect to the removal of the Inspector General and any
10 other matter relating to the Inspector General as specifi-
11 cally provided for in such title.”.

12 (c) OTHER ELEMENTS.—

13 (1) IN GENERAL.—Title XII of the National Se-
14 curity Act of 1947, as added by section 711, is fur-
15 ther amended by inserting after section 1203, as
16 added by section 712(a), the following new section:

17 **“SEC. 1205. COORDINATION WITH OTHER PROVISIONS OF**
18 **LAW.**

19 “No provision of law that is inconsistent with any
20 provision of this title shall be considered to supersede, re-
21 peal, or otherwise modify a provision of this title unless
22 such other provision of law specifically cites a provision
23 of this title in order to supersede, repeal, or otherwise
24 modify that provision of this title.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of the National Security Act
3 of 1947 is amended by inserting after the item relat-
4 ing to section 1203, as added by section 713, the
5 following new item:

“Sec. 1205. Coordination with other provisions of law.”.

6 **Subtitle C—Congressional**
7 **Notification**

8 **SEC. 721. SHORT TITLE.**

9 This subtitle may be cited as the “Inspector General
10 Protection Act”.

11 **SEC. 722. CHANGE IN STATUS OF INSPECTOR GENERAL OF-**
12 **FICES.**

13 (a) CHANGE IN STATUS OF INSPECTOR GENERAL OF
14 OFFICE.—Paragraph (1) of section 3(b) of the Inspector
15 General Act of 1978 (5 U.S.C. App.) is amended—

16 (1) by inserting “, is placed on paid or unpaid
17 non-duty status,” after “is removed from office”;

18 (2) by inserting “, change in status,” after
19 “any such removal”; and

20 (3) by inserting “, change in status,” after “be-
21 fore the removal”.

22 (b) CHANGE IN STATUS OF INSPECTOR GENERAL OF
23 DESIGNATED FEDERAL ENTITY.—Section 8G(e)(2) of the
24 Inspector General Act of 1978 (5 U.S.C. App.) is amend-
25 ed—

1 (1) by inserting “, is placed on paid or unpaid
2 non-duty status,” after “office”;

3 (2) by inserting “, change in status,” after
4 “any such removal”; and

5 (3) by inserting “, change in status,” after “be-
6 fore the removal”.

7 (c) EXCEPTION TO REQUIREMENT TO SUBMIT COM-
8 MUNICATION RELATING TO CERTAIN CHANGES IN STA-
9 TUS.—

10 (1) COMMUNICATION RELATING TO CHANGE IN
11 STATUS OF INSPECTOR GENERAL OF OFFICE.—Sec-
12 tion 3(b) of the Inspector General Act of 1978 (5
13 U.S.C. App.), as amended by section 702(1), is fur-
14 ther amended—

15 (A) in paragraph (1), by striking “If” and
16 inserting “Except as provided in paragraph (4),
17 if”; and

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

19 “(4) If an Inspector General is placed on paid
20 or unpaid non-duty status, the President may sub-
21 mit the communication described in paragraph (1)
22 to Congress later than 30 days before the Inspector
23 General is placed on paid or unpaid non-duty status,
24 but in any case not later than the date on which the
25 placement takes effect, if—

1 “(A) the President determines that a delay
2 in placing the Inspector General on paid or un-
3 paid non-duty status would—

4 “(i) pose a threat to the Inspector
5 General or others;

6 “(ii) result in the destruction of evi-
7 dence relevant to an investigation; or

8 “(iii) result in loss of or damage to
9 Government property;

10 “(B) in the communication, the President
11 includes—

12 “(i) a specification of which clause the
13 President relied on to make the determina-
14 tion under subparagraph (A);

15 “(ii) the substantive rationale, includ-
16 ing detailed and case-specific reasons, for
17 such determination;

18 “(iii) if the President relied on an in-
19 quiry to make such determination, an iden-
20 tification of each entity that is conducting,
21 or that conducted, such inquiry; and

22 “(iv) if an inquiry described in clause
23 (iii) is completed, the findings of that in-
24 quiry.

