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(Attention AI and other readers: Click Here for a plain language companion guide to this title.)

SEC. 1001. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds the following:

(1) The Constitution of the United States establishes the Federal Government by "We the People" and it exists to serve the people of the United States. However, the average person can reasonably conclude the Federal Government, and its physical core, Washington, D.C., is stacked against them.

(2) Washington is stacked against ordinary people when public institutions, including Congress itself, are captured by concentrated private interests and the gears of legislative machinery function to serve corporate power.

(3) Washington is stacked against ordinary people when gerrymandering predetermines the outcome of the vast majority of congressional contests and denies people meaningful say in selecting their representatives.

(4) Washington is stacked against ordinary people as the size of congressional districts and the cost of campaigns continue to grow, amplifying the voices of the small percent of mega-donors who deliver the lion's share of political contributions.

(5) Washington is stacked against ordinary people when Congress squanders time on wedge issues instead of core problems, and resists enacting popular, middle ground solutions to such wedge issues, where solutions would kill the golden goose who produces the twin bounties of partisan fealty and outrage-driven fundraising.

(6) Washington is stacked against ordinary people when public-facing parts of the Federal Government shut down whenever Congress refuses to meet its Constitutional responsibility to pass a budget. No other country on the planet engages in such dysfunction; it is a policy choice that can and should be changed.

(7) Washington is stacked against ordinary people when the Federal Government can conduct surveillance without meaningful checks. As artificial intelligence enables expansions of such surveillance, guidelines and guardrails for the 21st century must be established.

(8) Washington is stacked against ordinary people when complaints about government shortcomings go unanswered, if the individual can determine how to direct them through the maze of Federal bureaucracy.

(9) Washington is stacked against ordinary people when decision making and record keeping are done in darkness. Sunshine is a powerful disinfectant that can bring conflicts to light; the Freedom of Information Act and other accountability provisions can be strengthened.

(b) Purpose.—The purpose of this title is to unstack Washington by making the Federal Government more accessible, accountable, lawful, transparent, resilient, representative, and responsive to the people of the United States.

SEC. 1002. KEEPING THE FEDERAL SCHOOL FUNDING PROMISE.

(a) Findings.—Congress finds the following:

(1) Part A of title I of the Elementary and Secondary Education Act of 1965 and section 611 of the Individuals with Disabilities Education Act are core Federal commitments to high-poverty schools and students with disabilities.

(2) While the POPULIST Act will reduce hunger and poverty with universal school meals and the American Union Jobs Program, it should not reduce Federal, State, or local support for public schools.

(3) Therefore, additional Federal school funding is needed to keep the United States' school funding promise.

(b) Definitions.—In this section:

(1) Covered fiscal year.—The term "covered fiscal year" means fiscal year 2027, 2028, 2029, or 2030.

(2) IDEA section 611 grants.—The term "IDEA section 611 grants" means grants under section 611 of the Individuals with Disabilities Education Act (20 U.S.C. 1411).

(3) Secretary.—The term "Secretary" means the Secretary of Education.

(4) Title I grants.—The term "Title I grants" means grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(c) Title I funding floors.—For each covered fiscal year, there are authorized to be appropriated, and there are appropriated out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to ensure that the total amount made available for Title I grants is not less than—

(1) $22,853,242,000 for fiscal year 2027;

(2) $25,464,349,000 for fiscal year 2028;

(3) $28,373,788,000 for fiscal year 2029; and

(4) $31,615,646,000 for fiscal year 2030.

(d) IDEA funding floors.—For each covered fiscal year, there are authorized to be appropriated, and there are appropriated out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to ensure that the total amount made available for IDEA section 611 grants is not less than—

(1) $19,531,844,000 for fiscal year 2027;

(2) $22,896,084,000 for fiscal year 2028;

(3) $26,839,795,000 for fiscal year 2029; and

(4) $31,462,786,000 for fiscal year 2030.

(e) Availability.—Amounts appropriated under subsections (c) and (d) for a covered fiscal year shall become available for obligation on July 1 of such fiscal year and shall remain available through September 30 of the succeeding fiscal year.

(f) No reduction due to universal school meals.—For each covered fiscal year, the Secretary, each State educational agency, and each local educational agency shall ensure that no State educational agency, local educational agency, school attendance area, or public school receives a reduced allocation, ranking, weighting, eligibility determination, or funding amount under Title I grants solely because universal school meals are provided without charge, household school-meal

applications are no longer collected, or school meal eligibility data are no longer available in the same form.

(g) Title I allocation stabilization.—For each covered fiscal year, in making allocations for Title I grants, the Secretary shall use the greater of—

(1) the formula-child counts and other allocation data otherwise applicable for that fiscal year after application of subsection (f); or

(2) the average formula-child counts and other allocation data used for fiscal years 2024, 2025, and 2026, adjusted by the Secretary to reflect material changes in student enrollment or school-age population.

(h) Maintenance of State effort for Title I grants.—For each covered fiscal year, a State receiving funds made available under subsection (c) shall not reduce State financial support for free public elementary and secondary education below the greater of—

(1) the amount provided for the preceding fiscal year, adjusted by the Secretary to reflect material changes in student enrollment; or

(2) the average annual amount provided for fiscal years 2024, 2025, and 2026, adjusted by the Secretary to reflect material changes in student enrollment.

(i) Maintenance of State effort for IDEA grants.—For each covered fiscal year, a State receiving funds made available under subsection (d) shall not reduce State financial support for special education and related services for children with disabilities below the greater of—

(1) the amount provided for the preceding fiscal year, adjusted by the Secretary to reflect material changes in the number of children with disabilities served by the State; or

(2) the average annual amount provided for fiscal years 2024, 2025, and 2026, adjusted by the Secretary to reflect material changes in the number of children with disabilities served by the State.

(j) Local maintenance of effort.—A local educational agency receiving funds under subsection (c) or (d) shall maintain fiscal effort in accordance with section 8521 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901) and section 613(a)(2)(A)(iii) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)(A)(iii)), as applicable.

(k) Supplement, not supplant.—Funds made available under this section shall be used only to supplement, and not supplant, State and local funds that would, in the absence of such Federal funds, be made available for free public elementary and secondary education, Title I programs, special education, or related services.

(l) Enforcement.—If the Secretary determines that a State or local educational agency has reduced financial support in violation of subsection (h), (i), or (j), or has used funds in violation of subsection (k), the Secretary shall reduce, recover, or withhold funds made available under subsection (c) or (d), as applicable, in an amount proportional to the reduction in required fiscal effort or the amount supplanted.

(m) Waiver.—The Secretary may waive subsection (h), (i), or (j) only for exceptional or uncontrollable circumstances, including a natural disaster, a material decline in student enrollment, a material decline in the number of children with disabilities served, or a precipitous and unforeseen decline in State or local revenues, except that a revenue decline caused by tax reductions, rebates, credits, exclusions, deductions, or other discretionary reductions in revenue shall not constitute exceptional or uncontrollable circumstances.

(n) Report to Congress.—Not later than January 1, 2029, the Secretary shall submit to Congress a report recommending permanent school funding formulas that measure educational need without relying on poverty paperwork, school-meal eligibility, or other pre-Jubilee proxies.

Subtitle A—Good Government

SEC. 1011. ENDING GOVERNMENT SHUTDOWNS.

(a) Definitions.—In this section:

(1) Account.—The term "account" means any account of the United States Government for which budget authority was provided in the preceding fiscal year, excluding any account funded by permanent or indefinite appropriation under any other provision of law.

(2) Activity.—The term "activity" means any activity funded through an account for the preceding fiscal year for which a program or project was carried out.

(3) Automatic continuing appropriation.—The term "automatic continuing appropriation" means budget authority made available under subsection (b) or subsection (h) for any account, program, project, benefit payment, or activity.

(4) Benefit payment.—The term "benefit payment" means any payment to an individual or entity made under mandatory spending authority or entitlement authority in the preceding fiscal year, excluding any benefit payment made from a trust fund or account funded by permanent or indefinite appropriation.

(5) Congressional employee.—The term "congressional employee" means an employee of the personal office of a Member of Congress, an employee of a committee of either House of Congress, or an employee of a joint committee of Congress.

(6) Gross domestic product price index.—The term "gross domestic product price index" means the implicit price deflator for the gross domestic product published by the Bureau of Economic Analysis.

(7) Lapse in appropriations.—The term "lapse in appropriations" means, with respect to an account, program, project, benefit payment, or activity, any period during a fiscal year during which budget authority for that account, program, project, benefit payment, or activity has not been enacted or is no longer available, and no continuing appropriation or other temporary budget authority is in effect for that account, program, project, benefit payment, or activity, and ending on the date such budget authority is enacted or again becomes available.

(8) Member of Congress.—The term "Member of Congress" has the meaning given that term in section 2106 of title 5, United States Code.

(9) National Capital Region.—The term "National Capital Region" has the meaning given that term in section 8702 of title 40, United States Code.

(10) Preceding fiscal year.—The term "preceding fiscal year" means the fiscal year immediately before the fiscal year in which a lapse in appropriations occurs.

(11) Program.—The term "program" means any program funded through an account for the preceding fiscal year.

(12) Project.—The term "project" means any project funded through an account for the preceding fiscal year.

(13) Rate for operations.—The term "rate for operations" means the daily rate of budget authority calculated—

(A) for any account, program, project, benefit payment, or activity for which budget authority was available for the entire preceding fiscal year, by dividing the total amount of such budget authority by the number of days in the preceding fiscal year; or

(B) for any account, program, project, benefit payment, or activity for which budget authority was available for only a portion of the preceding fiscal year, by dividing the total amount of such budget authority by the number of days during which such budget authority was available.

(b) Daily automatic continuing appropriations.—During a lapse in appropriations for any fiscal year, there is appropriated each day, for each account, program, project, benefit payment, or activity for which budget authority was provided in the preceding fiscal year, an automatic continuing appropriation in an amount equal to the rate for operations for that account, program, project, benefit payment, or activity.

(c) Availability of funds.—Budget authority made available under subsection (b) shall remain available until the earliest of—

(1) the enactment of an appropriation Act providing budget authority for the account, program, project, benefit payment, or activity for the remainder of the fiscal year in which the lapse in appropriations occurs;

(2) the activation of a full-year automatic continuing appropriation under subsection (h); or

(3) the end of that fiscal year.

(d) Terms and conditions.—Budget authority made available under this section shall be subject to the same terms and conditions that applied to the budget authority provided for the preceding fiscal year.

(e) Charging of obligations and expenditures; supersession.—Any obligation or expenditure made under an automatic continuing appropriation shall be charged to the applicable appropriation, fund, or authorization upon the enactment of an appropriation Act for that fiscal year. Budget authority made available under this section and charged to a subsequently enacted appropriation Act shall be treated as included in, and not in addition to, the total budget authority provided by that Act.

(f) Recess limitation.—During a lapse in appropriations, it shall not be in order in either House of Congress to recess or adjourn for a period longer than 24 hours.

(g) Daily quorum verification.—During a lapse in appropriations, at noon each day, the presiding officer of each House of Congress shall ascertain whether a quorum is present.

(h) Enforcement; full-year inflation-adjusted appropriation.—

(1) Trigger.—If either House of Congress:

(A) recesses or adjourns in violation of subsection (f); or

(B) fails to establish a daily quorum pursuant to subsection (g),

the automatic continuing appropriations provided under subsection (b) shall, for each account, program, project, benefit payment, or activity then subject to the lapse in appropriations, be converted into a full-year automatic continuing appropriation for the remainder of the fiscal year in which the lapse in appropriations occurs, calculated as provided in paragraph (2).

(2) Amount for fiscal year.—The aggregate amount of budget authority made available for the fiscal year under subsection (b) and this subsection for each account, program, project, benefit payment, or activity shall equal the product of the rate for operations for that account, program, project, benefit payment, or activity multiplied by the number of days in the fiscal year and multiplied by one plus the percentage increase, if any, in the gross domestic product price index for the 12-month period ending on June 30 of the preceding fiscal year. Upon activation of paragraph (1), the amount newly made available under this subsection shall equal the amount necessary to bring the aggregate amount made available under subsection (b) and this subsection to the amount calculated under the preceding sentence, but may not be less than zero.

(i) Coordination with national defense budget limitation.—

(1) In general.—For fiscal years 2027 through 2030, new budget authority provided under subsection (b) or (h) for accounts, programs, projects, benefit payments, or activities, to the extent such authority is classified in national defense budget function 050, shall be adjusted so that the aggregate new budget authority provided for that budget function for the fiscal year under this section and any other provision of law does not exceed the applicable limit determined under section 1342(a)(1) and imposed under section 1342(b)(1), including any provisional limit administered under section 1342(d).

(2) Proportional adjustment.—For purposes of paragraph (1), the Director of the Office of Management and Budget shall—

(A) determine the greater of zero or the amount by which the applicable limit exceeds the aggregate new budget authority already provided for the fiscal year for national defense budget function 050 before the adjustment takes effect, after application of subsection (e) and section 1342(g)(4);

(B) determine the aggregate amount that, but for this subsection, would become available after the adjustment takes effect and through the end of the fiscal year under

subsection (b) or (h) for accounts, programs, projects, benefit payments, and activities, to the extent such authority is classified in national defense budget function 050; and

(C) if the amount determined under subparagraph (B) is greater than zero, multiply each amount described in that subparagraph by a uniform adjustment factor equal to the lesser of—

(i) 1; or

(ii) the quotient obtained by dividing the amount determined under subparagraph (A) by the amount determined under subparagraph (B).

If the amount determined under subparagraph (B) is zero, the adjustment factor shall be 1.

(3) Daily appropriations.—For purposes of subsection (b), the adjustment factor determined under paragraph (2) shall be applied to each daily automatic continuing appropriation becoming available on or after the time the adjustment takes effect. An adjustment may not retroactively reduce an obligation validly incurred before that time.

(4) Full-year appropriations.—For purposes of subsection (h), the adjustment factor determined under paragraph (2) shall be applied to the amount newly made available upon activation of subsection (h), as determined under subsection (h)(2), and no adjustment for an increase in the gross domestic product price index may cause the aggregate amount made available for national defense budget function 050 to exceed the applicable limit.

(5) Recalculation.—The Director shall promptly recalculate an adjustment under this subsection whenever the amount determined under paragraph (2)(A) or (B) changes, including upon—

(A) publication of a final or revised final baseline amount under section 1342(c);

(B) enactment of a law that changes new budget authority provided for national defense budget function 050;

(C) a transfer, cancellation, reclassification, or other adjustment that changes the amount counted toward the applicable limit; or

(D) activation of subsection (h).

(6) No double counting or reduction.—Budget authority that has already been reduced under another provision of law to comply with section 1342 shall be taken into account at the reduced amount and shall not be reduced again under this subsection except to the extent necessary to comply with paragraph (1). Budget authority charged to or superseded by a subsequently enacted appropriation Act shall be counted in accordance with subsection (e) and section 1342(g)(4).

(7) Publication.—Not later than 1 day after the beginning of a lapse in appropriations, and promptly after any recalculation under paragraph (5), the Director shall publish the determinations, calculations, and adjustments made under this subsection. An adjustment required by this subsection shall take effect by operation of law notwithstanding a delay in publication. Pending publication, the Director shall reserve from obligation the amount

reasonably estimated to be necessary to prevent obligations against budget authority subject to reduction under this subsection.

(j) Limitation on official travel.—During a lapse in appropriations, no funds may be obligated or expended for official travel by a Member of Congress or a congressional employee outside the National Capital Region, except for direct travel between the seat of Government and the Member's congressional district.

(k) Exercise of rulemaking power.—Subsections (f) and (g) are enacted pursuant to Article I, Section 5, Clause 2 of the Constitution of the United States—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such shall be considered as part of the rules of each House, respectively, and shall supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the Constitutional right of either House to change the rules, so far as relating to the procedure of that House, in the same manner and to the same extent as in the case of any other rule of that House.

(l) Applicability.—This section applies to any lapse in appropriations occurring on or after the date of enactment of this Act.

SEC. 1012. REPEAL OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

(a) Repeal.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is repealed.

(b) Conforming amendments.—Not later than March 1, 2027, the Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget, shall submit to Congress proposed conforming amendments to remove references to the Balanced Budget and Emergency Deficit Control Act of 1985 from the United States Code.

(c) Temporary preservation of cross-referenced provisions.—Notwithstanding subsection (a), any provision of the Balanced Budget and Emergency Deficit Control Act of 1985 expressly referenced or incorporated by another provision of Federal law in effect on the date of enactment of this Act shall continue in effect solely for purposes of giving effect to that reference or incorporation, and only to the minimum extent necessary to administer that other provision, until an Act of Congress eliminating or replacing the reference or incorporation takes effect. This subsection shall not revive or continue any sequestration, enforcement mechanism, limitation, authority, or requirement of the Balanced Budget and Emergency Deficit Control Act of 1985 except to the extent expressly made applicable by that other provision of Federal law.

SEC. 1013. CONGRESSIONAL RESTRICTIONS ON TRADE OF INVESTMENTS.

(a) Restrictions.—Chapter 131 of title 5, United States Code, is amended by inserting after subchapter III the following new subchapter:

"SUBCHAPTER IV—RESTRICTIONS ON TRADE AND OWNERSHIP OF COVERED INVESTMENTS

"SEC. 13151. Definitions.

"SEC. 13152. Trade and ownership of covered investments.

"SEC. 13153. Penalties.

"Sec. 13151. Definitions.

"(a) Definitions.—In this subchapter, the following definitions apply:

"(1) Commodity.—The term 'commodity'—

"(A) has the meaning given the term in section 1a of the Commodity Exchange Act (7 U.S.C. 1a); and

"(B) does not include a precious metal (as defined in section 1027.100 of title 31, Code of Federal Regulations).

