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Text of H.R. 5314, the Protecting Our Democracy Act Offered by M. _____ [Showing the text of H.R. 5314, as introduced with modifications.]

SECTION 1. Short title.

This Act may be cited as the “ Protecting Our Democracy Act ”.

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

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

(1) Division A—Preventing Abuses of Presidential Power.

(2) Division B—Restoring Checks and Balances, Accountability, and Transparency.

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

(4) Division D—Severability.

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

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

DIVISION A—PREVENTING ABUSES OF PRESIDENTIAL POWER

TITLE I—ABUSE OF THE PARDON POWER PREVENTION

- Sec. ~~10~~ Short title.
 Sec. ~~10~~ Congressional oversight relating to certain pardons.
 Sec. ~~10~~ Bribery in connection with pardons and commutations.
 Sec. ~~10~~ Prohibition on presidential self-pardon.

TITLE II—ENSURING NO PRESIDENT IS ABOVE THE LAW

- Sec. ~~20~~ Short title.
 Sec. ~~20~~ Rolling of statute of limitations.

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

- Sec. ~~30~~ Short title.
 Sec. ~~30~~ Definitions.
 Sec. ~~30~~ Prohibition on acceptance of foreign and domestic emoluments.
 Sec. ~~30~~ Civil actions by Congress concerning foreign emoluments.
 Sec. ~~30~~ Disclosures concerning foreign and domestic emoluments.
 Sec. ~~30~~ Enforcement authority of the Director of the Office of Government Ethics.
 Sec. ~~30~~ Jurisdiction of the Office of Special Counsel.

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

TITLE IV—ENFORCEMENT OF CONGRESSIONAL SUBPOENAS

- Sec. ~~40~~ Short title.
 Sec. ~~40~~ Findings.
 Sec. ~~40~~ Enforcement of congressional subpoenas.
 Sec. ~~40~~ Compliance with congressional subpoenas.
 Sec. ~~40~~ Rule of construction.

TITLE V—REASSERTING CONGRESSIONAL POWER OF THE PURSE

- Sec. ~~50~~ Short title.

**Subtitle A—Strengthening Congressional Control and Review To Prevent
 Impoundment**

- Sec. ~~50~~ Strengthening congressional control.
 Sec. ~~50~~ Strengthening congressional review.
 Sec. ~~50~~ Updated authorities for and reporting by the Comptroller General.
 Sec. ~~50~~ Advance congressional notification and litigation.
 Sec. ~~50~~ 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. ~~51~~ Expired balance reporting in the President's budget.

- Sec. 512 ~~C~~ancelled balance reporting in the President's budget.
 Sec. 513 ~~B~~apise in appropriations—Reporting in the President's budget.
 Sec. 514 ~~T~~ransfer and other repurposing authority reporting in the President's budget.
 Sec. 515 ~~A~~uthorizing cancellations in indefinite accounts by appropriation.

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

- Sec. 521 ~~R~~equirement to respond to requests for information from the ~~Government~~
~~Accountability Office~~ Comptroller General for budget and appropriations law
 decisions.
 Sec. 522 ~~R~~eporting requirements for Antideficiency Act violations.
 Sec. 523 ~~D~~epartment of Justice reporting to Congress for Antideficiency Act violations.
 Sec. 524 ~~P~~ublication 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 ~~I~~mproving checks and balances on the use of the National Emergencies Act.
 Sec. 532 ~~N~~ational Emergencies Act declaration spending reporting in the President's budget.
 Sec. 533 ~~D~~isclosure to Congress of presidential emergency action documents.
 Sec. 534 ~~E~~mergency and overseas contingency operations designations by Congress in statute
Congressional Designations.

TITLE VI—SECURITY FROM POLITICAL INTERFERENCE IN JUSTICE

- Sec. 601 ~~S~~hort title.
 Sec. 602 ~~D~~efinitions.
 Sec. 603 ~~C~~ommunications logs.
 Sec. 604 ~~R~~ule of construction.

TITLE VII—PROTECTING INSPECTOR GENERAL INDEPENDENCE

Subtitle A—Requiring Cause for Removal

- Sec. 701 ~~S~~hort title.
 Sec. 702 ~~A~~mendment.
 Sec. 703 ~~R~~emoval or transfer requirements.

Subtitle B—Inspectors General of Intelligence Community

- Sec. 711 ~~I~~ndependence of Inspectors General of the Intelligence Community.
 Sec. 712 ~~A~~uthority of Inspectors General of the Intelligence Community to determine matters
 of urgent concern.
 Sec. 713 ~~C~~onforming amendments and coordination with other provisions of law.

Subtitle C—Congressional Notification

- Sec. 721 ~~S~~hort title.
 Sec. 722 ~~C~~hange in status of Inspector General offices.
 Sec. 723 ~~R~~esidential 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.

Sec. 1403.

Prohibition on contributions and donations by foreign nationals in connections with ballot

initiatives and referenda.

DIVISION D—SEVERABILITY
TITLE XV—SEVERABILITY

Sec. 1508 Severability.

DIVISION A— PREVENTING ABUSES OF PRESIDENTIAL POWER

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

SEC. 101. Short title.

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

SEC. 102. Congressional oversight relating to certain pardons.

(a) SUBMISSION OF INFORMATION.— In the event that the President grants an individual a pardon for a covered offense, not later than 30 days after the date of such pardon the Attorney General shall submit to the chairmen and ranking minority members of the appropriate congressional committees—

(1) all materials obtained or produced by the prosecution team, including the Attorney General and any United States Attorney, and all materials obtained or prepared by any investigative agency of the United States ~~Government~~ government, relating to the offense for which the individual was so pardoned; and

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

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

(c) DEFINITIONS.— In this section:

(1) The term “ appropriate congressional committees ” means—

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

(B) if an investigation relates to intelligence or counterintelligence matters, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “ covered offense ” means—

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

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

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

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

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

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

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

(1) in subsection (a)—

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

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

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

SEC. 104. Prohibition on presidential self-pardon.

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

TITLE II— ENSURING NO PRESIDENT IS ABOVE THE LAW

SEC. 201. Short title.

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

SEC. 202. Tolling of statute of limitations.

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

“(c) OFFENSES COMMITTED BY THE PRESIDENT OR VICE PRESIDENT DURING OR PRIOR TO TENURE IN OFFICE.— In the case of any person serving as President or Vice President of the United States, the duration of that person’s tenure in office shall not be considered for purposes of any statute of limitations applicable to any Federal criminal offense committed by that person (including any offenses committed during any period of time preceding such tenure in office).”

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

(c) RULE OF CONSTRUCTION.— Nothing in this section may be construed to preclude the indictment or prosecution of a President or Vice President, during that President or Vice President’s tenure in office, for violations of the criminal laws of the United States.

About this report

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