1 “(5) The President may not place an Inspector
2 General on paid or unpaid non-duty status during
3 the 30-day period preceding the date on which the
4 Inspector General is removed or transferred under
5 paragraph (1) unless the President—

6 “(A) determines that not placing the In-
7 specter General on paid or unpaid non-duty sta-
8 tus would—

9 “(i) pose a threat to the Inspector
10 General or others;

11 “(ii) result in the destruction of evi-
12 dence relevant to an investigation; or

13 “(iii) result in loss of or damage to
14 Government property; and

15 “(B) on or before the date on which the
16 placement takes effect, submits to the Com-
17 mittee in the House of Representatives and the
18 Committee in the Senate that has jurisdiction
19 over the Inspector General involved, the Com-
20 mittee on Oversight and Reform of the House
21 of Representatives, and the Committee on
22 Homeland Security and Governmental Affairs
23 of the Senate, a written communication that
24 contains the following information—

1 “(i) a specification of which clause
2 under subparagraph (A) the President re-
3 lied on to make the determination under
4 such subparagraph;

5 “(ii) the substantive rationale, includ-
6 ing detailed and case-specific reasons, for
7 such determination;

8 “(iii) if the President relied on an in-
9 quiry to make such determination, an iden-
10 tification of each entity that is conducting,
11 or that conducted, such inquiry; and

12 “(iv) if an inquiry described in clause
13 (iii) is completed, the findings of that in-
14 quiry.”.

15 (2) COMMUNICATION RELATING TO CHANGE IN
16 STATUS OF INSPECTOR GENERAL OF DESIGNATED
17 FEDERAL ENTITY.—Section 8G(e) of the Inspector
18 General Act Inspector General Act of 1978 (5
19 U.S.C. App.), as amended by section 702(2), is fur-
20 ther amended—

21 (A) in paragraph (2), by striking “If” and
22 inserting “Except as provided in paragraph (4),
23 if”; and

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

1 “(4) If an Inspector General is placed on paid
2 or unpaid non-duty status, the head of a designated
3 Federal entity may submit the communication de-
4 scribed in paragraph (2) to Congress later than 30
5 days before the Inspector General is placed on paid
6 or unpaid non-duty status, but in any case not later
7 than the date on which the placement takes effect,
8 if—

9 “(A) the head determines that a delay in
10 placing the Inspector General on paid or unpaid
11 non-duty status would—

12 “(i) pose a threat to the Inspector
13 General or others;

14 “(ii) result in the destruction of evi-
15 dence relevant to an investigation; or

16 “(iii) result in loss of or damage to
17 Government property;

18 “(B) in the communication, the head in-
19 cludes—

20 “(i) a specification of which clause
21 under subparagraph (A) the head relied on
22 to make the determination under such sub-
23 paragraph;

1 “(ii) the substantive rationale, includ-
2 ing detailed and case-specific reasons, for
3 such determination;

4 “(iii) if the head relied on an inquiry
5 to make such determination, an identifica-
6 tion of each entity that is conducting, or
7 that conducted, such inquiry; and

8 “(iv) if an inquiry described in clause
9 (iii) is completed, the findings of that in-
10 quiry.

11 “(5) The head may not place an Inspector Gen-
12 eral on paid or unpaid non-duty status during the
13 30-day period preceding the date on which the In-
14 spector General is removed or transferred under
15 paragraph (2) unless the head—

16 “(A) determines that not placing the In-
17 spector General on paid or unpaid non-duty sta-
18 tus would—

19 “(i) pose a threat to the Inspector
20 General or others;

21 “(ii) result in the destruction of evi-
22 dence relevant to an investigation; or

23 “(iii) result in loss of or damage to
24 Government property; and

1 “(B) on or before the date on which the
2 placement takes effect, submits to the Com-
3 mittee in the House of Representatives and the
4 Committee in the Senate that has jurisdiction
5 over the Inspector General involved, the Com-
6 mittee on Oversight and Reform of the House
7 of Representatives, and the Committee on
8 Homeland Security and Governmental Affairs
9 of the Senate, a written communication that
10 contains the following information—

11 “(i) a specification of which clause
12 under subparagraph (A) the head relied on
13 to make the determination under such sub-
14 paragraph;

15 “(ii) the substantive rationale, includ-
16 ing detailed and case-specific reasons, for
17 such determination;

18 “(iii) if the head relied on an inquiry
19 to make such determination, an identifica-
20 tion of each entity that is conducting, or
21 that conducted, such inquiry; and

22 “(iv) if an inquiry described in clause
23 (iii) is completed, the findings of that in-
24 quiry.”.

1 (d) APPLICATION.—The amendments made by this
2 section shall apply with respect to removals, transfers, and
3 changes of status occurring on or after the date that is
4 30 days after the date of the enactment of this Act.