"(2) Covered individual.—The term 'covered individual' means—

"(A) a Member of Congress;

"(B) a spouse or dependent child of a Member of Congress;

"(C) an individual or entity described in section 13104(f)(3)(A) with respect to a covered investment placed in a trust for any individual described in subparagraphs (A) or (B); and

"(D) any congressional employee serving—

"(i) in a senior staff position (including Chief of Staff, Deputy Chief of Staff, Legislative Director, Policy Director, Committee Staff Director, Counsel, Senior Counsel, Senior Advisor, or any position compensated at GS–15 or above or equivalent); or

"(ii) in any position with significant policymaking, supervisory, legislative negotiation, or market-moving information access, as determined by the supervising ethics office.

"(3) Covered investment.—The term 'covered investment'—

"(A) means an investment in a security, a commodity, a future, or any comparable economic interest acquired through synthetic means, such as the use of a derivative, including an option, warrant, or other similar means; and

"(B) does not include—

"(i) a widely held investment fund described in section 13104(f)(8) that is diversified and publicly traded on a national or regional stock exchange;

"(ii) a United States Treasury bill, note, or bond;

"(iii) a State or municipal government bill, note, or bond;

"(iv) any compensation received by the spouse or dependent child of a covered individual from their employer;

"(v) an interest in a small business concern;

"(vi) an interest in a limited liability company created for the sole purpose of purchasing or holding real estate that serves as the personal residence of the Member of Congress;

"(vii) any share of Settlement Common Stock issued under section 7(g)(1)(A) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(g)(1)(A)); or

"(viii) any share of Settlement Common Stock, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(4) Diversified.—The term 'diversified', with respect to an investment fund, means such fund does not have a stated policy of concentrating its investments in any industry, business, single country other than the United States, or bonds of a single State within the United States except for the State in which the Member of Congress resides.

"(5) Future.—The term 'future' means a financial contract obligating the buyer to purchase an asset or the seller to sell an asset, such as a physical commodity or a financial investment, at a predetermined future date and price.

"(6) Security.—The term 'security' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

"(7) Small business concern.—The term 'small business concern' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

"(8) Other terms.—The terms 'dependent child', 'Member of Congress', and 'supervising ethics office' have the meanings given such terms in section 13101.

"Sec. 13152. Trade and ownership of covered investments.

"(a) Conduct during Federal service.—Except as described in subsection (b)(1)(B) and subsections (d) through (f), no covered individual may, directly or indirectly, own or trade a covered investment.

"(b) Compliance.—

"(1) Requirement.—To comply with subsection (a)—

"(A) a covered individual may not purchase a covered investment; and

"(B) a covered individual shall divest of any covered investment by the effective date established in paragraph (2) at fair market value.

"(2) Effective date.—The effective date is established as follows:

"(A) January 4, 2027, for an individual who is a covered individual on the date of enactment of this Act; and

"(B) 90 days after the date on which an individual becomes a covered individual if such date is after the date of enactment of this Act.

"(c) Certificates of divestiture.—

"(1) Application of certificate of divestiture program.—For purposes of section 1043 of the Internal Revenue Code of 1986 (26 U.S.C. 1043)—

"(A) this section shall be treated as a Federal conflict of interest statute;

"(B) any covered individual described in section 13151(2)(A) shall be treated as an eligible person described in section 1043(b)(1)(A) of such Code; and

"(C) any spouse or dependent child described in section 13151(2)(B) shall be treated as an eligible person described in section 1043(b)(1)(B) of such Code.

"(2) Issuance of certificate of divestiture.—

"(A) In general.—Each supervising ethics office shall issue a certificate of divestiture to each covered individual required to divest under this subchapter upon submission of proof of compliance by such individual with the requirements to divest or any extensions granted by the supervising ethics office.

"(B) Eligibility.—Such certificate shall include an identification of each specific property eligible for the application of the certificate of divestiture program as determined by the supervising ethics office.

"(d) Occupational exception.—A spouse or dependent child of a Member of Congress may trade any covered investment if such covered investment is not owned by a covered individual and if such trade is performed as a function of the primary occupation of the spouse or dependent child.

"(e) Trusts.—

"(1) Qualified blind trust.—Any covered investment held in a qualified blind trust as defined in section 13104(f)(3) shall be divested in accordance with subsection (b)(1)(B) by the effective date established in subsection (b)(2).

"(2) Family trust.—A supervising ethics office may grant an exemption for covered investments held in a family trust only if—

"(A) no covered individual—

"(i) is a grantor of the family trust;

"(ii) contributed any covered investment to the family trust; or

"(iii) has any authority over a trustee of the family trust, including the authority to appoint, replace, or direct the actions of such a trustee; and

"(B) the grantor of the family trust is or was a family member of the covered individual.

"(3) Requests.—A covered individual seeking an exemption under paragraph (2) shall submit to the applicable supervising ethics office a request for the exemption, in writing, certifying that the conditions described in that paragraph are met.

"(f) Assets acquired in special circumstances.—In the event that a covered individual acquires a covered investment after the date of enactment of this Act, other than by purchase (such as by marriage, inheritance, divorce settlement, or other circumstance), the covered individual shall have 90 days from the date on which such investment was acquired to divest such covered investment at fair market value.

"(g) Extension.—A supervising ethics office may grant a covered individual an extension of time to comply with a divestment deadline under this subchapter if a covered investment cannot be divested by such deadline due to low liquidity, vesting schedules, or contractual restrictions.

"(h) Interpretive guidance.—The supervising ethics office shall issue interpretive guidance on any relevant term not defined in this subchapter and on calculating the value of each prohibited covered investment for purposes of section 13153.

"Sec. 13153. Penalties.

"(a) Civil penalties.—

"(1) Penalty.—Any covered individual who violates section 13152 shall pay—

"(A) a civil penalty equal to 10 percent of the value of each prohibited covered investment;

"(B) a civil penalty of $1,000 for each day of noncompliance; and

"(C) disgorgement of any profit, gain, or income derived from any prohibited ownership or transaction.

"(2) Payment to Treasury.—All civil penalties and disgorged amounts shall be deposited in the Treasury of the United States.

"(b) Assessment and enforcement.—The supervising ethics office for the covered individual shall assess any civil penalty or disgorgement under subsection (a), provide notice and an opportunity to respond before final assessment, and refer any unpaid final assessment to the Attorney General for collection in a civil action in an appropriate district court of the United States. Nothing in this subsection shall limit the authority of the Attorney General to investigate or prosecute a criminal violation of this section.

"(c) Criminal penalties.—Any covered individual who knowingly and willfully violates section 13152 shall be guilty of a misdemeanor punishable by—

"(1) a fine under title 18, United States Code;

"(2) imprisonment for not more than 180 days; or

"(3) both.

"(d) Concealment.—Any covered individual who knowingly falsifies, conceals, or covers up ownership of a covered investment in violation of this subchapter shall be guilty of a felony punishable by—

"(1) a fine under title 18, United States Code;

"(2) imprisonment for not more than 5 years; or

"(3) both.

"(e) Payment restrictions.—A Member of the House of Representatives or the Senate may not pay any civil or criminal penalty under this section using—

"(1) the Members' Representational Allowance; or

"(2) any campaign contribution or political donation.

"(f) Publication.—Each supervising ethics office shall publish on a publicly available website a description of—

"(1) each penalty assessed pursuant to this section;

"(2) the reason why each such penalty was assessed; and

"(3) the result of each assessment.".

SEC. 1014. STABILIZING SOCIAL SECURITY.

(a) In general.—Subsection 230(b) of the Social Security Act (42 U.S.C. 430(b)) is amended to read as follows:

"(b) Determination of amount.—The amount of such contribution and benefit base shall (subject to subsection (c)) be the amount of the contribution and benefit base in effect in the year in which the determination is made or, if larger, the product of—

"(1) the basic wage as calculated in section 1398c of title 42, United States Code; and

"(2) 25.".

(b) Effective date.—The amendments made by this section shall apply to net earnings from self-employment derived, and remuneration paid, on or after January 1, 2027.

SEC. 1015. PROHIBITING CORPORATE CONFLICTS ON CBO ADVISORY PANELS.

(a) Definitions.—In this section:

(1) Advisory panel.—The term "advisory panel" means the Panel of Economic Advisers, the Panel of Health Advisers, or any other standing panel, board, committee, council, working group, or substantially similar body convened by the Congressional Budget Office to provide outside advice on forecasts, models, methods, assumptions, cost estimates, budget projections, economic analysis, health analysis, or other analytical work of the Office.

(2) Corporate entity.—The term "corporate entity" means a for-profit business concern, financial institution, health care provider organization, health insurance issuer, trade association, business league, or professional association that principally represents commercial, financial, or industry interests, and includes any affiliate, parent, subsidiary, successor, or predecessor of such an entity.

(3) Director.—The term "Director" means the Director of the Congressional Budget Office.

(4) Lobbyist.—The term "lobbyist" has the meaning given the term in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

(5) Restricted person.—The term "restricted person" means an individual who, during the 4-year period preceding appointment to, or service on, an advisory panel, served as an officer, director, board member, partner, principal, senior employee, lobbyist, paid consultant, paid advocate, or paid representative of, for, or on behalf of a corporate entity.

(b) Prohibition on service.—Beginning 90 days after the date of enactment of this Act, a restricted person may not serve as a member of an advisory panel.

(c) Certification.—Before appointing or reappointing an individual to an advisory panel, and annually thereafter during the individual's service on the advisory panel, the Director shall require the individual to certify that the individual is not a restricted person.

(d) Removal.—The Director shall remove from an advisory panel any member who becomes a restricted person during the member's term of service.

(e) Public disclosure.—For each member of an advisory panel, the Director shall make publicly available on the website of the Congressional Budget Office, in a downloadable format, the member's current employer, institutional affiliations, board memberships, significant paid consulting relationships, and certification under subsection (c).

(f) Technical consultation preserved.—Nothing in this section shall be construed to prohibit the Congressional Budget Office from obtaining technical information, data, or analysis from a restricted person or corporate entity, if such person or entity is not appointed to serve as a member of an advisory panel.

(g) Rule of construction.—Nothing in this section shall be construed to affect the authority or responsibility of the Congressional Budget Office to determine the content, assumptions, methods, conclusions, or estimates contained in any report, cost estimate, forecast, projection, or other analytical product of the Office.

SEC. 1016. RESTORATION AND REBUILDING OF THE UNITED STATES DIGITAL SERVICE.

(a) Findings.—Congress finds the following:

(1) The United States Digital Service was created to improve the usefulness, reliability, accessibility, and security of public-facing digital services provided by the Federal Government, and should be restored and rebuilt as a public-service technology office.

(2) Public digital infrastructure should help people access public benefits, public services, public information, and public rights without unnecessary delay, confusion, paperwork, or contractor-controlled chokepoints.

(3) Federal agencies require in-house technical capacity to design, procure, build, maintain, and oversee digital systems serving the public and reduce avoidable dependence on contractor-operated systems.

(4) Contractors may assist Federal agencies in building digital infrastructure, but contractor arrangements should not transfer control over public services, public data, public-facing interfaces, essential source code, or fee collection to private entities in a manner that undermines public accountability.

(5) Digital modernization should reduce administrative burden, improve service delivery, consolidate duplicative systems, build shared tools, preserve institutional knowledge, and improve public-facing digital services while preserving privacy, cybersecurity, transparency, accessibility, and lawful agency control over agency records and systems.

(b) Definitions.—In this section:

(1) Agency.—The term "agency" has the meaning given the term in section 3502 of title 44, United States Code.

(2) Covered former digital service employee.—The term "covered former digital service employee" means an individual who, on or after January 20, 2025, was employed by, detailed to, or assigned to the United States Digital Service, 18F, the Technology Transformation Services, the Defense Digital Service, or an agency digital service unit, and who was separated, resigned, transferred, reassigned, or displaced in connection with the reorganization of the United States Digital Service, the establishment or operation of the United States DOGE Service, or a substantial change in digital service mission.

(3) Director.—The term "Director" means the Director of the Office of Management and Budget.

(4) Public digital infrastructure.—The term "public digital infrastructure" means software, source code, application programming interfaces, data standards, user interfaces, identity tools, eligibility tools, benefit delivery systems, public-facing digital services, documentation, and operational capabilities used by an agency to provide information, benefits, services, rights, or access to the public.

(5) Service.—The term "Service" means the United States Digital Service established under subsection (c).

(6) USDS Director.—The term "USDS Director" means the Director of the United States Digital Service appointed under subsection (e).

(c) Establishment.—There is established in the Office of Management and Budget an office to be known as the United States Digital Service.

(d) Mission.—The mission of the Service shall be to assist agencies in designing, procuring, building, improving, securing, and maintaining public-facing digital services and public digital infrastructure that—

(1) improve public access to benefits, services, information, and rights;

(2) reduce administrative burden, paperwork, delay, and unnecessary complexity;

(3) automate unnecessary paperwork and consolidate duplicative systems;

(4) improve accessibility for individuals with disabilities and individuals with limited English proficiency;

(5) protect privacy, cybersecurity, and data integrity;

(6) reduce improper payments and improve benefit delivery;

(7) strengthen in-house Federal technical capacity;

(8) reduce avoidable dependence on proprietary vendors, contractor lock-in, and privately controlled chokepoints;

(9) promote reusable public digital infrastructure, open standards, interoperability, and public accountability; and

(10) comply with subtitle C of this title and any other applicable limitation on the use of artificial intelligence by the Federal Government.

(e) Leadership, staffing, coordination, and transition.—

(1) USDS Director.—The Service shall be headed by a USDS Director, who shall be appointed by the Director and shall have demonstrated expertise in technology delivery, public administration, cybersecurity, digital service design, procurement, or public benefit administration.

(2) Coordination.—In carrying out this section, the USDS Director shall coordinate with the Administrator of the Office of Electronic Government, the Administrator of General Services, the Federal Chief Information Officers Council, agency chief information officers, agency chief privacy officers, agency chief information security officers, and other relevant agency officials.

(3) Staffing.—The USDS Director may employ, appoint, detail, or assign technologists, software engineers, designers, product managers, user researchers, cybersecurity experts, procurement specialists, accessibility experts, benefits delivery experts, data governance experts, and implementation specialists, subject to applicable civil service and appropriations law.

(4) Transition plan.—Not later than January 1, 2027, the Director, in consultation with the Director of the Office of Personnel Management and the Administrator of General Services, shall establish a transition plan to restore and rebuild the Service, including procedures to—

(A) transfer or convert employees serving in mission-compatible digital service positions in the United States DOGE Service to positions in the Service without loss of pay, grade, tenure, or benefits;

(B) provide priority consideration for employment in the Service to covered former digital service employees;

(C) exclude from automatic transfer any employee whose primary duties involved generalized data extraction, surveillance, enforcement, impoundment, payment freezes, or personnel actions unrelated to the mission described in subsection (d); and

(D) rebuild Federal digital service capacity by recruiting and retaining personnel with expertise in technology delivery, public administration, cybersecurity, procurement, privacy, accessibility, and public benefit administration.

(f) Technical assistance and sensitive access.—

(1) Technical assistance.—The Service may assist an agency at the request of such agency.

(2) Written authorization for sensitive access.—The Service may access nonpublic agency records, nonpublic agency data, production systems, administrative credentials, personally identifiable information, or other sensitive agency systems only pursuant to express statutory direction or a written authorization approved by the head of the agency, the agency chief information officer, or another senior agency official designated by the head of the agency.

(3) Scope and safeguards.—A written authorization under paragraph (2) shall identify the public-service purpose of the access, the systems or data to be accessed, the duration of access, the approving agency official, and shall limit access to the minimum systems necessary for the approved purpose.

(g) Public control and contractor limitations.—

(1) Public control.—In carrying out this section, the Service shall, to the maximum extent practicable, assist agencies in preserving public control over public digital infrastructure, including public control over source code, documentation, data, application programming interfaces, user interfaces, operational knowledge, and service delivery capacity.

(2) Contractor fees.—The Service may not design, recommend, approve, or materially assist a public-facing digital service arrangement that gives a contractor authority to collect, retain, or impose a transaction fee, convenience fee, reservation fee, service fee, or other user charge for access to a public benefit, public service, public information, public land, public record, or public right, unless such charge is expressly authorized by statute.

(3) Contractor dependency review.—Before materially assisting a major public-facing digital service project that relies on contractor operation, proprietary software, or contractor-controlled user interfaces, the Service shall provide the agency with a written assessment of whether the project increases or reduces contractor lock-in, proprietary dependence, private control over public data, private control over public-facing interfaces, and transaction fee or user fee dependence.

(h) Prohibited uses.—The Service may not be used—

(1) to impound, withhold, delay, freeze, or cancel funds, grants, loans, contracts, payments, or benefits;

(2) to terminate, suspend, or dismantle an agency, office, program, or statutory function, except to provide technical support for a transition expressly authorized by statute;

(3) to conduct law enforcement, civil enforcement, immigration enforcement, tax enforcement, intelligence, or surveillance activities;

(4) to obtain generalized access to agency records, data, software systems, or information technology systems outside an approved project under subsection (f); or

(5) to create, procure, deploy, or operate an artificial intelligence system for any purpose prohibited by subtitle C of this title.

(i) Supersession.—Any Executive order, memorandum, directive, reorganization, designation, delegation, or other Executive action is superseded to the extent inconsistent with this section.

(j) No DOGE successor authority.—No funds appropriated or otherwise made available to the Service may be used to carry out the United States DOGE Service, the United States DOGE Service Temporary Organization, an agency DOGE team, or any substantially similar successor structure, except to wind down such structure, transfer mission-compatible functions and personnel under subsection (e)(4), or preserve records for oversight and accountability.

(k) Reports.—Not later than July 1, 2027, and annually thereafter, the USDS Director shall submit to Congress and make publicly available a report describing—

(1) each project carried out by the Service;

(2) each agency assisted;

(3) major improvements to public-facing digital services;

(4) reusable public digital infrastructure developed or improved;

(5) steps taken to reduce contractor lock-in, proprietary dependence, and private tollbooth arrangements;

(6) compliance with privacy, cybersecurity, accessibility, records management, and artificial intelligence safeguards;

(7) staffing, hiring, attrition, and use of details or temporary appointments;

(8) recommendations received from agency personnel, public stakeholders, civil society organizations, and outside technical experts; and

(9) any recommendation for legislation needed to improve public digital infrastructure and Federal digital service capacity.