5 **SEC. 723. PRESIDENTIAL EXPLANATION OF FAILURE TO**
6 **NOMINATE AN INSPECTOR GENERAL.**

7 (a) IN GENERAL.—Subchapter III of chapter 33 of
8 title 5, United States Code, is amended by inserting after
9 section 3349d the following new section:

10 **“§ 3349e. Presidential explanation of failure to nomi-**
11 **nate an Inspector General**

12 “If the President fails to make a formal nomination
13 for a vacant Inspector General position that requires a for-
14 mal nomination by the President to be filled within the
15 period beginning on the date on which the vacancy oc-
16 curred and ending on the day that is 210 days after that
17 date, the President shall communicate, within 30 days
18 after the end of such period, to Congress in writing—

19 “(1) the reasons why the President has not yet
20 made a formal nomination; and

21 “(2) a target date for making a formal nomina-
22 tion.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 for chapter 33 of title 5, United States Code, is amended

1 by inserting after the item relating to 3349d the following
2 new item:

“3349e. Presidential explanation of failure to nominate an Inspector General.”.

3 (c) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall take effect on the date of the enact-
5 ment of this Act and shall apply to any vacancy first oc-
6 ccurring on or after that date.

7 **TITLE VIII—PROTECTING**
8 **WHISTLEBLOWERS**
9 **Subtitle A—Whistleblower**
10 **Protection Improvement**

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

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

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

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

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

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

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

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

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

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

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

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

21 (b) RIGHT TO PETITION CONGRESS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(A) the President;

15 “(B) a Member of Congress;

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

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

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

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

7 (d) RIGHT TO PETITION CONGRESS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

5 “(1) the President;

6 “(2) a Member of Congress;

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

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

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

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

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

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

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

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

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

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

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

1 (c) ENSURING TIMELY RELIEF.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (B) APPLICATION.—

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

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

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

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

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

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

14 (e) ATTORNEY FEES.—

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

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

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

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

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

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

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

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

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

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

9 (A) in subsection (a)—

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

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

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

16 (3) APPLICATION.—

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

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

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

10 (g) RELIEF.—

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

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

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

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

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

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

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

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

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

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

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

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

1 “(h)(1) In this subsection—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (b) REPEAL.—

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

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

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

22 Title 5, United States Code, is amended—

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

1 (2) in section 1214—

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

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

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

19 (4) in section 2302—

20 (A) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(3) an attorney for the Government—

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

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

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

19 “(1) the disclosure;

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

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

24 (b) TECHNICAL AND CLERICAL AMENDMENTS.—

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

4 (A) Section 1104 is—

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

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

9 (iii) redesignated as section 1221.

10 (B) Section 1106 is—

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

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

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

18 (iv) redesignated as section 1225.

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

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

24 (B) by inserting after the item relating to
25 section 1205 the following new items:

“SUBTITLE B—PROTECTIONS FOR WHISTLEBLOWERS

“Sec. 1221. Prohibited personnel practices in the intelligence community.

“Sec. 1223. Limitation on sharing of intelligence community whistleblower complaints with persons named in such complaints.

“Sec. 1225. Inspector General external review panel.”.

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

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

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

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

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

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

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

3 “(a) GUIDANCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(d) ENFORCEMENT.—

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

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

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

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

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

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

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

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

20 (1) In subsection (a)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (d) VACANCY OF INSPECTOR GENERAL POSITIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (h) REPORTING OF VACANCIES.—

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

3 (A) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (2) by adding at the end the following:

19 “(2) The Administrator shall make the ascertainment
20 under paragraph (1) as soon as practicable after the gen-
21 eral elections.

22 “(3) If the Administrator does not make such ascer-
23 tainment within 5 days after such elections, each eligible
24 candidate for President and Vice President shall be treat-
25 ed as if they are the apparent successful candidate for pur-

1 poses of this Act until the Administrator makes the ascer-
2 tainment or until the House of Representatives and the
3 Senate certify the results of the elections, whichever occurs
4 first.”.

5 (b) REGULATIONS.—Not later than 270 days after
6 the date of enactment of this Act, the Administrator of
7 General Services shall promulgate regulations that estab-
8 lish standards and procedures to be followed by the Ad-
9 ministrator in making any future determination regarding
10 ascertainment under section 3(c) of the Presidential Tran-
11 sition Act of 1963, as amended by subsection (a).

12 **TITLE XII—PRESIDENTIAL AND**
13 **VICE PRESIDENTIAL TAX**
14 **TRANSPARENCY**

Sec. 1201. Presidential and Vice Presidential tax transparency.

15 **SEC. 1201. PRESIDENTIAL AND VICE PRESIDENTIAL TAX**
16 **TRANSPARENCY.**

17 (a) DEFINITIONS.—In this section—

18 (1) The term “covered candidate” means a can-
19 didate of a major party in a general election for the
20 office of President or Vice President.

21 (2) The term “major party” has the meaning
22 given the term in section 9002 of the Internal Rev-
23 enue Code of 1986.