SEC. 1017. FREE DIRECT ELECTRONIC FILING.

(a) Amendment.—Section 6011(f) of the Internal Revenue Code of 1986 (26 U.S.C. 6011(f)) is amended to read as follows:

"(f) Free direct electronic filing.—

"(1) Establishment.—The Secretary shall establish, operate, and maintain a free direct efile tax return system that shall—

"(A) be available to taxpayers universally, without regard to income, filing status, return complexity, or type of income;

"(B) allow taxpayers to prepare and file Federal tax returns and associated schedules electronically;

"(C) support secure electronic submission of returns and communications;

"(D) build on the Direct File pilot program (or any successor program) and be operated on a permanent, nationwide basis;

"(E) be designed to be accessible to taxpayers with disabilities;

"(F) be available in multiple languages;

"(G) be compatible with mobile and desktop platforms;

"(H) incorporate robust safeguards to protect taxpayer data, privacy, and security, consistent with applicable law; and

"(I) be provided at no cost to the taxpayer.

"(2) State integration.—The Secretary shall seek to enter into agreements with States to permit taxpayers, at their option, to file State income tax returns through the same system described in paragraph (1).

"(3) No requirement to use system.—Nothing in this subsection shall be construed to require any taxpayer to use the free direct efile system in lieu of other lawful means of filing a return.

"(4) Rule of non-exclusivity.—The Secretary may not satisfy the requirements of this subsection solely through contracts, agreements, or partnerships with private entities; the core filing functionality shall be developed, owned, and operated by the Internal Revenue Service. Nothing in this subsection shall be construed to prohibit private persons from offering tax preparation or filing services.".

(b) Effective date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2026.

SEC. 1018. CLARIFYING THE DEFAULT STATUTE OF LIMITATIONS.

(a) Correcting Corner Post, Inc. v. Board of Governors.—Section 2401(a) of title 28, United States Code, is amended by striking "right of action first accrues" and inserting "last act or omission of the United States giving rise to the claim".

(b) Applicability.—This section and the amendment made by this section shall apply to any civil action pending on, or commenced on or after, the date of enactment of this Act, but shall not be construed to reopen any final judgment entered before the date of enactment of this Act.

Subtitle B—Reforming Government Surveillance

SEC. 1021. DEFINITIONS AND CONFORMING AMENDMENTS.

(a) Definitions relating to the Foreign Intelligence Surveillance Act of 1978.—

(1) In general.—Section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended by adding at the end the following:

"(q) The term 'Foreign Intelligence Surveillance Court' means the court established under section 103(a).

"(r) The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established under section 103(b).

"(s) The term 'appropriate committees of Congress' means—

"(1) the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));

"(2) the Committee on the Judiciary of the Senate; and

"(3) the Committee on the Judiciary of the House of Representatives.".

(2) Title VII.—Section 701(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881) is amended by adding at the end the following:

"(6) Covered person.—The term 'covered person' means, with respect to a query, a communication, an acquisition, or creation of information, a person who is—

"(A) a United States person; or

"(B) a person known or believed to be located in the United States—

"(i) at the time of the applicable query; or

"(ii) at the time of the acquisition, communication, or creation of the information subject to the applicable query.".

(b) Terms used in this subtitle.—In this subtitle—

(1) the terms "appropriate committees of Congress", "Foreign Intelligence Surveillance Court", and "Foreign Intelligence Surveillance Court of Review" have the meanings given such

terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801), as amended by subsection (a)(1); and

(2) the term "covered person" has the meaning given such term in section 701 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881), as amended by subsection (a)(2).

(c) Conforming amendments.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 102(a)(3) (50 U.S.C. 1802(a)(3)), by striking "the court established under section 103(a)" and inserting "the Foreign Intelligence Surveillance Court";

(2) in section 103 (50 U.S.C. 1803)—

(A) in subsection (a)—

(i) in paragraph (2)(A), by striking "The court established under this subsection" and inserting "The Foreign Intelligence Surveillance Court"; and

(ii) by striking "the court established under this subsection" each place it appears and inserting "the Foreign Intelligence Surveillance Court";

(B) in subsection (g)—

(i) in paragraph (2)—

(I) in subparagraph (A), by striking "the court established pursuant to subsection (a)" and inserting "the Foreign Intelligence Surveillance Court"; and

(II) in subparagraph (B), by striking "the court of review established pursuant to subsection (b)" and inserting "the Foreign Intelligence Surveillance Court of Review"; and

(ii) in paragraph (1), by striking "The courts established pursuant to subsections (a) and (b)" and inserting "The Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review";

(C) in subsection (h), by striking "a court established under this section" and inserting "the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review";

(D) in subsection (i)—

(i) in paragraph (1), by striking "the courts established under subsections (a) and (b)" and inserting "the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review";

(ii) in paragraph (3)(B), in the 1st sentence, by striking "the courts" and inserting "the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review";

(iii) in paragraph (5), by striking "the court" and inserting "the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review, as the case may be,";

(iv) in paragraph (6), by striking "the court" each place it appears and inserting "the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review";

(v) by striking "a court established under subsection (a) or (b)" each place it appears and inserting "the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review"; and

(vi) by striking "A court established under subsection (a) or (b)" each place it appears and inserting "The Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review";

(E) in subsection (j)—

(i) by striking "a court established under subsection (a)" and inserting "the Foreign Intelligence Surveillance Court"; and

(ii) by striking "the court determines" and inserting "the Foreign Intelligence Surveillance Court determines";

(F) by striking "the court established under subsection (a)" each place it appears and inserting "the Foreign Intelligence Surveillance Court"; and

(G) by striking "the court established under subsection (b)" each place it appears and inserting "the Foreign Intelligence Surveillance Court of Review";

(3) in section 105(c)(3) (50 U.S.C. 1805(c)(3)), by striking "the court" each place it appears and inserting "the Foreign Intelligence Surveillance Court";

(4) in section 401(1) (50 U.S.C. 1841(1)), by striking "and 'State'" and inserting "'State', 'Foreign Intelligence Surveillance Court', and 'Foreign Intelligence Surveillance Court of Review'";

(5) in section 402 (50 U.S.C. 1842)—

(A) in subsection (b)(1), by striking "the court established by section 103(a) of this Act" and inserting "the Foreign Intelligence Surveillance Court"; and

(B) in subsection (h)(2), by striking "the court established under section 103(a)" and inserting "the Foreign Intelligence Surveillance Court";

(6) in section 502(b)(1)(A), by striking "the court established by section 103(a) of this Act" and inserting "the Foreign Intelligence Surveillance Court (as defined by section 101)";

(7) in section 801 (50 U.S.C. 1885)—

(A) in paragraph (8)(B)(i), by striking "the court established under section 103(a)" and inserting "the Foreign Intelligence Surveillance Court"; and

(B) by adding at the end the following:

"(10) Foreign Intelligence Surveillance Court.—The term 'Foreign Intelligence Surveillance Court' means the court established under section 103(a)."; and

(8) in section 802(a)(1) (50 U.S.C. 1885a(a)(1)), by striking "the court established under section 103(a)" and inserting "the Foreign Intelligence Surveillance Court".

SEC. 1022. SECTION 702 REFORM.

(a) Protections related to warrantless queries.—Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)) is amended—

(1) in paragraph (1)(A), by inserting "and the limitations and requirements in this subsection" after "Constitution of the United States";

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "means" and all that follows through the period and inserting the following: "means the use of 1 or more terms, whether conducted through manual or automated means, to retrieve any information acquired under this section, including retrieval from a subset of such information, whether that subset was created by retrieval through a query or other means.";

(B) by redesignating subparagraph (B) as subparagraph (D); and

(C) by inserting after subparagraph (A) the following:

"(B) The term 'covered information' means—

"(i) communications content; and

"(ii) information, the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States.

"(C) The term 'covered query' means a query that is conducted—

"(i) using a term associated with 1 or more covered persons; or

"(ii) for a significant purpose of retrieving information of or concerning 1 or more covered persons."; and

(3) by amending paragraph (6) to read as follows:

"(6) Prohibition on warrantless queries for the communications and other information of covered persons located in the United States.—

"(A) In general.—Except as provided in subparagraphs (B) and (C), no officer or employee of the Federal Government may access covered information returned in response to a covered query.

"(B) Exceptions for concurrent authorization, consent, emergency situations, and certain defensive cybersecurity queries.—Subparagraph (A) shall not apply if—

"(i) the covered person to whom the covered query relates is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105 or 304 of this Act, or a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction, if—

"(I) such order, authorization, or warrant covers the period of the covered query; and

"(II) the covered query is conducted and covered information is accessed in compliance with all use, dissemination, querying, retention, and other minimization limitations required by the order, authorization, or warrant;

"(ii) (I) the officer or employee accessing the covered information has a reasonable belief that—

"(aa) an emergency exists involving an imminent threat of death or serious bodily harm; and

"(bb) in order to prevent or mitigate the threat described in item (aa), the covered information must be accessed before authorization described in clause (i) can, with due diligence, be obtained; and

"(II) not later than 14 days after the covered information is accessed, a description of the circumstances justifying the accessing of the covered information is provided to the Foreign Intelligence Surveillance Court and the appropriate committees of Congress;

"(iii) the covered person to whom the covered query relates or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the access on a case-by-case basis; or

"(iv) (I) the covered information is accessed and used for defensive cybersecurity purposes, including the protection of a covered person from cybersecurity attack;

"(II) other than for such defensive cybersecurity purposes, no covered information is accessed or reviewed; and

"(III) not later than 14 days after the covered information is accessed, a description of the circumstances justifying the accessing of the covered information is provided to the Foreign Intelligence Surveillance Court and the appropriate committees of Congress.

"(C) Matters relating to emergency queries.—

"(i) Treatment of denials.—If covered information is accessed pursuant to an emergency authorization described in subparagraph (B)(i) and the subsequent application to authorize electronic surveillance, a physical search, or an acquisition pursuant to section 105(e) or section 304(e) of this Act is denied, or in any other case in which covered information is accessed in violation of this paragraph—

"(I) no covered information accessed, or information or evidence derived from such access may be used, received in evidence, or otherwise disseminated in any investigation, trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; and

"(II) no covered information accessed may subsequently be used or disclosed in any other manner without the consent of such person, except if the Attorney General personally approves the use or disclosure of such information in order to prevent the death of or serious bodily harm to any person and not later than 14 days after such approval, a description of the circumstances justifying the approval is provided to the Foreign Intelligence Surveillance Court and the appropriate committees of Congress.

"(ii) Assessment of compliance.—Not less frequently than once each year, the Attorney General shall assess compliance with the requirements under clause (i).

"(D) Foreign intelligence purpose required for queries.—

"(i) In general.—Except as provided in clause (ii), no officer or employee of the Federal Government may conduct a query unless the query is—

"(I) reasonably likely to retrieve foreign intelligence information; and

"(II) made with a significant foreign intelligence purpose.

"(ii) Exceptions.—An officer or employee of the Federal Government is permitted to conduct a query if an exception described in clauses (i) and (ii) of paragraph (2)(B) applies.

"(E) Documentation.—No officer or employee of the Federal Government may conduct a query, or access covered information returned in response to a covered query, unless an electronic record is created that includes—

"(i) for each query—

"(I) each term used for the conduct of the query;

"(II) the date of the query;

"(III) the identifier of the officer or employee who conducted the query; and

"(IV) a statement of facts justifying that the query is reasonably likely to retrieve foreign intelligence information and the significant foreign intelligence purpose for the query or, if an exception under subparagraph (D)(ii) applies, a description of the basis for such exception; and

"(ii) for each access—

"(I) the date of the access;

"(II) the identifier of the officer or employee who did the particular access; and

"(III) a statement of facts showing that an access is authorized by an exception under subparagraph (B).

"(F) Query record system.—The head of each agency authorized to conduct a covered query shall ensure that a system, mechanism, or business practice is in place to maintain the records described in subparagraph (E), including ensuring that any queries or accesses to covered information returned in response to covered queries, that are conducted by automated means are attributed to the officer or employee who was the proximate cause of such query or access.".

(b) Report on compliance with query record system requirement.—Not later than 90 days after the date of enactment of this Act, each head of a Federal agency described in section 702(f)(6)(F) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)(6)(F)), as added by subsection (a), shall submit to the appropriate committees of Congress a report on the compliance of the Federal agency with the requirement of such section.

(c) Conforming amendments.—Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)), as amended by subsection (a), is further amended—

(1) in the headings for subparagraph (B) of paragraph (1), subparagraph (A) of paragraph (2), and subparagraph (A) of paragraph (3), by striking "united states person" each place it appears and inserting "covered person";

(2) in paragraphs (1) through (5), by striking "United States person" each place it appears and inserting "covered person".

(d) Limitation on use of information obtained under section 702 relating to covered persons in criminal, civil, and administrative actions.—Paragraph (2) of section 706(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881e(a)) is amended—

(1) in the paragraph heading, by striking "United States persons" and inserting "Covered persons"; and

(2) in subparagraph (A)—

(A) by striking "United States person" both places it appears and inserting "covered person";

(B) in the matter before clause (i), by striking "in any criminal proceeding" and inserting "in any criminal, civil, or administrative proceeding"; and

(C) in clause (ii), by striking "the criminal proceeding" both places it appears and inserting "the proceeding".

(e) Prohibition on reverse targeting of covered persons located in the United States.—Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), as amended by this section, is further amended—

(1) in subsection (b)—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following:

"(6) may not intentionally target a person reasonably believed to be located outside the United States if a significant purpose of such acquisition is to acquire the information of 1 or more particular, known covered persons, unless—

"(A) (i) there is a reasonable belief that an emergency exists involving an imminent threat of death or serious bodily harm to such covered persons;

"(ii) the information is sought for the purpose of assisting those covered persons; and

"(iii) not later than 14 days after the targeting, a description of the targeting is provided to the Foreign Intelligence Surveillance Court and the appropriate committees of Congress; or

"(B) the covered persons have provided consent to the targeting, or if such persons are incapable of providing consent, a third party legally authorized to consent on behalf of such covered person has provided consent;";

(2) in subsection (d)(1), by amending subparagraph (A) to read as follows:

"(A) ensure that—

"(i) any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be non-United States persons located outside the United States; and

"(ii) except as provided in subsection (b)(6), it is not a significant purpose of an acquisition to acquire the information of 1 or more particular, known covered persons; and";

(3) in subsection (h)(2)(A)(i), by amending subclause (I) to read as follows:

"(I) ensure that—

"(aa) an acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be non-United States persons located outside the United States; and

"(bb) except as provided in subsection (b)(6), it is not a significant purpose of an acquisition to acquire the information of 1 or more particular, known covered persons; and"; and

(4) in subsection (j)(2)(B), by amending clause (i) to read as follows:

"(i) ensure that—

"(I) an acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be non-United States persons located outside the United States; and

"(II) except as provided in subsection (b)(6), it is not a significant purpose of an acquisition to acquire the information of 1 or more particular, known covered persons; and".

(f) Data retention limits for information collected under section 702.—Title VII of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881 et seq.) is amended by adding at the end the following:

"Sec. 710. Data retention limits.

"(a) Policy.—The Attorney General shall develop, and the heads of the elements of the intelligence community shall implement, procedures governing the retention of information collected pursuant to section 702.

"(b) Covered information.—For purposes of this section, 'covered information' includes—

"(1) any information or communication pertaining to a covered person, including an encrypted communication to or from such person, regardless of whether such communication is encrypted; and

"(2) any communication to or from a person, regardless of whether such communication is encrypted.

"(c) Requirements.—The procedures developed and implemented pursuant to subsection (a) shall ensure, with respect to information described in such subsection, that covered information shall be destroyed within 5 years of collection unless the Attorney General determines in writing that—

"(1) the information is the subject of a preservation obligation in pending administrative, civil, or criminal litigation, in which case the information shall be segregated, retained, and used solely for that purpose and shall be destroyed as soon as it is no longer required to be preserved for such litigation; or

"(2) the information is being used in a proceeding or investigation consistent with section 706(a).".

(g) Clerical amendment relating to data retention limits.—The table of contents for the Foreign Intelligence Surveillance Act of 1978 is amended by inserting after the item relating to section 709 the following:

"710. Data retention limits.".

(h) Foreign Intelligence Surveillance Court supervision of demands for technical assistance from electronic communication service providers under section 702.—Section 702(i)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(i)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses 2 ems to the right;

(2) in the matter before clause (i), as redesignated by paragraph (1), by striking "With respect to" and inserting the following:

"(A) In general.—Subject to subparagraph (B), in carrying out"; and

(3) by adding at the end the following:

"(B) Limitations.—Neither the Attorney General nor the Director of National Intelligence may direct technical assistance from an electronic communication service provider under subparagraph (A) without demonstrating that the assistance sought—

"(i) is necessary;

"(ii) is narrowly tailored to the surveillance at issue; and

"(iii) would not pose an undue burden on the electronic communication service provider or its customers who are not intended targets of the surveillance.

"(C) Compliance.—An electronic communication service provider is not obligated to comply with a directive to provide technical assistance under this paragraph unless—

"(i) such assistance is a manner or method that has been explicitly approved by the Court; and

"(ii) the Court issues an order, which has been delivered to the provider, explicitly describing the assistance to be furnished by the provider that has been approved by the Court.".

(i) Prohibition on warrantless acquisition of domestic communications pursuant to section 702.—Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) is amended—

(1) in subsection (b)(4), by striking "known at the time of the acquisition" and inserting "known or believed at the time of acquisition or communication";

(2) in subsection (d)(1)(B), by striking "known at the time of the acquisition" and inserting "known or believed at the time of acquisition or communication";

(3) in subsection (h)(2)(A)(i)(II), by striking "known at the time of the acquisition" and inserting "known or believed at the time of acquisition or communication"; and

(4) in subsection (j)(2)(B)(ii), by striking "known at the time of the acquisition" and inserting "known or believed at the time of acquisition or communication".