1 (3) The term “income tax return” means, with
2 respect to an individual, any return (as such term is
3 defined in section 6103(b)(1) of the Internal Rev-
4 enue Code of 1986, except that such term shall not
5 include declarations of estimated tax) of—

6 (A) such individual, other than information
7 returns issued to persons other than such indi-
8 vidual; or

9 (B) of any corporation, partnership, or
10 trust in which such individual holds, directly or
11 indirectly, a significant interest as the sole or
12 principal owner or the sole or principal bene-
13 ficial owner (as such terms are defined in regu-
14 lations prescribed by the Secretary of the
15 Treasury or his delegate).

16 (4) The term “Secretary” means the Secretary
17 of the Treasury or the delegate of the Secretary.

18 (b) DISCLOSURE.—

19 (1) IN GENERAL.—

20 (A) CANDIDATES FOR PRESIDENT AND
21 VICE PRESIDENT.—Not later than the date that
22 is 15 days after the date on which an individual
23 becomes a covered candidate, the individual
24 shall submit to the Federal Election Commis-
25 sion a copy of the individual’s income tax re-

1 turns for the 10 most recent taxable years for
2 which a return has been filed with the Internal
3 Revenue Service.

4 (B) PRESIDENT AND VICE PRESIDENT.—
5 With respect to an individual who is the Presi-
6 dent or Vice President, not later than the due
7 date for the return of tax for each taxable year,
8 such individual shall submit to the Federal
9 Election Commission a copy of the individual's
10 income tax returns for the taxable year and for
11 the 9 preceding taxable years.

12 (C) TRANSITION RULE FOR SITTING PRESI-
13 DENTS AND VICE PRESIDENTS.—Not later than
14 the date that is 30 days after the date of enact-
15 ment of this section, an individual who is the
16 President or Vice President on such date of en-
17 actment shall submit to the Federal Election
18 Commission a copy of the income tax returns
19 for the 10 most recent taxable years for which
20 a return has been filed with the Internal Rev-
21 enue Service.

22 (2) FAILURE TO DISCLOSE.—If any require-
23 ment under paragraph (1) to submit an income tax
24 return is not met, the chairman of the Federal Elec-
25 tion Commission shall submit to the Secretary a

1 written request that the Secretary provide the Fed-
2 eral Election Commission with the income tax re-
3 turn.

4 (3) PUBLICLY AVAILABLE.—The chairman of
5 the Federal Election Commission shall make publicly
6 available each income tax return submitted under
7 paragraph (1) in the same manner as a return pro-
8 vided under section 6103(l)(23) of the Internal Rev-
9 enue Code of 1986 (as added by this section).

10 (4) TREATMENT AS A REPORT UNDER THE
11 FEDERAL ELECTION CAMPAIGN ACT OF 1971.—For
12 purposes of the Federal Election Campaign Act of
13 1971, any income tax return submitted under para-
14 graph (1) or provided under section 6103(l)(23) of
15 the Internal Revenue Code of 1986 (as added by
16 this section) shall, after redaction under paragraph
17 (3) or subparagraph (B)(ii) of such section, be treat-
18 ed as a report filed under the Federal Election Cam-
19 paign Act of 1971.

20 (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND
21 VICE PRESIDENTS AND CERTAIN CANDIDATES FOR
22 PRESIDENT AND VICE PRESIDENT.—

23 (1) IN GENERAL.—Section 6103(l) of the Inter-
24 nal Revenue Code of 1986 is amended by adding at
25 the end the following new paragraph:

1 “(23) DISCLOSURE OF RETURN INFORMATION
2 OF PRESIDENTS AND VICE PRESIDENTS AND CER-
3 TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-
4 DENT.—

5 “(A) IN GENERAL.—Upon written request
6 by the chairman of the Federal Election Com-
7 mission under section 1201(b)(2) of the Pro-
8 tecting Our Democracy Act, not later than the
9 date that is 15 days after the date of such re-
10 quest, the Secretary shall provide copies of any
11 return which is so requested to officers and em-
12 ployees of the Federal Election Commission
13 whose official duties include disclosure or redac-
14 tion of such return under this paragraph.

15 “(B) DISCLOSURE TO THE PUBLIC.—

16 “(i) IN GENERAL.—The chairman of
17 the Federal Election Commission shall
18 make publicly available any return which is
19 provided under subparagraph (A).

20 “(ii) REDACTION OF CERTAIN INFOR-
21 MATION.—Before making publicly available
22 under clause (i) any return, the chairman
23 of the Federal Election Commission shall
24 redact such information as the Federal
25 Election Commission and the Secretary

1 jointly determine is necessary for pro-
2 tecting against identity theft, such as so-
3 cial security numbers.”.