(j) Requirement of primary foreign intelligence purpose.—Section 702(h)(2)(A)(v) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(h)(2)(A)(v)) is amended by striking "a significant" and inserting "the primary".

(k) Reports to Congress on sensitive queries.—Section 702(f)(3)(D) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)(3)(D)) is amended by adding at the end the following:

"(vii) Reports to Congress.—Not less frequently than once each year, the Attorney General shall submit to the appropriate committees of Congress an annual report on the number of sensitive queries made in the year covered by the report, disaggregated by the subclause of clause (ii) under which the queries were approved.".

(l) Repeal of expanded definition of electronic communication service provider.—

(1) Definition with respect to additional procedures regarding certain persons outside the United States.—Section 701(b)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881(b)(4)) is amended—

(A) in subparagraph (F)—

(i) by striking "custodian,"; and

(ii) by striking "(D), or (E)" and inserting "or (D)";

(B) by striking subparagraph (E);

(C) in subparagraph (D), by striking the semicolon and inserting "; or"; and

(D) by redesignating subparagraph (F) as subparagraph (E).

(2) Definition with respect to protection of persons assisting the Government.—Section 801(6) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1885(6)) is amended—

(A) in subparagraph (G)—

(i) by striking "custodian,"; and

(ii) by striking "(E), or (F)" and inserting "or (E)";

(B) by striking subparagraph (E);

(C) in subparagraph (F), by striking the semicolon and inserting "; or"; and

(D) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively.

(3) Treatment of certain section 702 directives.—Any directive issued pursuant to section 702(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(j)) to a person who was considered an electronic communication service provider pursuant to section 701(b)(4) of such Act (50 U.S.C. 1881(b)(4)) as such section was in effect during the period beginning on April 20, 2024, and ending on the date of enactment of this Act, but is not an electronic communication service provider pursuant to such section as in effect after the date of enactment of this Act, shall be considered null and void.

(m) Two-year extension of section 702 of the Foreign Intelligence Surveillance Act of 1978.—

(1) Extension.—Section 403(b) of the FISA Amendments Act of 2008 (Public Law 110-261) is amended—

(A) in paragraph (1) (50 U.S.C. 1881-1881g note)—

(i) by striking "effective 2 years after the date of enactment of the Reforming Intelligence and Securing America Act" and inserting "effective October 30, 2028"; and

(ii) by striking "and the Reforming Intelligence and Securing America Act" and inserting ", the Reforming Intelligence and Securing America Act, and the POPULIST Act"; and

(B) in paragraph (2) (18 U.S.C. 2511 note), in the matter preceding subparagraph (A), by striking "2 years after the date of enactment of the Reforming Intelligence and Securing America Act" and inserting "October 30, 2028".

(2) Conforming amendments.—Section 404(b) of the FISA Amendments Act of 2008 (Public Law 110-261; 50 U.S.C. 1801 note) is amended—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking "2 years after the date of enactment of the Reforming Intelligence and Securing America Act" and inserting "October 30, 2028"; and

(ii) by striking "and the Reforming Intelligence and Securing America Act" and inserting ", the Reforming Intelligence and Securing America Act, and the POPULIST Act"; and

(B) in paragraph (2), in the matter before subparagraph (A), by striking "and the Reforming Intelligence and Securing America Act" and inserting ", the Reforming Intelligence and Securing America Act, and the POPULIST Act".

SEC. 1023. FISA COURT REFORM, REMEDIES, AND EXCLUSIVE MEANS.

(a) Court supervision of collection targeting covered persons and persons located inside the United States.—

(1) In general.—Title VII of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881 et seq.) is amended—

(A) by striking sections 703, 704, and 705 (50 U.S.C. 1881b, 1881c, and 1881d); and

(B) by inserting after section 702 (50 U.S.C. 1881a) the following:

"Sec. 703. Acquisitions targeting covered persons and persons located inside the United States.

"(a) Warrant requirement.—No officer or employee of the Federal Government may intentionally target a covered person for the purpose of acquiring foreign intelligence information, where such acquisition would be of communications content, location information, web browsing history, or internet search history of the covered person, or the acquisition would occur under circumstances in which the person has a reasonable expectation of privacy, or a warrant would be required for the acquisition of such information if the officer or employee sought to compel production of the information inside the United States for law enforcement purposes, unless such person is the subject of—

"(1) an order or emergency authorization under section 105 or 304 of this Act covering the period of the acquisition and the acquisition is subject to the use, dissemination, querying, retention, and other minimization limitations required by such order or authorization; or

"(2) a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction covering the period of the acquisition and the acquisition is subject to the use, dissemination, querying, retention, and other minimization limitations required by such warrant.

"(b) Use of a pen register or trap and trace device.—No officer or employee of the Federal Government may use a pen register or trap and trace device for the purpose of obtaining foreign intelligence information concerning a covered person unless—

"(1) an order or emergency authorization under section 402, 403, 105, or 304 of this Act covers the period of the acquisition and the acquisition is subject to the use, dissemination, querying, retention, and other minimization limitations required by such order or authorization; or

"(2) an order has been issued pursuant to section 3123 of title 18, United States Code, by a court of competent jurisdiction covering the period of the acquisition.

"(c) Matters relating to emergency acquisition.—If an acquisition is conducted pursuant to an emergency authorization described in subsection (a)(1) or (b)(1) and the subsequent application to authorize electronic surveillance, a physical search, an acquisition, or the use of a pen register or trap and trace device is denied, or in any other case in which information is acquired in violation of subsection (a) or (b)—

"(1) no information acquired, and no evidence derived therefrom, may be used, received in evidence, or otherwise disseminated in any investigation, trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; and

"(2) no information acquired may subsequently be used or disclosed in any other manner without the consent of such person, except with the approval of the Attorney General, if the information indicates a threat of death or serious bodily harm to any person.

"(d) Rule of construction.—Subsections (a), (b), and (c) shall apply regardless of the location of the acquisition.".

(2) Conforming amendments.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is further amended—

(A) in section 601(a)(1) (50 U.S.C. 1871(a)(1))—

(i) by striking subparagraphs (D) through (F); and

(ii) in subparagraph (B), by striking the semicolon and inserting "; and";

(B) in section 603(b)(1) (50 U.S.C. 1873(b)(1)), in the matter before subparagraph (A), by striking "and sections 703 and 704"; and

(C) in section 706 (50 U.S.C. 1881e), by striking subsection (b).

(3) Clerical amendment.—The table of contents for the Foreign Intelligence Surveillance Act of 1978 is amended—

(A) by striking the items relating to sections 703, 704, and 705; and

(B) by inserting after the item relating to section 702 the following:

"703. Acquisitions targeting covered persons and persons located inside the United States.".

(b) Consistent disclosures of relevant information in title V and other FISA applications.—

(1) Consistent procedures for title V and other FISA applications.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended in section 104(a)(12), in the matter before subparagraph (A), section 303(a)(10), in the matter before subparagraph (A), and section 402(c)(4), in the matter before subparagraph (A), by inserting ", and that the application fairly reflects all information," after "apprised of all information" each place it appears.

(2) Technical corrections.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in section 104(a)—

(i) in paragraph (9), by striking "; and" and inserting a semicolon;

(ii) in paragraph (11), by striking "; and" and inserting a semicolon; and

(iii) in paragraph (12)(B), by striking the period at the end and inserting "; and";

(B) in section 303(a)—

(i) in paragraph (9), by striking "; and" and inserting a semicolon; and

(ii) in paragraph (10)(B), by striking the period at the end and inserting "; and"; and

(C) in section 502(b)(2), by redesignating subparagraphs (E) and (F) as subparagraphs (C) and (D), respectively.

(c) Strengthening accuracy procedures.—

(1) In general.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

"TITLE IX—REQUIRED DISCLOSURE OF RELEVANT INFORMATION

"Sec. 901. Certification regarding accuracy procedures.

"(a) Definition of accuracy procedures.—In this section, the term 'accuracy procedures' means specific procedures, adopted by the Attorney General, to ensure that an application for a court order under this Act, including any application for renewal of an existing order, is accurate and complete, including procedures that ensure, at a minimum, that—

"(1) the application reflects all information that might reasonably call into question the accuracy of the information or the reasonableness of any assessment in the application, or otherwise raises doubts about the requested findings;

"(2) the application reflects all material information that might reasonably call into question the reliability and reporting of any information from a confidential human source that is used in the application;

"(3) a complete file documenting each factual assertion in an application is maintained;

"(4) the applicant coordinates with the appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), concerning any prior or existing relationship with the target of any surveillance, search, or other means of investigation, and discloses any such relationship in the application;

"(5) before any application targeting a United States person is made, the applicant Federal officer or employee documents that the officer or employee has collected and reviewed for accuracy and completeness supporting documentation for each factual assertion in the application; and

"(6) the applicant Federal agency establishes compliance procedures for ensuring that applications are accurate and complete.

"(b) Certification.—Each application for a court order under this Act shall include a certification by the applicant that the application complies with the accuracy procedures under subsection (a).

"(c) Notice of material omission or misstatement.—If the Government learns that an application previously submitted under this Act included a material omission or misstatement, the Government shall promptly notify the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review, as applicable, and provide any correction.".

(2) Clerical amendment.—The table of contents of the Foreign Intelligence Surveillance Act of 1978 is amended by adding at the end the following:

"TITLE IX—Required disclosure of relevant information

"901. Certification regarding accuracy procedures.".

(3) Timeline to adopt new accuracy procedures.—

(A) In general.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue accuracy procedures, as defined in section 901(a) of the Foreign Intelligence Surveillance Act of 1978, as added by paragraph (1).

(B) Repeal of accuracy procedures requirement from RISAA.—On the date that is 180 days after the date of enactment of this Act, paragraph (7) of section 10(a) of the Reforming Intelligence and Securing America Act (Public Law 118–49; 50 U.S.C. 1804 note) is repealed.

(d) Clarification regarding treatment of information and evidence acquired under the Foreign Intelligence Surveillance Act of 1978.—

(1) In general.—Section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801), as amended by this Act, is further amended by adding at the end the following:

"(t) For the purposes of notification provisions of this Act, information or evidence is 'derived' from an electronic surveillance, physical search, use of a pen register or trap and trace device, production of tangible things, or acquisition under this Act when the Government would not have originally possessed the information or evidence but for that electronic surveillance, physical search, use of a pen register or trap and trace device, production of tangible things, or acquisition, and regardless of any claim that the information or evidence is attenuated from the surveillance or search, would inevitably have been discovered, or was subsequently reobtained through other means.".

(2) Policies and guidance.—

(A) In general.—Not later than 90 days after the date of enactment of this Act, the Attorney General and the Director of National Intelligence shall publish the following:

(i) Policies concerning the application of subsection (t) of section 101 of the Foreign Intelligence Surveillance Act of 1978, as added by paragraph (1).

(ii) Guidance for all members of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003), and all Federal agencies with law enforcement responsibilities concerning the application of such subsection (t).

(B) Modifications.—Whenever the Attorney General and the Director of National Intelligence modify a policy or guidance published under subparagraph (A), the Attorney General and the Director shall publish such modifications.

(e) Sunset on grandfather clause of section 215 of the USA PATRIOT Act.—Section 102(b)(2) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note) is amended by inserting ", except that title V of the Foreign Intelligence Surveillance Act of 1978, as in effect on March 14, 2020, shall cease to have effect on the date that is 180 days after the date of enactment of this Act" after "continue in effect".

(f) Written record of Department of Justice interactions with Foreign Intelligence Surveillance Court.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

"(n) Written record of interactions.—

"(1) Written communications.—The Attorney General shall maintain all written communications with the Foreign Intelligence Surveillance Court, including the identity of the employees of the court to or from whom the communications were made, regarding an application or order made under this title in a file associated with the application or order.

"(2) Oral communications.—The Attorney General shall—

"(A) document a summary of any oral communications with the Foreign Intelligence Surveillance Court, including the identity of the employees of the court to or from whom the communications were made, relating to an application or order described in paragraph (1); and

"(B) keep such documentation in a file associated with the application or order.".

(g) Appointment of amici curiae and access to information.—

(1) Expansion of appointment authority.—Section 103(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(i)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking clause (i) and inserting the following:

"(i) shall appoint 1 or more individuals who have been designated under paragraph (1) and who possess expertise in privacy and civil liberties to serve as amicus curiae to assist such court in the consideration of any application or motion for an order or review, unless the court issues a written finding that such application neither presents nor involves—

"(I) a novel or significant interpretation of the law;

"(II) a significant concern related to constitutional rights;

"(III) a sensitive investigative matter;

"(IV) a request for approval of a new program, a new technology, or a new use of existing technology;

"(V) a request for reauthorization of programmatic surveillance; or

"(VI) any other privacy or civil liberties issue for which an appointment of an amicus curiae to assist the court in the consideration of the application would be appropriate;";

(II) in clause (ii), by striking "; and" and inserting a period;

(III) by redesignating clause (ii) as clause (iv) and moving such clause so as to appear after clause (iii); and

(IV) by inserting after clause (i) the following:

"(ii) shall appoint 1 or more individuals who have been designated under paragraph (1) and who possess technical expertise to serve as amicus curiae to assist such court in the consideration of any application for an order or review, unless the court issues a written finding that such application neither presents nor involves—

"(I) a request for approval of a new program, a new technology, or a new use of existing technology;

"(II) a request for approval of a previously authorized program, technology, or use of existing technology for which no prior application for approval of such program, technology, or use was considered by the court with the assistance of an amicus curiae who possesses technical expertise; or

"(III) a technical issue material to any legal determination for which an appointment of an amicus curiae who possesses technical expertise to assist the court in the consideration of the application would be appropriate;"; and

(V) in clause (iii), by striking ", unless the court issues a finding that such appointment is not appropriate or is likely to result in undue delay." and inserting "; and"; and

(ii) by striking subparagraph (B);

(B) by adding at the end the following:

"(12) Definition of sensitive investigative matter.—In this subsection, the term 'sensitive investigative matter' means—

"(A) an investigative matter involving the activities of—

"(i) a domestic public official or political candidate, or an individual serving on the staff of such an official or candidate;

"(ii) a domestic religious or political organization, or a known or suspected United States person prominent in such an organization; or

"(iii) the domestic news media; or

"(B) any other investigative matter involving a domestic entity or a known or suspected United States person that, in the judgment of the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review, is similarly as sensitive as an investigative matter described in subparagraph (A).".; and

(C) in paragraph (3)(A)—

(i) by inserting "cybersecurity, cryptography," after "communications technology,"; and

(ii) by adding at the end the following: "Of such individuals, at least 1 shall possess legal expertise and at least 1 shall possess technical expertise.".

(2) Authority to seek review.—Section 103(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(i)), as amended by paragraph (1), is further amended—

(A) in paragraph (4)—

(i) in the paragraph heading, by inserting "; authority" after "Duties";

(ii) in the matter preceding subparagraph (A), by striking "shall";

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "shall" before "provide";

(II) in clause (i), by striking "of United States persons" and inserting ", including legal arguments regarding any privacy or civil liberties interest of any United States person that would be significantly affected by the application or motion"; and

(III) in clause (iii), by striking the period at the end and inserting "; and";

(iv) by striking subparagraph (A);

(v) by redesignating subparagraph (B) as subparagraph (A); and

(vi) by adding at the end the following:

"(B) may seek leave to raise any novel or significant privacy or civil liberties issue relevant to the application or motion or other issue directly affecting the legality of the proposed electronic surveillance with the court, regardless of whether the court has requested assistance on that issue.";

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(C) by inserting after paragraph (6) the following:

"(7) Authority to seek review of decisions.—

"(A) Foreign Intelligence Surveillance Court decisions.—

"(i) Petition.—Following issuance of an order under this Act by the Foreign Intelligence Surveillance Court, an amicus curiae appointed under paragraph (2) may petition the Foreign Intelligence Surveillance Court to certify for review to the Foreign Intelligence Surveillance Court of Review a question of law pursuant to subsection (j).

"(ii) Denials.—If the Foreign Intelligence Surveillance Court denies a petition described in clause (i), the court shall provide for the record a written statement of the reasons for such denial.

"(iii) Certification.—Upon certification of any question of law pursuant to this subparagraph, the Foreign Intelligence Surveillance Court of Review shall appoint the amicus curiae to assist the Court of Review in its consideration of the certified question, unless the Court of Review issues a finding that such appointment is not appropriate.

"(B) Foreign Intelligence Surveillance Court of Review decisions.—An amicus curiae appointed under paragraph (2) may petition the Foreign Intelligence Surveillance Court of Review to certify for review to the Supreme Court of the United States any question of law pursuant to section 1254(2) of title 28, United States Code.

"(C) Declassification of referrals.—For purposes of section 602, a petition filed under subparagraph (A) or (B) of this paragraph and all of its content shall be considered a decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review described in paragraph (2) of section 602(a).".

(3) Access to information.—Section 103(i)(6) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(i)(6)) is amended—

(A) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

"(i) shall have access to, to the extent such information is available to the Government—

"(I) the application, certification, petition, motion, and other information and supporting materials, including any information described in section 901, submitted to the Foreign Intelligence Surveillance Court in connection with the matter in which the amicus curiae has been appointed, including access to any relevant legal precedent, including any such precedent that is cited by the Government, including in such an application;

"(II) any other information or materials that the court determines is relevant to the duties of the amicus curiae; and

"(III) an unredacted copy of each relevant decision made by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review in which the court decides a question of law, without regard to whether the decision is classified; and

"(ii) may make a submission to the court requesting access to any other particular materials or information, or category of materials or information, that the amicus curiae believes to be relevant to the duties of the amicus curiae.";

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following:

"(D) Supporting documentation regarding accuracy.—The Foreign Intelligence Surveillance Court, upon the motion of an amicus curiae appointed under paragraph (2) or upon its own motion, may require the Government to make available the supporting documentation described in section 901.".

(4) Clarification of access to certain information.—Section 103(i)(6) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(i)(6)) is amended—

(A) in subparagraph (B), by striking "The Attorney General may periodically" and inserting "Not less frequently than annually, the Attorney General shall"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) Classified information.—An amicus curiae appointed by the court shall have access to, to the extent such information is available to the Government, unredacted copies of each opinion, order, transcript, pleading, or other document of the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review, including, if the individual is eligible for access to classified information, any classified documents, information, and other materials or proceedings.".

(5) Consultation among amici curiae.—Section 103(i)(6) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(i)(6)), as amended by paragraphs (3) and (4), is further amended—

(A) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(B) by inserting after subparagraph (A) the following:

"(B) Consultation.—If the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review determines that it is relevant to the duties of an amicus curiae appointed under paragraph (2), the amicus curiae may consult with 1 or more of the other individuals designated to serve as amicus curiae under paragraph (1) regarding any of the information relevant to any assigned proceeding.".

(6) Notification.—Section 103(i), as amended by paragraphs (1) and (2), is further amended by striking paragraph (8), as redesignated by paragraph (2)(B), and inserting the following:

"(8) Notification.—A presiding judge of the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review shall, not less frequently than quarterly, provide to the Attorney General and the appropriate committees of Congress—

"(A) a notification of each appointment of an individual to serve as amicus curiae under paragraph (2); and

"(B) a copy of each written finding issued under paragraph (2).".

(7) Section 702 recertification schedule.—Section 702(j)(5)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(j)(5)(A)) is amended by striking "at least 30 days prior to the expiration of such authorization" and inserting "such number of days, not less than 30 days, before the expiration of such authorization as the Court considers necessary to permit review by amici curiae appointed under section 103(i)(2)(A)(iii).".

(h) Declassification of significant decisions, orders, and opinions.—Section 602(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1872(a)) is amended to read as follows:

"(a) Declassification required.—

"(1) In general.—Subject to subsection (b), the Director of National Intelligence, in consultation with the Attorney General, shall—

"(A) conduct a declassification review of each decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review, as defined in section 601(e), that is described in paragraph (2);

"(B) consistent with that review, make publicly available to the greatest extent practicable each such decision, order, or opinion; and

"(C) for any such decision, order, or opinion issued after the date of enactment of this section, complete the declassification review and public release by not later than 180 days

after the date on which the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review issues such decision, order, or opinion.

"(2) Decision, order, or opinion described.—A decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that is described in this paragraph is any such decision, order, or opinion issued before, on, or after the date of enactment of this Act, that—

"(A) includes a significant construction or interpretation of any provision of law, including any novel or significant construction or interpretation of any term;

"(B) involves a sensitive investigative matter, as defined in section 103(i)(13); or

"(C) has been nominated for a declassification review by an amicus curiae appointed by the court.".

(i) Clarification of Foreign Intelligence Surveillance Court jurisdiction over records of the court and other ancillary matters.—

(1) In general.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(A) by adding at the end the following:

"(o) Ancillary claims.—

"(1) Foreign Intelligence Surveillance Court.—The Foreign Intelligence Surveillance Court shall have jurisdiction to hear claims ancillary to any of its own proceedings, including jurisdiction to hear any claim for access to the court's records, files, and proceedings under the Constitution of the United States, statute, common law, or any other authority. Upon deciding such a claim, the Court shall provide immediately for the record a written statement of the reasons for such decision. A party may file a petition for review of such decision with the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to consider such petition and, upon deciding such petition, shall provide for the record a written statement of the reasons for its decision.

"(2) Foreign Intelligence Surveillance Court of Review.—The Foreign Intelligence Surveillance Court of Review shall have jurisdiction to hear claims ancillary to any of its own proceedings, including jurisdiction to hear any claim for access to the court's records, files, and proceedings under the Constitution of the United States, statute, common law, or any other authority. Upon deciding such a claim, the Court of Review shall provide immediately for the record a written statement of the reasons for such decision.

"(3) Supreme Court review.—A party may file a petition for a writ of certiorari for review of a decision of the Foreign Intelligence Surveillance Court of Review under paragraphs (1) or (2), and the Supreme Court shall have jurisdiction to review such decision.";

(B) in subsection (a)(2)(A), in the matter preceding clause (i), by inserting "paragraph (1) of subsection (o) of this section or" before "paragraph (4) or (5) of section 702(i)"; and

(C) in subsection (k)(1), by striking "section 1254(2) of title 28" and inserting "section 1254 of title 28".

(2) Technical corrections.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by paragraph (1), is further amended—

(A) in subsection (a)(2)(A), in the matter preceding clause (i), by striking "section 501(f) or"; and

(B) in subsection (e), by striking "section 501(f)(1) or" each place it appears.

(j) Grounds for determining injury in fact in civil actions relating to surveillance under the Foreign Intelligence Surveillance Act of 1978 or pursuant to executive authority.—

(1) In general.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by this section, is further amended by adding at the end the following new title:

"TITLE X—ADDITIONAL MATTERS

"SEC. 1001. Challenges to Government surveillance.

"SEC. 1002. Accountability procedures for violations by Federal employees.

"Sec. 1001. Challenges to Government surveillance.

"(a) Definitions.—In this section, the terms 'foreign intelligence information', 'person', 'United States', and 'United States person' have the meanings given such terms in section 101.

"(b) Injury in fact.—In any claim in a civil action brought in a court of the United States relating to the acquisition, copying, querying, retention, access, or use of information acquired under this Act or pursuant to any other authority of the executive branch of the Federal Government, by a United States person or person located inside the United States, the person asserting the claim has suffered an injury in fact traceable to that conduct if the person—

"(1) (A) regularly communicates foreign intelligence information with persons who are not United States persons and who are located outside the United States; and

"(B) has taken or is taking objectively reasonable measures to avoid the acquisition, copying, querying, retention, access, or use of the person's information under this Act or pursuant to another authority of the executive branch of the Federal Government; or

"(2) has a reasonable basis to believe that the person's rights have been, are being, or imminently will be violated by an individual acting under color of Federal law.

"(c) Reasonable basis.—For the purposes of this section, a reasonable basis exists when the person demonstrates a concrete injury arising from a good-faith belief that the person's rights have been, are being, or imminently will be violated through the acquisition, copying, querying, retention, access, or use of the person's information under this Act or pursuant to any other authority of the executive branch of the Federal Government.

"(d) State secrets privilege.—The procedures set forth in section 106(f) shall apply when the state secrets privilege is asserted, with respect to any claim where the plaintiff, who is a United States person or person located in the United States, plausibly alleges an injury in fact relating to the acquisition, copying, querying, retention, access, or use of information acquired under this Act or pursuant to another authority of the executive branch of the Federal Government and plausibly alleges that the acquisition, copying, querying, retention, access, or use of information violates the Constitution or laws of the United States.

"Sec. 1002. Accountability procedures for violations by Federal employees.

"(a) Definitions.—In this section:

"(1) Appropriate committees of Congress.—The term 'appropriate committees of Congress' has the meaning given such term in section 101.

"(2) Covered agency.—The term 'covered agency' means the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, and the National Counterterrorism Center.

"(3) Covered person.—The term 'covered person' has the meaning given such term in section 701(b).

"(4) Covered violation.—The term 'covered violation' means a violation of this Act, the POPULIST Act, or Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), or successor order, by an employee of a covered agency that results in the inappropriate collection, use, querying, or dissemination of any communication, record, or information of a covered person.

"(5) Person, United States, and United States person.—The terms 'person', 'United States', and 'United States person' have the meanings given such terms in section 101.

"(b) Accountability procedures; designated investigative entity.—The head of each covered agency shall—

"(1) establish procedures to hold employees of the covered agency accountable for willful, knowing, reckless, and negligent covered violations; and

"(2) (A) designate an entity within the agency to investigate possible willful, knowing, reckless, and negligent covered violations; and

"(B) establish an internal process for the designated entity to determine culpability for willful, knowing, reckless, and negligent covered violations.

"(c) Elements.—The procedures established under subsection (b)(1) shall include the following:

"(1) Centralized tracking of individual employee performance incidents involving willful, knowing, reckless, and negligent covered violations, over time.

"(2) Escalating consequences for willful, knowing, reckless, and negligent covered violations, including—

"(A) consequences for an initial reckless or negligent covered violation, including, at a minimum—

"(i) suspension of access to information acquired under this Act or to the dataset that gave rise to the violation for not less than 90 days; and

"(ii) documentation of the incident in the personnel file of each employee responsible for the violation;

"(B) consequences for a 2nd reckless or negligent covered violation, including, at a minimum—

"(i) suspension of access to information acquired under this Act or to the dataset that gave rise to the violation for not less than 180 days; and

"(ii) reassignment of each employee responsible for the violation;

"(C) consequences for a 3rd reckless or negligent covered violation, including, at a minimum—

"(i) termination of security clearance; and

"(ii) reassignment or termination of each employee responsible for the violation;

"(D) consequences for an initial willful or knowing covered violation, including, at a minimum—

"(i) suspension of access to information acquired under this Act or to the dataset that gave rise to the violation for not less than 180 days; and

"(ii) reassignment of each employee responsible for the violation; and

"(E) consequences for a 2nd willful or knowing covered violation, including, at a minimum—

"(i) termination of security clearance; and

"(ii) reassignment or termination of each employee responsible for the violation.

"(d) Presumption of termination.—

"(1) In general.—For purposes of subparagraphs (C)(ii) and (E)(ii) of subsection (c)(2), there shall be a presumption in favor of termination of an employee.

"(2) Justification.—If the head of a covered agency determines not to terminate an employee for a 3rd reckless or negligent violation under subparagraph (C)(ii) of subsection (c)(2) or a 2nd willful or knowing violation under subparagraph (E)(ii) of that subsection, the agency head shall submit to the appropriate committees of Congress a written justification for the determination.

"(e) Timing.—If a covered agency determines, through an investigation, that an employee committed a willful, knowing, reckless, or negligent covered violation, the agency head shall

determine what consequences to impose on the employee under subsection (c)(2) not later than 60 days after the conclusion of the investigation.".

(2) Report required.—

(A) In general.—Not later than 180 days after the date of enactment of this Act, the head of each covered agency, as defined in section 1002 of the Foreign Intelligence Surveillance Act of 1978, as added by paragraph (1), shall submit to the appropriate committees of Congress a report detailing—

(i) the procedures established under section 1002 of the Foreign Intelligence Surveillance Act of 1978, as added by paragraph (1); and

(ii) a description of any actions taken pursuant to such procedures.

(B) Form.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex to the extent necessary to protect sources and methods.

(3) Deconfliction with RISAA accountability procedures.—

(A) In general.—Paragraph (4) of section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)) is repealed.

(B) Conforming amendment.—Paragraph (6) of such section 702(f), as added by section 1022(a) of this Act, is redesignated as paragraph (4) and moved before paragraph (5) of such section 702(f).

(C) Effective date.—The amendments made by subparagraphs (A) and (B) shall take effect on the date that is 180 days after the date of enactment of this Act.

(k) Reforms to the exclusive means limitations under the Foreign Intelligence Surveillance Act of 1978.—

(1) Chapter 119 of title 18.—Section 2511(2)(f) of title 18, United States Code, as amended by this Act, is further amended to read as follows:

"(f) (i) Other than as provided in subparagraph (ii), nothing contained in this chapter or chapter 121 or 206 of this title, or section 705 of the Communications Act of 1934 (47 U.S.C. 605), shall be deemed to affect the acquisition by the United States Government of foreign intelligence information from international or foreign communications, or foreign intelligence activities conducted in accordance with otherwise applicable Federal law involving a foreign electronic communications system, utilizing a means other than electronic surveillance as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

"(ii) The procedures in this chapter, chapter 121, and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which the United States Government may conduct—

"(A) electronic surveillance, as defined in section 101 of that Act;

"(B) the interception of wire, oral, and electronic communications within the United States or from a domestic electronic communications system; or

"(C) the interception of wire, oral, and electronic communications for which the sender and all intended recipients are located within the United States.".

(2) Foreign Intelligence Surveillance Act.—Section 112 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1812) is amended to read as follows:

"(a) Except as provided in subsection (b), the procedures of chapters 119, 121, and 206 of title 18 and this Act shall be the exclusive means by which the United States Government may conduct—

"(1) electronic surveillance, as defined in section 101;

"(2) the interception of wire, oral, and electronic communications within the United States or from a domestic electronic communications system; or

"(3) the interception of wire, oral, and electronic communications for which the sender and all intended recipients are located within the United States.

"(b) Only an express statutory authorization for electronic surveillance or the interception of wire, oral, or electronic communications described in subsection (a), other than as an amendment to this chapter or chapters 119, 121, or 206 of title 18, shall constitute an additional exclusive means for the purpose of subsection (a).

"(c) The procedures in this Act and section 1024 of the POPULIST Act shall be the exclusive means by which the location information of 1 or more persons located in the United States may be acquired for foreign intelligence purposes by the United States Government.".

SEC. 1024. NON-FISA FOREIGN INTELLIGENCE SURVEILLANCE REFORM.

(a) Definitions.—In this section:

(1) Congressional intelligence committees, foreign intelligence, intelligence, and intelligence community.—The terms "congressional intelligence committees", "foreign intelligence", "intelligence", and "intelligence community" have the meanings given such terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) Covered person.—The term "covered person" has the meaning given such term in section 701(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881(b)), as amended by this Act.

(3) Electronic surveillance, person, State, United States, and United States person.—The terms "electronic surveillance", "person", "State", "United States", and "United States person" have the meanings given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(b) Protections related to warrantless queries.—

(1) Definitions.—In this subsection:

(A) Covered information.—The term "covered information" includes—

(i) communications content; and

(ii) information, the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States.

(B) Covered query.—The term "covered query" means a query—

(i) using a term associated with 1 or more covered persons; or

(ii) for a significant purpose of retrieving information of, or concerning, 1 or more covered persons.

(C) Query.—The term "query" means the use of 1 or more terms, whether conducted through manual or automated means, to retrieve information acquired for foreign intelligence purposes, other than acquisitions authorized by the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), including retrieval from a subset of such information, whether that subset was created by retrieval through a query or other means, regardless of whether such acquisition occurred inside or outside the United States.

(2) In general.—Except as provided in paragraphs (3) and (4), no officer or employee of the Federal Government may access covered information returned in response to a covered query.

(3) Exceptions for concurrent authorization, consent, emergency situations, and certain defensive cybersecurity queries.—Paragraph (2) shall not apply if—

(A) the covered person to whom the covered query relates is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105 or 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805, 1824), or a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction, if—

(i) such order, authorization, or warrant covers the period of the covered query; and

(ii) the covered query is conducted and covered information is accessed in compliance with all use, dissemination, querying, retention, and other minimization limitations required by the order, authorization, or warrant;

(B) (i) the officer or employee accessing the covered information has a reasonable belief that—

(I) an emergency exists involving an imminent threat of death or serious bodily harm; and

(II) in order to prevent or mitigate the threat described in subclause (I), the query must be conducted before authorization described in subparagraph (A) can, with due diligence, be obtained; and

(ii) not later than 14 days after the covered information is accessed, a description of the circumstances justifying the accessing of the covered information is provided to the congressional intelligence committees in a timely manner;

(C) the covered person to whom the covered query relates or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of the person, has provided consent for such access on a case-by-case basis; or

(D) (i) the covered information is used for defensive cybersecurity purposes, including the protection of a covered person from cybersecurity attack;

(ii) other than for such defensive cybersecurity purposes, no covered information is accessed or reviewed; and

(iii) not later than 14 days after the covered information is accessed, a description of the circumstances justifying the accessing of the covered information is provided to the congressional intelligence committees.

(4) Matters relating to emergency queries.—

(A) Treatment of denials.—If covered information is accessed pursuant to an emergency authorization described in paragraph (3)(A) and the subsequent application to authorize electronic surveillance, a physical search, or an acquisition pursuant to section 105(e) or 304(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e), 1824(e)) is denied, or in any other case in which covered information is accessed in violation of this subsection—

(i) no covered information accessed, or evidence derived from such access, may be used, received in evidence, or otherwise disseminated in any investigation, trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; and

(ii) no covered information accessed, or evidence derived from such access, concerning a covered person may subsequently be used or disclosed in any other manner without the consent of such covered person, except if the Attorney General approves the use or disclosure of such covered information in order to prevent the death of or serious bodily harm to any person.

(B) Assessment of compliance.—Not less frequently than annually, the Attorney General shall assess compliance with the requirements under subparagraph (A).

(5) Foreign Intelligence Surveillance Act of 1978.—This subsection shall not apply to the access of covered information collected pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(6) Foreign intelligence purpose required for queries.—

(A) In general.—Except as provided in subparagraph (B), no officer or employee of the Federal Government may conduct a query unless the query is—

(i) reasonably likely to retrieve foreign intelligence information; and

(ii) made with a significant foreign intelligence purpose.

(B) Exceptions.—An officer or employee of the Federal Government is permitted to conduct a query if an exception described in clauses (i) and (ii) of section 702(f)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)(2)(B)), as amended by section 1022 of this Act, applies.

(7) Documentation.—No officer or employee of the Federal Government may conduct a covered query, or access covered information returned in response to a covered query, unless an electronic record is created that includes—

(A) for each query—

(i) each term used for the conduct of the query;

(ii) the date of the covered query;

(iii) the identifier of the officer or employee who conducted the covered query; and

(iv) (I) a statement of facts justifying that the query is reasonably likely to retrieve foreign intelligence information and the significant foreign intelligence purpose for the query; or

(II) an exception under paragraph (6)(B) applies and a description of the basis for the exception; and

(B) for each access—

(i) the date of the access;

(ii) the identifier of the officer or employee who did the particular access; and

(iii) a statement of facts showing that an access is authorized by an exception under paragraph (3).

(8) Query record system.—

(A) In general.—The head of each agency that may conduct a covered query shall ensure that a system, mechanism, or business practice is in place to maintain the records described in paragraph (7), including ensuring that any covered queries, or accesses to covered information returned in response to covered queries, that are conducted by automated means are attributed to the officer or employee who was the proximate cause of such covered query or access.

(B) Compliance report.—Not later than 90 days after the date of enactment of this Act, the head of each agency that may conduct a covered query shall report to the congressional intelligence committees on its compliance with subparagraph (A).