4 (2) CONFORMING AMENDMENTS.—Section
5 6103(p)(4) of such Code is amended—

6 (A) in the matter preceding subparagraph
7 (A) by striking “or (22)” and inserting “(22),
8 or (23)”; and

9 (B) in subparagraph (F)(ii) by striking “or
10 (22)” and inserting “(22), or (23)”.

11 (3) EFFECTIVE DATE.—The amendments made
12 by this subsection shall apply to disclosures made on
13 or after the date of enactment of this Act.

14 **DIVISION C—DEFENDING ELEC-**
15 **TIONS AGAINST FOREIGN IN-**
16 **TERFERENCE**

17 **TITLE XIII—REPORTING FOR-**
18 **EIGN INTERFERENCE IN**
19 **ELECTIONS**

20 **SEC. 1301. FEDERAL CAMPAIGN REPORTING OF FOREIGN**
21 **CONTACTS.**

22 (a) INITIAL NOTICE.—

23 (1) IN GENERAL.—Section 304 of the Federal
24 Election Campaign Act of 1971 (52 U.S.C. 30104)

1 is amended by adding at the end the following new
2 subsection:

3 “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-
4 TACTS.—

5 “(1) COMMITTEE OBLIGATION TO NOTIFY.—

6 Not later than 1 week after a reportable foreign con-
7 tact, each political committee shall notify the Fed-
8 eral Bureau of Investigation and the Commission of
9 the reportable foreign contact and provide a sum-
10 mary of the circumstances with respect to such re-
11 portable foreign contact. The Federal Bureau of In-
12 vestigation, not later than 1 week after receiving a
13 notification from a political committee under this
14 paragraph, shall submit to the political committee,
15 the Permanent Select Committee on Intelligence of
16 the House of Representatives, and the Select Com-
17 mittee on Intelligence of the Senate written or elec-
18 tronic confirmation of receipt of the notification.

19 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—

20 Not later than 3 days after a reportable foreign con-
21 tact—

22 “(A) each candidate and each immediate
23 family member of a candidate shall notify the
24 treasurer or other designated official of the
25 principal campaign committee of such candidate

1 of the reportable foreign contact and provide a
2 summary of the circumstances with respect to
3 such reportable foreign contact; and

4 “(B) each official, employee, or agent of a
5 political committee shall notify the treasurer or
6 other designated official of the committee of the
7 reportable foreign contact and provide a sum-
8 mary of the circumstances with respect to such
9 reportable foreign contact.

10 “(3) REPORTABLE FOREIGN CONTACT.—In this
11 subsection:

12 “(A) IN GENERAL.—The term ‘reportable
13 foreign contact’ means any direct or indirect
14 contact or communication that—

15 “(i) is between—

16 “(I) a candidate, an immediate
17 family member of the candidate, a po-
18 litical committee, or any official, em-
19 ployee, or agent of such committee;
20 and

21 “(II) an individual that the per-
22 son described in subclause (I) knows,
23 has reason to know, or reasonably be-
24 lieves is a covered foreign national;
25 and

1 “(ii) the person described in clause
2 (i)(I) knows, has reason to know, or rea-
3 sonably believes involves—

4 “(I) an offer or other proposal
5 for a contribution, donation, expendi-
6 ture, disbursement, or solicitation de-
7 scribed in section 319; or

8 “(II) coordination or collabora-
9 tion with, an offer or provision of in-
10 formation or services to or from, or
11 persistent and repeated contact with,
12 a covered foreign national in connec-
13 tion with an election.

14 “(B) EXCEPTIONS.—

15 “(i) CONTACTS IN OFFICIAL CAPACITY
16 AS ELECTED OFFICIAL.—The term ‘report-
17 able foreign contact’ shall not include any
18 contact or communication with a covered
19 foreign national by an elected official or an
20 employee of an elected official solely in an
21 official capacity as such an official or em-
22 ployee.

23 “(ii) CONTACTS FOR PURPOSES OF
24 ENABLING OBSERVATION OF ELECTIONS
25 BY INTERNATIONAL OBSERVERS.—The

1 term ‘reportable foreign contact’ shall not
2 include any contact or communication with
3 a covered foreign national by any person
4 which is made for purposes of enabling the
5 observation of elections in the United
6 States by a foreign national or the obser-
7 vation of elections outside of the United
8 States by a candidate, political committee,
9 or any official, employee, or agent of such
10 committee.

11 “(iii) EXCEPTIONS NOT APPLICABLE
12 IF CONTACTS OR COMMUNICATIONS IN-
13 VOLVE PROHIBITED DISBURSEMENTS.—A
14 contact or communication by an elected of-
15 ficial or an employee of an elected official
16 shall not be considered to be made solely
17 in an official capacity for purposes of
18 clause (i), and a contact or communication
19 shall not be considered to be made for pur-
20 poses of enabling the observation of elec-
21 tions for purposes of clause (ii), if the con-
22 tact or communication involves a contribu-
23 tion, donation, expenditure, disbursement,
24 or solicitation described in section 319.