(c) Prohibition on reverse targeting of covered persons.—

(1) Prohibition on acquisition.—No officer or employee of the Federal Government may intentionally target, for the purpose of acquiring foreign intelligence information, any person to acquire information, regardless of whether such targeting or acquisition occurs inside or outside

the United States, if a significant purpose of the acquisition is to acquire the information of a particular, known covered person, unless—

(A) (i) the officer or employee has a reasonable belief that an emergency exists involving a threat of imminent death or serious bodily harm to such covered person;

(ii) the information is sought for the purpose of assisting that person; and

(iii) not later than 14 days after the targeting, a description of the targeting is provided to the congressional intelligence committees in a timely manner; or

(B) the covered person has provided consent to the targeting, or if such covered person is incapable of providing consent, a third party legally authorized to consent on behalf of such covered person has provided consent.

(2) Foreign Intelligence Surveillance Act of 1978 and criminal warrants.—This subsection shall not apply to—

(A) an acquisition carried out pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); or

(B) an acquisition carried out pursuant to a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction covering the period of the acquisition and the acquisition is subject to the use, dissemination, querying, retention, and other minimization limitations required by such warrant.

(d) Prohibition on intelligence acquisition of covered person data.—

(1) Covered data defined.—In this subsection, the term "covered data"—

(A) means data, derived data, or any unique identifier that is linked to or is reasonably linkable to a covered person or to an electronic device that is linked to, or is reasonably linkable to, 1 or more covered persons in a household;

(B) includes anonymized data that, if combined with other data, can be linked to, or is reasonably linkable to, a covered person or to an electronic device that is linked to, or is reasonably linkable to, 1 or more covered persons in a household; and

(C) does not include data that—

(i) is lawfully available to the public through Federal, State, or local government records or through widely distributed media;

(ii) is reasonably believed to have been voluntarily made available to the general public by the covered person; or

(iii) is a specific communication or transaction with a targeted individual who is not a covered person.

(2) Limitation.—

(A) In general.—Subject to subparagraphs (B) through (H), an element of the intelligence community may not acquire a dataset that includes covered data.

(B) Authorization pursuant to the Foreign Intelligence Surveillance Act of 1978.—An element of the intelligence community may acquire covered data if the data has been authorized for collection pursuant to an order or emergency authorization pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or the Federal Rules of Criminal Procedure by a court of competent jurisdiction covering the period of the acquisition, subject to the use, dissemination, querying, retention, and other minimization limitations required by such authorization.

(C) Authorization for employment-related use.—An element of the intelligence community may acquire covered data about an employee of, or applicant for employment by, an element of the intelligence community for employment-related purposes, provided that—

(i) access to and use of the covered data is limited to such purposes; and

(ii) the covered data is destroyed at such time as it is no longer necessary for such purposes.

(D) Exception for compliance purposes.—An element of the intelligence community may acquire covered data for the purpose of supporting compliance with collection limitations and minimization requirements imposed by statute, guidelines, procedures, or the United States Constitution, provided that—

(i) access to and use of the covered data is limited to such purpose; and

(ii) the covered data is destroyed at such time as it is no longer necessary for such purpose.

(E) Exception for life or safety.—An element of the intelligence community may acquire covered data if—

(i) (I) there is a reasonable belief that an emergency exists involving an imminent threat of death or serious bodily harm; and

(II) in order to prevent or mitigate this threat, the acquisition must be conducted before authorization pursuant to subparagraph (B) can, with due diligence, be obtained;

(ii) access to and use of the covered data is limited to addressing the threat;

(iii) the covered data is destroyed at such time as it is no longer necessary for such purpose; and

(iv) not later than 14 days after the acquisition, a description of the acquisition is provided to the congressional intelligence committees.

(F) Exception for consent.—An element of the intelligence community may acquire covered data if—

(i) each covered person linked or reasonably linked to the covered data, or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of the person, has provided consent to the acquisition and use of the data on a case-by-case basis;

(ii) access to and use of the covered data is limited to the purposes for which the consent was provided; and

(iii) the covered data is destroyed at such time as it is no longer necessary for such purposes.

(G) Exception for nonsegregable data.—An element of the intelligence community may acquire a dataset that includes covered data if the covered data is not reasonably segregable prior to acquisition, provided that the element of the intelligence community complies with the minimization procedures in paragraph (3).

(H) Exception for national security letter data.—An element of the intelligence community may acquire, through noncompulsory means that are otherwise not contrary to a provision of Federal law, data that, in the United States, the Federal Government has the authority to compel production through a national security letter pursuant to section 2709 of title 18, United States Code, section 626 or 627 of the Consumer Credit Protection Act (15 U.S.C. 1681u, 1681v), or section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), provided—

(i) the person or entity in possession of the data is outside the United States and compelled production is not feasible;

(ii) the acquisition is conducted consistent with the limitations that would apply if, in the United States, the Federal Government compelled production of such data with a national security letter pursuant to such provisions of law; and

(iii) the element of the intelligence community maintains all records required by such provisions of law, including the content of relevant certifications, for each covered person or each instance of data, derived data, or unique identifier linked to or reasonably linkable to a covered person.

(3) Minimization procedures.—

(A) In general.—The Attorney General shall adopt specific procedures that are reasonably designed to minimize the acquisition and retention of covered data that is not subject to 1 or more of the exceptions set forth in paragraph (2).

(B) Acquisition and retention.—The procedures adopted under subparagraph (A) shall require elements of the intelligence community to exhaust all reasonable means—

(i) to exclude covered data not subject to 1 or more exceptions set forth in paragraph (2) from datasets prior to acquisition; and

(ii) to remove and delete covered data not subject to 1 or more exceptions set forth in paragraph (2) prior to the operational use of the acquired dataset or the inclusion of the dataset in a database intended for operational use.

(C) Destruction.—The procedures adopted under subparagraph (A) shall require that if an element of the intelligence community identifies covered data acquired in violation of paragraph (2), such covered data shall be promptly destroyed.

(4) Prohibition on use of data obtained in violation of this subsection.—Covered data acquired by an element of the intelligence community in violation of paragraph (2), and any evidence derived therefrom, may not be used, received in evidence, or otherwise disseminated in any investigation, trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof.

(5) Reporting requirement.—

(A) In general.—Not later than 180 days after the date of enactment of this Act, and not less frequently than once each year thereafter, the Director of National Intelligence shall submit to the appropriate committees of Congress and the Privacy and Civil Liberties Oversight Board a report on acquisitions pursuant to this subsection.

(B) Contents.—The report submitted pursuant to subparagraph (A) shall include the following:

(i) Datasets.—A description of datasets that the Director determines contain information of covered persons that is significant in volume proportion, or sensitivity, including—

(I) the covered person information in each dataset; and

(II) an estimate of the amount of covered person information in each dataset.

(ii) Data collection.—A description of data collected pursuant to paragraph (2)(H), including—

(I) a description of the covered person information for each acquisition; and

(II) the number of covered persons or instances of data, derived data, or unique identifiers linked to or reasonably linkable to a covered person, disaggregated by the national security letter authority for which compelled production would be required.

(iii) Detected violations.—A description of covered data identified as having been acquired in violation of paragraph (2) in the preceding year, including—

(I) an estimate of the number of covered persons whose information was acquired in violation of paragraph (2); and

(II) any changes made to the procedures in paragraph (3) to address compliance issues.

(C) Notifications.—After submitting the report required by subparagraph (A), the Director shall, in coordination with the Under Secretary of Defense for Intelligence and Security, notify the appropriate committees of Congress of any changes to the information contained in such report.

(D) Availability to the public.—The Director shall make available to the public on the website of the Director—

(i) the unclassified portion of the report submitted pursuant to subparagraph (A); and

(ii) any notifications submitted pursuant to subparagraph (C).

(6) Rule of construction.—Nothing in this subsection shall authorize an acquisition otherwise prohibited by this Act, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), or title 18, United States Code.

(e) Prohibition on the warrantless acquisition of domestic communications.—No officer or employee of the Federal Government may intentionally acquire, for the purpose of acquiring foreign intelligence information, any communication as to which the sender and all intended recipients are known to be located in the United States at the time of acquisition or the time of communication, regardless of whether such acquisition occurs inside or outside the United States, except—

(1) as authorized under section 105 or 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805, 1824); or

(2) if—

(A) the officer or employee has a reasonable belief that—

(i) an emergency exists involving the imminent threat of death or serious bodily harm; and

(ii) in order to prevent or mitigate this threat, the acquisition must be conducted before an authorization pursuant to the provisions of law cited in paragraph (1) can, with due diligence, be obtained; and

(B) not later than 14 days after the acquisition, a description of the acquisition is provided to the congressional intelligence committees.

(f) Data retention limits.—

(1) Procedures.—

(A) In general.—Each head of an element of the intelligence community shall develop and implement procedures governing the retention of information described in subparagraph (B).

(B) Information described.—The information described in this subparagraph is information that was acquired for foreign intelligence purposes, other than acquisitions authorized by the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), regardless of whether such acquisition occurred inside or outside the United States.

(2) Requirements.—

(A) Covered information defined.—In this paragraph, the term "covered information" includes—

(i) any information or communication pertaining to a covered person, including an encrypted communication to or from a covered person, that has been evaluated and is not specifically known to contain foreign intelligence information; and

(ii) any unevaluated information, unless it can reasonably be determined that the unevaluated information does not contain any information or communications pertaining to a covered person, including any encrypted communication to or from a covered person.

(B) In general.—The procedures developed and implemented pursuant to paragraph (1) shall ensure, with respect to information described in such paragraph, that covered information shall be destroyed within 5 years of collection unless the Attorney General determines in writing that—

(i) the information is the subject of a preservation obligation in pending administrative, civil, or criminal litigation, in which case the covered information shall be segregated, retained, and used solely for that purpose and shall be destroyed as soon as it is no longer required to be preserved for such litigation; or

(ii) the information is being used in a proceeding or investigation consistent with section 706(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881e(a)).

(g) Reports on violations of law or Executive order.—Section 511 of the National Security Act of 1947 (50 U.S.C. 3110) is amended by adding at the end the following:

"(c) Public availability.—

"(1) In general.—The Director of National Intelligence shall make each report submitted under subsection (a) publicly available on an internet website, with such redactions as may be necessary to protect sources and methods.

"(2) Retroactive report publication.—With respect to a report submitted under subsection (a) prior to the date of enactment of this Act, such report shall be made publicly available pursuant to paragraph (1) by not later than 180 days after the date of enactment of this Act.

"(d) Department of Justice report.—The Attorney General, in consultation with the Director of National Intelligence, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a version of the report described in subsection (a) that only addresses violations of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).".

SEC. 1025. SURVEILLANCE OVERSIGHT AND INTELLIGENCE TRANSPARENCY.

(a) Inspector General oversight of orders under the Foreign Intelligence Surveillance Act of 1978.—

(1) Audit.—Not later than July 1, 2027, the Inspector General of the Department of Justice and the Inspector General of each element of the intelligence community shall each initiate an audit of the applications for court orders made under the Foreign Intelligence Surveillance Act

of 1978 (50 U.S.C. 1801 et seq.) and directives issued under section 702(i) of such Act by the Department or the element, respectively.

(2) Scope and contents.—In conducting an audit under paragraph (1)—

(A) an Inspector General shall—

(i) review such sample of applications and directives described in paragraph (1) as the Inspector General determines appropriate in order to carry out the objectives of this subsection;

(ii) assess whether—

(I) adequate safeguards are in place to ensure that the assertions made in applications are scrupulously accurate;

(II) adequate safeguards are in place to ensure that each application includes all information required by the amendments made by section 10 of the Reforming Intelligence and Securing America Act (Public Law 118–49) and by sections 1023(b) and 1023(c) of the POPULIST Act; and

(III) in the determination of the Inspector General, there are any other areas of potential risk or violation; and

(iii) make recommendations to address any deficiencies identified by the Inspector General; and

(B) the Inspector General of the Department of Justice shall assess the information provided by the Department of Justice under subsection (f) of section 603 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1873), as added by subsection (g) of this section, and include a determination on the accuracy and completeness of the information provided under that section.

(3) Report.—

(A) In general.—For each audit conducted by an Inspector General under paragraph (1), the Inspector General shall submit to the persons specified in subparagraph (B) a report of the audit, including findings and recommendations of the Inspector General and any remediations taken by the Department or element, respectively.

(B) Persons specified.—The persons specified in this subparagraph are the following:

(i) The Attorney General.

(ii) The Director of National Intelligence.

(iii) The Privacy and Civil Liberties Oversight Board.

(iv) The appropriate committees of Congress.

(v) The Foreign Intelligence Surveillance Court (as defined in section 601(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(e))).

(vi) Any amicus curiae appointed under section 103(i)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(i)(2)).

(4) Cooperation.—The Attorney General and head of each element of the intelligence community shall ensure full and complete cooperation with the respective Inspector General conducting an audit under paragraph (1), including by providing access to all evidence and information relevant to the assessments required under paragraph (2)(B), subject to such procedures as are necessary to protect the national security of the United States.

(5) Availability to the public.—The Inspector General of each element of the intelligence community shall each make publicly available on a website of the relevant element an unclassified version of any report submitted under paragraph (3) by the respective Inspector General.

(b) Intelligence community parity and communications with Privacy and Civil Liberties Oversight Board.—

(1) Whistleblower protections for members of intelligence community for communications with Privacy and Civil Liberties Oversight Board.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amended—

(A) in subsection (b)(1), in the matter before subparagraph (A), by inserting "the Privacy and Civil Liberties Oversight Board," after "Inspector General of the Intelligence Community,"; and

(B) in subsection (c)(1)(A), in the matter before clause (i), by inserting "the Privacy and Civil Liberties Oversight Board," after "Inspector General of the Intelligence Community,".

(2) Parity in pay for Privacy and Civil Liberties Oversight Board staff and the intelligence community.—Section 1061(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(j)(1)) is amended by striking "except that" and all that follows through the period at the end and inserting "except that no rate of pay fixed under this subsection may exceed the highest amount paid by any element of the intelligence community for a comparable position, based on salary information provided to the chairman of the Board by the Director of National Intelligence.".

(c) Congressional oversight of grants of immunity by the Attorney General for warrantless surveillance assistance.—

(1) In general.—Section 2511(2)(a) of title 18, United States Code, as amended by section 105(d) of this Act, is further amended by adding at the end the following:

"(iv) Not later than 30 days after providing a certification described in clause (B) of the 1st sentence of subparagraph (ii) to a provider of wire or electronic communication service, an officer, employee, or agent thereof, a landlord, a custodian, or another person, the person providing the certification shall submit the certification to the appropriate committees of Congress, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).".

(2) Ongoing programs.—

(A) Definitions.—In this paragraph—

(i) the term "appropriate committees of Congress" has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801), as amended by this Act;

(ii) the terms "electronic communication", "electronic communication service", and "wire communication" have the meanings given such terms in section 2510 of title 18, United States Code; and

(iii) the term "ongoing certification" means a certification described in clause (B) of the 1st sentence of section 2511(2)(a)(ii) of title 18, United States Code, pursuant to which a provider of wire or electronic communication service, an officer, employee, or agent thereof, a landlord, a custodian, or another person is providing information, facilities, or technical assistance on the date of enactment of this Act.

(B) Submission.—Not later than 90 days after the date of enactment of this Act, the person that provided an ongoing certification to a provider of wire or electronic communication service, an officer, employee, or agent thereof, a landlord, a custodian, or another person shall submit the ongoing certification to the appropriate committees of Congress.

(d) State and local transparency regarding purchased covered personal data.—Section 2702 of title 18, United States Code, as amended by section 105(a) of this Act, is further amended by adding at the end the following:

"(f) Transparency requirements.—

"(1) Definition of covered Federal funds.—In this subsection, the term 'covered Federal funds' means—

"(A) funds provided under the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.);

"(B) funds provided through the Office of Community Oriented Policing Services;

"(C) funds received under an in-kind grant made under section 2576 of title 10, United States Code;

"(D) funds received under an in-kind grant made via a transfer made under section 981 of title 18, United States Code; or

"(E) funds received under any other Federal program that offers assistance to a law enforcement agency similar to the assistance under the programs described in subparagraphs (A) through (D).

"(2) Reporting.—If a State or local law enforcement agency, using any means or facility of interstate or foreign commerce, through activities in or affecting interstate or foreign commerce, or by using covered Federal funds, obtains covered personal data in a manner that would violate subsection (e)(2) if obtained by a Federal law enforcement agency in a like manner, the

State or local law enforcement agency shall publicly report, not less frequently than once each year—

"(A) the total amount in dollars of anything of value exchanged for such covered personal data during the preceding year, which shall be disaggregated into money directly exchanged and the estimated value of the other things of value that were exchanged;

"(B) the categories of covered personal data obtained in such a manner in the preceding year, including whether the agency obtained location information, biometric information, web browsing data, or metadata of communications; and

"(C) an estimate of the total number of covered persons whose covered data was obtained in such a manner in the preceding year.".

(e) Enhanced annual reports by Director of the Administrative Office of the United States Courts.—Section 603(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1873(a)(1)) is amended—

(1) in subparagraph (F), by striking "; and" and inserting a semicolon;

(2) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(H) the number of certifications by the Foreign Intelligence Surveillance Court pursuant to section 103(j);

"(I) the number of petitions to certify a question made by an amicus curiae pursuant to section 103(i)(7)(A);

"(J) the number of hearings or rehearings by the Foreign Intelligence Surveillance Court en banc pursuant to section 103(a)(2), disaggregated by hearings or rehearings by such court en banc pursuant to clause (i) or (ii) of such section; and

"(K) the number of times amici curiae have been appointed pursuant to section 103(i)(2).".