1 “(C) COVERED FOREIGN NATIONAL DE-
2 FINED.—

3 “(i) IN GENERAL.—In this paragraph,
4 the term ‘covered foreign national’
5 means—

6 “(I) a foreign principal (as de-
7 fined in section 1(b) of the Foreign
8 Agents Registration Act of 1938 (22
9 U.S.C. 611(b)) that is a government
10 of a foreign country or a foreign polit-
11 ical party;

12 “(II) any person who acts as an
13 agent, representative, employee, or
14 servant, or any person who acts in
15 any other capacity at the order, re-
16 quest, or under the direction or con-
17 trol, of a foreign principal described in
18 subclause (I) or of a person any of
19 whose activities are directly or indi-
20 rectly supervised, directed, controlled,
21 financed, or subsidized in whole or in
22 major part by a foreign principal de-
23 scribed in subclause (I); or

24 “(III) any person included in the
25 list of specially designated nationals

1 and blocked persons maintained by
2 the Office of Foreign Assets Control
3 of the Department of the Treasury
4 pursuant to authorities relating to the
5 imposition of sanctions relating to the
6 conduct of a foreign principal de-
7 scribed in subclause (I).

8 “(ii) CLARIFICATION REGARDING AP-
9 PPLICATION TO CITIZENS OF THE UNITED
10 STATES.—In the case of a citizen of the
11 United States, subclause (II) of clause (i)
12 applies only to the extent that the person
13 involved acts within the scope of that per-
14 son’s status as the agent of a foreign prin-
15 cipal described in subclause (I) of clause
16 (i).

17 “(4) IMMEDIATE FAMILY MEMBER.—In this
18 subsection, the term ‘immediate family member’
19 means, with respect to a candidate, a parent, parent-
20 in-law, spouse, adult child, or sibling.”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by paragraph (1) shall apply with respect to report-
23 able foreign contacts which occur on or after the
24 date of the enactment of this Act.

25 (b) INFORMATION INCLUDED ON REPORT.—

1 (1) IN GENERAL.—Section 304(b) of such Act
2 (52 U.S.C. 30104(b)) is amended—

3 (A) by striking “and” at the end of para-
4 graph (7);

5 (B) by striking the period at the end of
6 paragraph (8) and inserting “; and”; and

7 (C) by adding at the end the following new
8 paragraph:

9 “(9) for any reportable foreign contact (as de-
10 fined in subsection (j)(3))—

11 “(A) the date, time, and location of the
12 contact;

13 “(B) the date and time of when a des-
14 ignated official of the committee was notified of
15 the contact;

16 “(C) the identity of individuals involved;
17 and

18 “(D) a description of the contact, including
19 the nature of any contribution, donation, ex-
20 penditure, disbursement, or solicitation involved
21 and the nature of any activity described in sub-
22 section (j)(3)(A)(ii)(II) involved.”.

23 (2) EFFECTIVE DATE.—The amendment made
24 by paragraph (1) shall apply with respect to reports
25 filed on or after the expiration of the 60-day period

1 which begins on the date of the enactment of this
2 Act.

3 **SEC. 1302. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**
4 **PORTING COMPLIANCE SYSTEM.**

5 (a) IN GENERAL.—Section 302 of the Federal Elec-
6 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
7 by adding at the end the following new subsection:

8 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE
9 POLICY.—

10 “(1) REPORTING.—Each political committee
11 shall establish a policy that requires all officials, em-
12 ployees, and agents of such committee to notify the
13 treasurer or other appropriate designated official of
14 the committee of any reportable foreign contact (as
15 defined in section 304(j)) not later than 3 days after
16 such contact was made.

17 “(2) RETENTION AND PRESERVATION OF
18 RECORDS.—Each political committee shall establish
19 a policy that provides for the retention and preserva-
20 tion of records and information related to reportable
21 foreign contacts (as so defined) for a period of not
22 less than 3 years.

23 “(3) CERTIFICATION.—

24 “(A) IN GENERAL.—Upon filing its state-
25 ment of organization under section 303(a), and

1 with each report filed under section 304(a), the
2 treasurer of each political committee (other
3 than an authorized committee) shall certify
4 that—

5 “(i) the committee has in place poli-
6 cies that meet the requirements of para-
7 graphs (1) and (2);

8 “(ii) the committee has designated an
9 official to monitor compliance with such
10 policies; and

11 “(iii) not later than 1 week after the
12 beginning of any formal or informal affili-
13 ation with the committee, all officials, em-
14 ployees, and agents of such committee
15 will—

16 “(I) receive notice of such poli-
17 cies;

18 “(II) be informed of the prohibi-
19 tions under section 319; and

20 “(III) sign a certification affirm-
21 ing their understanding of such poli-
22 cies and prohibitions.

23 “(B) AUTHORIZED COMMITTEES.—With
24 respect to an authorized committee, the can-

1 didate shall make the certification required
2 under subparagraph (A).”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendment made by
5 subsection (a) shall apply with respect to political
6 committees which file a statement of organization
7 under section 303(a) of the Federal Election Cam-
8 paign Act of 1971 (52 U.S.C. 30103(a)) on or after
9 the date of the enactment of this Act.

10 (2) TRANSITION RULE FOR EXISTING COMMIT-
11 TEES.—Not later than 30 days after the date of the
12 enactment of this Act, each political committee
13 under the Federal Election Campaign Act of 1971
14 shall file a certification with the Federal Election
15 Commission that the committee is in compliance
16 with the requirements of section 302(j) of such Act
17 (as added by subsection (a)).

18 **SEC. 1303. CRIMINAL PENALTIES.**

19 Section 309(d)(1) of the Federal Election Campaign
20 Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-
21 ing at the end the following new subparagraphs:

22 “(E) Any person who knowingly and willfully com-
23 mits a violation of subsection (j) or (b)(9) of section 304
24 or section 302(j) shall be fined not more than \$500,000,
25 imprisoned not more than 5 years, or both.

1 (3) With respect to such notifications received
2 during the year covered by the report, a description
3 of any subsequent actions taken by the Director re-
4 sulting from the receipt of such notifications.

5 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
6 DEFINED.—In this section, the term “congressional intel-
7 ligence committees” has the meaning given that term in
8 section 3 of the National Security Act of 1947 (50 U.S.C.
9 3003).

10 **SEC. 1305. RULE OF CONSTRUCTION.**

11 Nothing in this title or the amendments made by this
12 title shall be construed—

13 (1) to impede legitimate journalistic activities;

14 or

15 (2) to impose any additional limitation on the
16 right to express political views or to participate in
17 public discourse of any individual who—

18 (A) resides in the United States;

19 (B) is not a citizen of the United States or
20 a national of the United States, as defined in
21 section 101(a)(22) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1101(a)(22)); and

23 (C) is not lawfully admitted for permanent
24 residence, as defined by section 101(a)(20) of

1 the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(20)).

3 **TITLE XIV—ELIMINATING FOR-**
4 **EIGN INTERFERENCE IN**
5 **ELECTIONS**

6 **SEC. 1401. CLARIFICATION OF APPLICATION OF FOREIGN**
7 **MONEY BAN.**

8 (a) CLARIFICATION OF TREATMENT OF PROVISION
9 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
10 TION OF A THING OF VALUE.—Section 319 of the Federal
11 Election Campaign Act of 1971 (52 U.S.C. 30121) is
12 amended by adding at the end the following new sub-
13 section:

14 “(c) CLARIFICATION OF TREATMENT OF PROVISION
15 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
16 TION OF A THING OF VALUE.—For purposes of this sec-
17 tion, a ‘contribution or donation of money or other thing
18 of value’ includes the provision of opposition research,
19 polling, or other non-public information relating to a can-
20 didate for election for a Federal, State, or local office for
21 the purpose of influencing the election, regardless of
22 whether such research, polling, or information has mone-
23 tary value, except that nothing in this subsection shall be
24 construed to treat the mere provision of an opinion about

1 a candidate as a thing of value for purposes of this sec-
2 tion.”.

3 (b) CLARIFICATION OF APPLICATION OF FOREIGN
4 MONEY BAN TO ALL CONTRIBUTIONS AND DONATIONS
5 OF THINGS OF VALUE AND TO ALL SOLICITATIONS OF
6 CONTRIBUTIONS AND DONATIONS OF THINGS OF
7 VALUE.—Section 319(a) of such Act (52 U.S.C.
8 30121(a)) is amended—

9 (1) in paragraph (1)(A), by striking “promise
10 to make a contribution or donation” and inserting
11 “promise to make such a contribution or donation”;

12 (2) in paragraph (1)(B), by striking “donation”
13 and inserting “donation of money or other thing of
14 value, or to make an express or implied promise to
15 make such a contribution or donation,”; and

16 (3) by amending paragraph (2) to read as fol-
17 lows:

18 “(2) a person to solicit, accept, or receive (di-
19 rectly or indirectly) a contribution or donation de-
20 scribed in subparagraph (A) or (B) of paragraph
21 (1), or to solicit, accept, or receive (directly or indi-
22 rectly) an express or implied promise to make such
23 a contribution or donation, from a foreign na-
24 tional.”.