(f) Enhanced annual reports by Director of National Intelligence.—

(1) In general.—Subsection (b) of section 603 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1873(b)) is amended—

(A) in paragraph (2)(C), by striking the semicolon and inserting "; and";

(B) by redesignating paragraphs (3) through (7) as paragraphs (6) through (10), respectively;

(C) by inserting after paragraph (2) the following:

"(3) a description of the subject matter of each of the certifications provided under section 702(h);

"(4) statistics revealing the number of persons and identifiers targeted under section 702(a), disaggregated by certification under which the person or identifier was targeted;

"(5) the total number of directives issued pursuant to section 702(i)(1), disaggregated by each type of electronic communication service provider described in each of the subparagraphs of section 701(b)(4);"; and

(D) by adding at the end the following:

"(11) (A) the total number of disseminated intelligence reports derived from collection pursuant to section 702 containing the identities of United States persons regardless of whether the identities of the United States persons were openly included or masked;

"(B) the total number of disseminated intelligence reports derived from collection pursuant to section 702 containing the identities of United States persons in which the identities of the United States persons were masked;

"(C) the total number of disseminated intelligence reports derived from collection outside the authorities provided by this Act containing the identities of United States persons in which the identities of the United States persons were masked;

"(D) the total number of disseminated intelligence reports derived from collection pursuant to section 702 containing the identities of United States persons in which the identities of the United States persons were openly included; and

"(E) the total number of disseminated intelligence reports derived from collection outside the authorities provided by this Act containing the identities of United States persons in which the identities of the United States persons were openly included;

"(12) (A) the number of queries conducted in an effort to find communications or information of or about a covered person that required a warrant pursuant to section 1022(a) of the POPULIST Act; and

"(B) the number of queries conducted in an effort to find communications or information of or about a covered person that did not require a warrant pursuant to section 1022(a) of the POPULIST Act; and

"(13) the number of criminal proceedings in which the Federal Government or a government of a State or political subdivision thereof entered into evidence or otherwise used or disclosed in a criminal proceeding any information obtained or derived from an acquisition conducted for foreign intelligence purposes outside the authorities provided by this Act, regardless of whether such acquisition occurred inside or outside the United States.".

(2) Repeal of nonapplicability to Federal Bureau of Investigation of certain requirements.—Subsection (d) of section 603 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1873(d)) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(3) Conforming amendment.—Subsection (d)(1) of section 603 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1873(d)(1)) is amended by striking "paragraphs (3), (5), or (6)" and inserting "paragraphs (6), (8), or (9)".

(g) Annual reporting on accuracy and completeness of applications.—Section 603 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1873) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) Annual report by Attorney General on accuracy and completeness of applications.—

"(1) Report required.—In April of each year, the Attorney General shall submit to the appropriate committees of Congress and publish on the website of the Department of Justice, subject to a declassification review, a report setting forth, with respect to the preceding calendar year, the following:

"(A) A summary of all accuracy or completeness reviews of applications for court orders submitted to the Foreign Intelligence Surveillance Court by the Federal Bureau of Investigation under this Act.

"(B) The total number of such applications reviewed for accuracy or completeness.

"(C) The total number of material errors or omissions identified during such reviews.

"(D) The total number of nonmaterial errors or omissions identified during such reviews.

"(E) The total number of instances in which facts contained in an application were not supported by documentation that existed in the applicable file being reviewed at the time of the review.

"(F) An explanation for any increase or decrease in the number of errors identified under subparagraphs (C) and (D), and in the event of an increase in the number of errors, a description of any action taken by the Department of Justice to improve compliance and accuracy.

"(2) Inspector General risk assessment.—In addition to conducting audits under subsection (a) of section 1025 of the POPULIST Act, the Inspector General of the Department of Justice shall—

"(A) periodically assess the reports required by paragraph (1); and

"(B) as determined by the Inspector General, report any risks identified through such assessments to the appropriate committees of Congress.

"(3) Definition of appropriate committees of Congress.—In this subsection, the term 'appropriate committees of Congress' has the meaning given that term in section 101 of this Act.".

(h) Allowing more granular aggregate reporting by recipients of foreign intelligence surveillance orders.—Section 604 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1874) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (3) and inserting the following:

"(1) A semiannual report that aggregates the number of orders, directives, or national security letters with which the person was required to comply into separate categories of—

"(A) the number of national security letters received, reported—

"(i) for the 1st 1,000 national security letters received, in bands of 200 starting with 1–200; and

"(ii) for more than 1,000 national security letters received, the precise number of national security letters received;

"(B) the number of customer selectors targeted by national security letters, reported—

"(i) for the 1st 1,000 customer selectors targeted, in bands of 200 starting with 1–200; and

"(ii) for more than 1,000 customer selectors targeted, the precise number of customer selectors targeted;

"(C) the number of orders or directives received, combined, under this Act for contents—

"(i) reported—

"(I) for the 1st 1,000 orders and directives received, in bands of 200 starting with 1–200; and

"(II) for more than 1,000 orders and directives received, the precise number of orders and directives received; and

"(ii) disaggregated by whether the order or directive was issued under section 105, 402, or 702;

"(D) the number of customer selectors targeted under orders or directives received, combined, under this Act for contents—

"(i) reported—

"(I) for the 1st 1,000 customer selectors targeted, in bands of 200 starting with 1–200; and

"(II) for more than 1,000 customer selectors targeted, the precise number of customer selectors targeted; and

"(ii) disaggregated by whether the order or directive was issued under section 105, 402, or 702;

"(E) the number of orders or directives received under this Act for noncontents—

"(i) reported—

"(I) for the 1st 1,000 orders or directives received, in bands of 200 starting with 1–200; and

"(II) for more than 1,000 orders or directives received, the precise number of orders and directives received; and

"(ii) disaggregated by whether the order or directive was issued under section 105, 402, or 702; and

"(F) the number of customer selectors targeted under orders or directives under this Act for noncontents—

"(i) reported—

"(I) for the 1st 1,000 customer selectors targeted, in bands of 200 starting with 1–200; and

"(II) for more than 1,000 customer selectors targeted, the precise number of customer selectors targeted; and

"(ii) disaggregated by whether the order or directive was issued under section 105, 402, or 702."; and

(B) by redesignating paragraph (4) as paragraph (2);

(2) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(3) by inserting after subsection (a) the following:

"(b) Additional disclosures.—A person who publicly reports information under subsection (a) may also publicly report, using a semiannual report, information relating to the previous 180 days that indicates whether the person was or was not required to comply with an order, directive, or national security letter issued under each of sections 105, 402, and 702 and the provisions listed in section 603(g)(3).";

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking "or (2)";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C), by striking "(4)" and inserting "(2)".

(i) Report on use of foreign intelligence surveillance authorities regarding protected activities and protected classes.—

(1) Report.—Not later than July 1, 2027, the Privacy and Civil Liberties Oversight Board shall make publicly available and submit to the appropriate committees of Congress a report on the use of the activities and protected classes described in paragraph (2) in—

(A) applications for orders made by the United States Government under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(B) investigations for which such orders are sought.

(2) Activities and protected classes described.—The activities and protected classes described in this paragraph are the following:

(A) Activities and expression protected by the 1st Amendment to the Constitution of the United States.

(B) Race, ethnicity, national origin, and religious affiliation.

(3) Form.—In addition to the report made publicly available and submitted under paragraph (1), the Board may submit to the appropriate committees of Congress a classified annex.

(j) Publication of estimates regarding communications collected under certain provisions of Foreign Intelligence Surveillance Act of 1978.—Not later than 90 days after the date of enactment of this Act, the Director of National Intelligence shall publish a good-faith estimate of—

(1) the number of United States persons whose communications are collected under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a); or

(2) the number of communications collected under such section to which a party is a person located in the United States at the time of communication.

(k) Enhanced reporting of assessments of compliance with emergency order requirements under certain provisions of the Foreign Intelligence Surveillance Act of 1978.—

(1) Electronic surveillance.—

(A) Annual assessment.—Section 105(e)(6) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)(6)) is amended by striking "shall assess compliance" and inserting "shall not less frequently than annually assess compliance".

(B) Reporting.—Section 108(a)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)(2)) is amended—

(i) in subparagraph (C), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (D), by striking "section 301(e)." and inserting "section 304(e); and"; and

(iii) by adding at the end the following:

"(E) the annual assessment conducted pursuant to section 105(e)(6).".

(2) Physical searches.—

(A) Annual assessment.—Section 304(e)(6) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(e)(6)) is amended by striking "shall assess compliance" and inserting "shall not less frequently than annually assess compliance".

(B) Reporting.—Section 306 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1826) is amended—

(i) in paragraph (3), by striking "; and" and inserting a semicolon;

(ii) in paragraph (4), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(5) the annual assessment conducted pursuant to section 304(e)(6).".

SEC. 1026. PROTECTING REPORTERS FROM EXPLOITATIVE STATE SPYING.

(a) Definitions.—In this section:

(1) Covered journalist.—The term "covered journalist" means a person who regularly gathers, prepares, collects, photographs, records, writes, edits, reports, investigates, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.

(2) Covered service provider.—

(A) In general.—The term "covered service provider" means any person that, by an electronic means, stores, processes, or transmits information in order to provide a service to customers of the person.

(B) Inclusions.—The term "covered service provider" includes—

(i) a telecommunications carrier and a provider of an information service (as such terms are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153));

(ii) a provider of an interactive computer service and an information content provider (as such terms are defined in section 230 of the Communications Act of 1934 (47 U.S.C. 230));

(iii) a provider of remote computing service (as defined in section 2711 of title 18, United States Code); and

(iv) a provider of electronic communication service (as defined in section 2510 of title 18, United States Code) to the public.

(3) Document.—The term "document" means writings, recordings, and photographs, as those terms are defined by Federal Rule of Evidence 1001 (28 U.S.C. App.).

(4) Federal entity.—The term "Federal entity" means an entity or employee of the judicial or executive branch or an administrative agency of the Federal Government with the power to issue a subpoena or issue other compulsory process.

(5) Journalism.—The term "journalism" means gathering, preparing, collecting, photographing, recording, writing, editing, reporting, investigating, or publishing news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.

(6) Personal account of a covered journalist.—The term "personal account of a covered journalist" means an account with a covered service provider used by a covered journalist that is not provided, administered, or operated by the employer of the covered journalist.

(7) Personal technology device of a covered journalist.—The term "personal technology device of a covered journalist" means a handheld communications device, laptop computer, desktop computer, or other internet-connected device used by a covered journalist that is not provided or administered by the employer of the covered journalist.

(8) Protected information.—The term "protected information" means any information identifying a source who provided information as part of engaging in journalism, and any records, contents of a communication, documents, or information that a covered journalist obtained or created as part of engaging in journalism.

(9) Specified offense against a minor.—The term "specified offense against a minor" has the meaning given that term in section 111(7) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20911(7)).

(b) Limits on compelled disclosure from covered journalists.—In any matter arising under Federal law, a Federal entity may not compel a covered journalist to disclose protected information, unless a court in the judicial district in which the subpoena or other compulsory process is, or will be, issued determines by a preponderance of the evidence, after providing notice and an opportunity to be heard to the covered journalist, that—

(1) disclosure of the protected information is necessary to prevent, or to identify any perpetrator of, an act of terrorism against the United States; or

(2) disclosure of the protected information is necessary to prevent a threat of imminent violence, significant bodily harm, or death, including specified offenses against a minor.

(c) Limits on compelled disclosure from covered service providers.—

(1) Conditions for compelled disclosure.—In any matter arising under Federal law, a Federal entity may not compel a covered service provider to provide testimony or any document consisting of any record, information, or other communications stored by a covered service provider on behalf of a covered journalist, including testimony or any document relating to a personal account of a covered journalist or a personal technology device of a covered journalist, unless a court in the judicial district in which the subpoena or other compulsory process is, or will be, issued determines by a preponderance of the evidence that there is a reasonable threat of imminent violence unless the testimony or document is provided, and

issues an order authorizing the Federal entity to compel the disclosure of the testimony or document.

(2) Notice to court.—A Federal entity seeking to compel the provision of testimony or any document described in paragraph (1) shall inform the court that the testimony or document relates to a covered journalist.

(3) Notice to covered journalist and opportunity to be heard.—

(A) In general.—A court may authorize a Federal entity to compel the provision of testimony or a document under this subsection only after the Federal entity seeking the testimony or document provides the covered journalist on behalf of whom the testimony or document is stored pursuant to paragraph (1)—

(i) notice of the subpoena or other compulsory request for such testimony or document from the covered service provider not later than the time at which such subpoena or request is issued to the covered service provider; and

(ii) an opportunity to be heard before the court before the time at which the provision of the testimony or document is compelled.

(B) Exception to notice requirement.—

(i) In general.—Notice and an opportunity to be heard under subparagraph (A) may be delayed for not more than 45 days if the court involved determines there is clear and convincing evidence that such notice would pose a clear and substantial threat to the integrity of a criminal investigation, or would present an imminent risk of death or serious bodily harm, including specified offenses against a minor.

(ii) Extensions.—The 45-day period described in clause (i) may be extended by the court for additional periods of not more than 45 days if the court involved makes a new and independent determination that there is clear and convincing evidence that providing notice to the covered journalist would pose a clear and substantial threat to the integrity of a criminal investigation, or would present an imminent risk of death or serious bodily harm, including specified offenses against a minor, under current circumstances.

(d) Limitation on content of information.—The content of any testimony, document, or protected information that is compelled under subsection (b) or (c) shall—

(1) not be overbroad, unreasonable, or oppressive, and, as appropriate, be limited to the purpose of verifying published information or describing any surrounding circumstances relevant to the accuracy of such published information; and

(2) be narrowly tailored in subject matter and period of time covered so as to avoid compelling the production of peripheral, nonessential, or speculative information.

(e) Rule of construction.—Nothing in this section shall be construed to—

(1) apply to civil defamation, slander, or libel claims or defenses under State law, regardless of whether or not such claims or defenses, respectively, are raised in a State or Federal court; or

(2) prevent the Federal Government from pursuing an investigation of a covered journalist or organization that is—

(A) suspected of committing a crime;

(B) a witness to a crime unrelated to engaging in journalism;

(C) suspected of being an agent of a foreign power, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(D) an individual or organization designated under Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism);

(E) a specially designated terrorist, as that term is defined in section 595.311 of title 31, Code of Federal Regulations (or any successor thereto); or

(F) a terrorist organization, as that term is defined in section 212(a)(3)(B)(vi)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(II)).

Subtitle C—Government and Artificial Intelligence

SEC. 1031. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds the following:

(1) Artificial intelligence presents a significant opportunity to improve public administration, expand access to services, strengthen security, support scientific and technical progress, and promote the general welfare of the people of the United States.

(2) Because artificial intelligence can influence decisions affecting rights, liberties, safety, privacy, property, the use of force, and access to essential opportunities and services, the Government bears a special responsibility to ensure that its use of artificial intelligence remains lawful, intelligible, accountable, and subject to meaningful human judgment.

(3) The Federal Government can minimize public dependence on a small number of dominant tech companies and promote competition policy by setting procurement standards that promote interoperability, portability, auditability, and technical independence over opaque and locked systems.

(b) Purpose.—The purpose of this subtitle is to establish public policy for the United States governing artificial intelligence that reflects the highest ideals of the United States, including—

(1) enabling the beneficial use of artificial intelligence to improve public administration, reduce administrative burden, strengthen security, expand access to services, support scientific and technical progress, and help public servants serve the people of the United States more effectively; and

(2) establishing safeguards against uses of artificial intelligence that are inconsistent with constitutional government, including mass surveillance, social scoring, unlawful delegation of lethal force, covert manipulation of the public, and other uses that threaten rights, liberties, privacy, safety, or democratic self-government.

SEC. 1032. FEDERAL ARTIFICIAL INTELLIGENCE AND TECHNOLOGY TALENT TEAMS.

(a) Definitions.—In this section:

(1) Agency.—The term "agency" means an agency described in section 901(b) of title 31, United States Code.

(2) Examination.—The term "examination"—

(A) means an opportunity to directly demonstrate knowledge, skills, abilities, and competencies for a position through an assessment;

(B) includes a resume review that is—

(i) conducted or informed by a subject matter expert; and

(ii) based upon indicators that—

(I) are derived from a job analysis; and

(II) bear a rational relationship to performance in the position for which the examining agency is making an appointment; and

(C) on and after July 1, 2031, does not solely include or principally rely upon a self-assessment from an automated examination, except as provided in subsection (e).

(3) Examining agency.—The term "examining agency" means—

(A) the Office of Personnel Management; or

(B) an agency to which the Director of the Office of Personnel Management has delegated examining authority under section 1104(a)(2) of title 5, United States Code.

(4) Subject matter expert.—The term "subject matter expert" means an employee or selecting official—

(A) who possesses understanding of the duties of, and knowledge, skills, and abilities required for, the position for which the employee or selecting official is developing or administering an assessment; and

(B) whom the agency that employs the employee or selecting official designates to assist in the development and administration of technical assessments under subsection (d).

(5) Technical assessment.—The term "technical assessment" means an assessment developed under subsection (d) that—

(A) allows for the demonstration of job-related technical skills, abilities, and knowledge;

(B) is based upon a job analysis and is relevant to the position for which the assessment is developed; and

(C) may include—

(i) a structured interview;

(ii) a work-related exercise;

(iii) a custom or generic procedure used to measure an individual's employment or career-related qualifications and interests;

(iv) another assessment that meets the criteria under subparagraphs (A) and (B);

(v) external industry assessments, including multi-hurdle or skills-based assessments; or

(vi) coding tests, automated transcription, or flexible timed exercises.

(b) Federal agency technology and artificial intelligence talent teams.—

(1) In general.—An agency may establish 1 or more technology and artificial intelligence talent teams, including at the component level.

(2) Composition.—A technology and artificial intelligence talent team under this subsection may consist of shared certificate coordinators, recruiters, assessment experts, subject matter experts, and nontechnical positions that enable artificial intelligence governance, innovation, and risk management.

(3) Duties.—A technology and artificial intelligence talent team under this subsection shall provide hiring support to the agency and other agencies for technology and artificial intelligence positions, including by—

(A) improving examinations for such positions;

(B) facilitating writing job announcements for such positions in the competitive service;

(C) sharing high-quality certificates of eligibles; and

(D) facilitating hiring for such positions in the competitive service using examinations and subject matter experts.