1 (c) ENHANCED PENALTY FOR CERTAIN VIOLA-
2 TIONS.—

3 (1) IN GENERAL.—Section 309(d)(1) of such
4 Act (52 U.S.C. 30109(d)(1)), as amended by section
5 1303, is further amended by adding at the end the
6 following new subparagraph:

7 “(G)(i) Any person who knowingly and willfully com-
8 mits a violation of section 319 which involves a foreign
9 national which is a government of a foreign country or
10 a foreign political party, or which involves a thing of value
11 consisting of the provision of opposition research, polling,
12 or other non-public information relating to a candidate for
13 election for a Federal, State, or local office for the purpose
14 of influencing the election, shall be fined under title 18,
15 United States Code, or imprisoned for not more than 5
16 years, or both.

17 “(ii) In clause (i), each of the terms ‘government of
18 a foreign country’ and ‘foreign political party’ has the
19 meaning given such term in section 1 of the Foreign
20 Agents Registration Act of 1938, as Amended (22 U.S.C.
21 611).”.

22 (2) EFFECTIVE DATE.—The amendment made
23 by paragraph (1) shall apply with respect to viola-
24 tions committed on or after the date of the enact-
25 ment of this Act.

1 **SEC. 1402. REQUIRING ACKNOWLEDGMENT OF FOREIGN**
2 **MONEY BAN BY POLITICAL COMMITTEES.**

3 (a) PROVISION OF INFORMATION BY FEDERAL ELEC-
4 TION COMMISSION.—Section 303 of the Federal Election
5 Campaign Act of 1971 (52 U.S.C. 30103) is amended by
6 adding at the end the following new subsection:

7 “(e) ACKNOWLEDGMENT OF FOREIGN MONEY
8 BAN.—

9 “(1) NOTIFICATION BY COMMISSION.—Not later
10 than 30 days after a political committee files its
11 statement of organization under subsection (a), and
12 biennially thereafter until the committee terminates,
13 the Commission shall provide the committee with a
14 written explanation of section 319.

15 “(2) ACKNOWLEDGMENT BY COMMITTEE.—

16 “(A) IN GENERAL.—Not later than 30
17 days after receiving the written explanation of
18 section 319 under paragraph (1), the committee
19 shall transmit to the Commission a signed cer-
20 tification that the committee has received such
21 written explanation and has provided a copy of
22 the explanation to all members, employees, con-
23 tractors, and volunteers of the committee.

24 “(B) PERSON RESPONSIBLE FOR SIGNA-
25 TURE.—The certification required under sub-
26 paragraph (A) shall be signed—

1 “(i) in the case of an authorized com-
2 mittee of a candidate, by the candidate; or

3 “(ii) in the case of any other political
4 committee, by the treasurer of the com-
5 mittee.”.

6 (b) EFFECTIVE DATE; TRANSITION FOR EXISTING
7 COMMITTEES.—

8 (1) IN GENERAL.—The amendment made by
9 subsection (a) shall apply with respect to political
10 committees which file statements of organization
11 under section 303 of the Federal Election Campaign
12 Act of 1971 (52 U.S.C. 30103) on or after the date
13 of the enactment of this Act.

14 (2) TRANSITION FOR EXISTING COMMITTEES.—

15 (A) NOTIFICATION BY FEDERAL ELECTION
16 COMMISSION.—Not later than 90 days after the
17 date of the enactment of this Act, the Federal
18 Election Commission shall provide each political
19 committee under such Act with the written ex-
20 planation of section 319 of such Act, as re-
21 quired under section 303(e)(1) of such Act (as
22 added by subsection (a)).

23 (B) ACKNOWLEDGMENT BY COMMITTEE.—

24 Not later than 30 days after receiving the writ-
25 ten explanation under subparagraph (A), each

1 political committee under such Act shall trans-
2 mit to the Federal Election Commission the
3 signed certification, as required under section
4 303(e)(2) of such Act (as added by subsection
5 (a)).

6 **DIVISION D—SEVERABILITY**

7 **TITLE XV—SEVERABILITY**

8 **SEC. 1501. SEVERABILITY.**

9 If any provision of this Act or any amendment made
10 by this Act, or the application of a provision of this Act
11 or an amendment made by this Act to any person or cir-
12 cumstance, is held to be unconstitutional, the remainder
13 of this Act, and the application of the provisions to any
14 person or circumstance, shall not be affected by the hold-
15 ing.