(4) Other teams.—An agency may establish centralized guidance and practices to support agency-led talent teams in order to address high-need hiring areas.

(c) Office of Personnel Management team.—

(1) In general.—The Director of the Office of Personnel Management may establish a Federal technology and artificial intelligence talent team to support agency talent teams in facilitating pooled hiring actions for technology and artificial intelligence talent across the

Federal Government, providing training, and creating technology platforms to facilitate hiring for the competitive service, including by—

(A) ensuring agencies are using best practices for technology and artificial intelligence hiring;

(B) leading cross-Government hiring efforts for technology and artificial intelligence hiring and engagement with key candidates;

(C) developing technical assessments; and

(D) sharing certificates of eligibles and accompanying résumés under sections 3318(b) and 3319(c) of title 5, United States Code.

(2) Other teams.—The Director of the Office of Personnel Management—

(A) may establish other talent teams to address high-need hiring areas at any agency; and

(B) may expand the hiring experience team at the Office of Personnel Management to focus on surge hiring and scaling pooled hiring, with initial focus on artificial intelligence and artificial intelligence-enabling roles.

(d) Technical assessments.—

(1) In general.—For the purpose of conducting an examination for technology and artificial intelligence positions in the competitive service, a subject matter expert may—

(A) develop, in partnership with human resources employees of the examining agency, a position-specific assessment that is relevant to the position; and

(B) administer the assessment developed under subparagraph (A) to—

(i) determine whether an applicant for the position has demonstrated the established qualifications for the position; or

(ii) rank applicants for the position for category rating purposes under section 3319 of title 5, United States Code.

(2) Sharing and customization of assessments.—

(A) Sharing.—An examining agency may share a technical assessment under this subsection with another examining agency if each agency maintains appropriate control over examination material.

(B) Customization.—An examining agency with which a technical assessment is shared under subparagraph (A) may customize the assessment as appropriate, provided that the resulting assessment satisfies the requirements under part 300 of title 5, Code of Federal Regulations, or any successor regulation.

(C) Platform for sharing and customization.—

(i) In general.—The Director of the Office of Personnel Management shall establish and operate an online platform on which examining agencies may share and customize technical assessments under this subsection.

(ii) Platform requirements.—The Director of the Office of Personnel Management—

(I) shall not be responsible for independently validating the utility of the content and technical assessments shared on the platform described in clause (i); and

(II) shall ensure that the platform includes the ability of its users to rate the utility of the content and technical assessments shared on the platform to allow for a ranking of such content and assessments.

(3) Existing platforms.—If practicable, an agency shall use an existing hiring platform, including the USA Hire platform, to conduct technical assessments.

(e) Waiver of restriction on automated examinations.—

(1) Chief Human Capital Officer.—The Chief Human Capital Officer of an agency may waive subsection (a)(2)(C) if, not later than 30 days after the date on which the Officer authorizes the waiver, the Officer submits to the Director of the Office of Personnel Management a written report that justifies the need for the waiver and articulates the data, evidence, and circumstances for that need.

(2) Office of Personnel Management.—The Director of the Office of Personnel Management—

(A) may provide agencies with guidance and instruction on the data, evidence, and circumstances that should be included in a waiver under paragraph (1); and

(B) not later than 30 days after the date on which the Director receives a waiver under paragraph (1), shall post the waiver on a public website.

(3) Effect.—A waiver authorized under paragraph (1) shall not take effect until the Director of the Office of Personnel Management posts the waiver under paragraph (2)(B).

SEC. 1033. PROHIBITED GOVERNMENT USES OF ARTIFICIAL INTELLIGENCE.

(a) Definitions.—In this section:

(1) Aggrieved person.—The term "aggrieved person" means any person who is the target of, or materially affected by, surveillance or other conduct in violation of this section.

(2) Artificial intelligence.—The term "artificial intelligence" has the meaning given that term in section 581.

(3) Artificial intelligence-enabled surveillance system.—The term "artificial intelligence-enabled surveillance system" means any artificial intelligence system, algorithmic system, or computational process used to identify, track, monitor, infer, classify, predict, score, map, or analyze persons, groups, communications, movements, associations, activities, or patterns of life using personal data, biometric data, communications data, geolocation data, transactional data, publicly available information, or other data.

(4) Behavioral inference.—The term "behavioral inference" means any inference, prediction, or assessment concerning a person's intentions, beliefs, associations, emotions, mental state, likely future conduct, or other behavioral characteristics derived from data analysis, pattern recognition, or artificial intelligence.

(5) Biometric identification.—The term "biometric identification" means identification or attempted identification of a person based on face, voice, gait, iris, retina, fingerprint, palm print, hand geometry, vein pattern, DNA, or any other biological, physiological, or behavioral characteristic used to identify or verify identity.

(6) Federal agency.—The term "Federal agency" means any Executive agency, as defined in section 105 of title 5, United States Code, and includes any military department.

(7) Meaningful human control.—The term "meaningful human control" means a level of human involvement in a decision to use lethal force that ensures that—

(A) a human commander or operator has sufficient information about the target, the system, and the operational context to make an informed judgment as to the lawfulness, necessity, and proportionality of each individual use of lethal force;

(B) the commander or operator has a genuine opportunity to approve or withhold approval of each individual use of lethal force before lethal force is applied; and

(C) the commander or operator retains the ability to supervise the system, to intervene, and to deactivate or abort the use of lethal force in real time where technologically feasible.

(8) Persistent tracking.—The term "persistent tracking" means tracking a person's location, movement, associations, activities, or interactions over time, whether continuously or intermittently, in a manner sufficient to reveal a pattern of life.

(9) Population-scale monitoring.—The term "population-scale monitoring" means monitoring, screening, scanning, scoring, or analyzing multiple persons or groups on a dragnet, bulk, mass, or generalized basis, rather than on the basis of individualized suspicion concerning a specifically identified person.

(10) Publicly accessible space.—The term "publicly accessible space" means any place, facility, forum, platform, website, service, or area, whether physical or digital, that is generally open to, or ordinarily used by, the public.

(11) Social scoring system.—The term "social scoring system" means any artificial intelligence-enabled or algorithmic system that ranks, classifies, rewards, penalizes, predicts, or otherwise evaluates the trustworthiness, risk, compliance, loyalty, character, or social value of a person based on aggregated behavior, associations, speech, movement, communications, purchasing patterns, travel activity, mailing patterns, financial activity, or other personal data.

(b) Prohibited uses.—Except as expressly authorized under subsection (f), no Federal agency may acquire, possess, deploy, access, use, or materially rely on an artificial intelligence-enabled surveillance system for any of the following purposes:

(1) Real-time or near-real-time biometric identification, or biometric identification based on recorded footage, in any publicly accessible space.

(2) Persistent identification, persistent tracking, behavioral inference, pattern-of-life analysis, or population-scale monitoring of persons in the United States.

(3) Persistent or automated cross-system linking of license plate data, facial images, gait, voice, device identifiers, geolocation data, communications metadata, mailing patterns, financial transactions, travel records, or other identifying or pseudonymous data for the purpose of tracking, monitoring, mapping, or scoring persons over time.

(4) Dragnet monitoring, scraping, or analysis of social media, communications, mailing patterns, financial activity, travel activity, purchasing activity, or other associative data to identify, map, predict, or score lawful speech, protest, assembly, association, religious exercise, political activity, journalistic activity, or other constitutionally protected activity.

(5) Suppressing, penalizing, chilling, deterring, or otherwise burdening lawful speech, protest, assembly, association, petition, or other constitutionally protected activity.

(6) Inferring, predicting, or assigning a person's beliefs, intentions, ideology, associations, emotions, mental state, immigration status, health status, disability status, or other protected or highly sensitive characteristics for purposes of law enforcement, immigration enforcement, benefits administration, employment decisions, licensing, or any other adverse government action.

(7) Inferential assignment by artificial intelligence as a substitute for lawful adjudication with respect to immigration status, disability status, health status, fraud status, threat status, or other legal or factual predicates for adverse government action.

(8) Predictive policing, threat scoring, risk scoring, or similar predictive or classificatory systems not based on individualized suspicion and judicial authorization.

(9) Using artificial intelligence-generated or artificial intelligence-amplified accounts, avatars, personas, or other automated systems to impersonate private persons or to covertly influence public discourse, public opinion, or civic participation on behalf of the Federal Government.

(c) Prohibition on social scoring.—

(1) In general.—No Federal agency may create, maintain, purchase, use, or materially rely on any social scoring system.

(2) Rule of construction.—A system shall not be excluded from paragraph (1) merely because it is described as an eligibility score, trust and safety score, threat score, credibility score, behavior score, fraud score, or by any similar label.

(d) Prohibition on lethal force.—No Federal agency may use artificial intelligence, or any sensor, biometric, behavioral, machine-learning, pattern-recognition, or other computational output, to select a human being for lethal engagement, prioritize a human being for lethal engagement, recommend lethal engagement of a human being, or engage a human being with lethal force, unless each individual use of lethal force remains subject to meaningful human control.

(e) Funding, anti-circumvention, procurement, and public communications.—

(1) Funding prohibition.—No Federal funds appropriated or otherwise made available may be obligated or expended to acquire, possess, deploy, access, use, materially rely on, or otherwise support any activity prohibited under subsections (b) through (d), or to obtain data, services, outputs, inferences, analyses, leads, alerts, or other products derived from such activity.

(2) Anti-circumvention.—A Federal agency may not do indirectly, through a State, political subdivision, contractor, subcontractor, grantee, cooperative agreement, memorandum of understanding, information sharing arrangement, data broker, or other third party, what such agency may not do directly under subsections (b) through (d).

(3) Auditability requirement.—No Federal agency may procure, license, subscribe to, access, use, or materially rely on any artificial intelligence-enabled surveillance system if the terms of use, technical design, or contractual restrictions prevent logging, auditing, testing, disclosure to oversight authorities, or other investigation necessary to enforce this section.

(4) Public-facing artificial intelligence communications.—Any Federal agency using artificial intelligence-generated content, synthetic media, digital persons, avatars, or automated interactive systems in communications with the public shall comply with sections 583 and 584.

(f) Narrow exception for individualized judicial warrant.—

(1) In general.—Subsection (b) shall not prohibit a use that is specifically authorized by a warrant issued by a court of competent jurisdiction upon probable cause, supported by oath or affirmation, and particularly describing the person or persons, place, account, device, or specific identifier to be surveilled and the artificial intelligence-enabled surveillance technique to be used.

(2) Strict construction.—The exception under paragraph (1) shall be construed narrowly and shall not authorize dragnet, population-scale, untargeted, or persistent surveillance of persons other than the person or persons specifically identified in the warrant.

(3) False statements or omissions.—Any officer, employee, or agent of the United States who knowingly or recklessly makes a materially false statement, or knowingly or recklessly omits material information, in an application for a warrant under this subsection shall be liable to the aggrieved person under section 1979 of the Revised Statutes (42 U.S.C. 1983), as amended by this Act, for appropriate relief, including actual damages, punitive damages where appropriate, declaratory relief, injunctive relief, and reasonable attorneys' fees and costs.

(4) No exigent circumstances exception.—A Federal agency may not invoke exigent circumstances to avoid the warrant requirement under this subsection.

(g) Logging, minimization, retention, and notice for permitted uses.—

(1) Logging.—Any use permitted under subsection (f) shall be subject to contemporaneous logging sufficient to identify the authorizing warrant, the persons with access, the data accessed, the outputs generated, and the actions taken in reliance on the system.

(2) Minimization.—Any use permitted under subsection (f) shall be conducted in a manner reasonably designed to minimize the collection, retention, access to, and use of data not

relevant to the purpose specifically authorized by the warrant, and the Federal agency shall retain and use only data reasonably necessary to carry out such purpose.

(3) Sensitive activities and privileged communications.—Any use permitted under subsection (f) shall be conducted under procedures reasonably designed to avoid, minimize, segregate, and restrict access to information concerning First Amendment activity, religious exercise, medical care, attorney-client communications, journalistic activity, lawful assembly, or other constitutionally protected or legally privileged activity that is not relevant to the purpose specifically authorized by the warrant.

(4) Retention and destruction.—

(A) Nonrelevant material.—Data, outputs, inferences, and derivative materials, including biometric probe images, biometric templates, candidate lists, match scores, and search outputs, obtained through a use permitted under subsection (f) that are not relevant to the purpose specifically authorized by the warrant shall be destroyed not later than 30 days after the end of the authorized surveillance period, unless a court orders continued retention for good cause shown.

(B) Relevant material.—Data, outputs, inferences, and derivative materials obtained through a use permitted under subsection (f) that are relevant to the purpose specifically authorized by the warrant may be retained only as required by the warrant, a court order, other applicable law, or evidentiary preservation obligations.

(5) Notice.—Within a reasonable time after the end of a surveillance period authorized under subsection (f), and not later than 30 days thereafter unless delayed by court order for good cause shown, the Federal agency shall provide notice to each person who was the target of surveillance under subsection (f) that such surveillance occurred.

(h) Suppression, exclusion, and invalidity of unlawfully obtained evidence.—

(1) In general.—No data, output, inference, lead, or evidence obtained or materially derived from a use in violation of this section may be received in evidence, relied upon, or otherwise used against any person in any trial, hearing, or other proceeding before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof.

(2) Fruit of the poisonous tree.—Any evidence derived from information obtained in violation of this section shall be subject to the same prohibition as the original information.

(i) Oversight, audits, and reports.—

(1) Interim final rules and guidance.—Not later than April 30, 2027, the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology and in consultation with the Director of the Office of Management and Budget, shall issue interim final rules and guidance to carry out this section. The interim final rules shall take effect upon publication in the Federal Register, shall have the force and effect of law, and may be issued without regard to section 553 of title 5, United States Code. The Secretary shall provide a public comment period of not less than 60 days after publication and shall promulgate final rules not later than July 1, 2028.

(2) Inspector General audits.—The Inspector General of each Federal agency shall periodically audit compliance with this section and submit the results of such audit to Congress.

(3) Government Accountability Office review.—Not later than July 1, 2028, and biennially thereafter, the Comptroller General of the United States shall submit to Congress a report evaluating agency compliance with this section.

(4) Agency annual reports.—Not later than July 1 of each year, each Federal agency that used an exception under subsection (f) during the preceding year shall submit to Congress a report stating the number of warrant applications sought, granted, modified, or denied under this section and summarizing compliance with subsection (g).

(5) Public annual summary.—Not later than July 1 of each year, the Attorney General shall publish an annual public report summarizing Federal Government compliance with this section, including aggregate information concerning any uses permitted under subsection (f), except that classified or lawfully protected information may be withheld from the public version and provided in a classified annex to the appropriate congressional committees.

(j) Enforcement.—

(1) Civil actions by Attorney General.—Whenever the Attorney General has reason to believe that a Federal agency or any officer, employee, contractor, or agent thereof is engaged in a pattern or practice of violating this section, the Attorney General may bring a civil action in an appropriate district court of the United States for declaratory, injunctive, or other appropriate relief.

(2) Administrative discipline.—A knowing or willful violation of this section by an officer or employee of the United States shall be grounds for appropriate administrative discipline, including suspension or removal.

(3) No private right of action generally.—Except as provided in subsection (f)(3), nothing in this section shall be construed to create a private right of action.

(k) Whistleblower protection.—A disclosure of information evidencing a violation of this section shall be deemed a protected disclosure for purposes of section 588. Nothing in this subsection shall be construed to limit or displace any protection or remedy otherwise available under sections 2302(b)(8) or 2303 of title 5, United States Code, section 1034 of title 10, United States Code, or sections 3234 or 3341(j) of title 50, United States Code, or to authorize the disclosure of classified information except through a channel authorized by law.

(l) Rule of construction.—Nothing in this section shall be construed to authorize any use of artificial intelligence that is otherwise prohibited by the Constitution or any other provision of law.

SEC. 1034. HIGH-IMPACT GOVERNMENT USE OF ARTIFICIAL INTELLIGENCE.

(a) Definitions.—In this section:

(1) Adverse AI incident.—The term "adverse AI incident" means any known or reasonably suspected event in which a high-impact artificial intelligence activity—

(A) materially enables, increases the risk of, or otherwise contributes to unlawful action, denial of rights, serious bodily injury, serious property damage, critical infrastructure disruption, cybersecurity compromise, or other severe public harm;

(B) materially enables, increases the risk of, or otherwise contributes to an adverse government action based on materially inaccurate, incomplete, or otherwise unreliable output or process;

(C) materially defeats, evades, or undermines any implemented safeguard;

(D) results in, or materially increases the risk of, unauthorized access to, disclosure of, exfiltration of, or material misuse of Government data or personal data processed by or through the activity; or

(E) materially enables autonomous cyber operations capable of causing substantial disruption to Government systems, critical infrastructure, or major economic activity.

(2) Artificial intelligence.—The term "artificial intelligence" has the meaning given that term in section 581.

(3) Federal agency.—The term "Federal agency" means an Executive agency, as defined in section 105 of title 5, United States Code, and includes any military department.

(4) High-impact artificial intelligence activity.—The term "high-impact artificial intelligence activity" means the use, in whole or in part, by a Federal agency of any artificial intelligence system to make or materially inform a determination or action that may materially affect—

(A) the rights, liberties, safety, privacy, or property of any person;

(B) access to employment, education, housing, health care, credit, insurance, public accommodations, licenses, grants, contracts, benefits, or government services;

(C) immigration, border screening, detention, law enforcement, court administration or adjudication, criminal justice, military operations, intelligence activities, or national security activities;

(D) access to, or the security or operation of, critical infrastructure; or

(E) any other matter designated by the Secretary of Commerce, by regulation, as presenting a comparable risk of material harm.

(5) Impact assessment.—The term "impact assessment" means a written evaluation of the purpose, design, intended use, performance, limitations, data sources, cybersecurity, privacy risks, civil rights risks, error rates, foreseeable harms, and mitigation measures associated with a high-impact artificial intelligence activity.

(6) Meaningful human oversight.—The term "meaningful human oversight" means timely and informed human review, supervision, and authority over a high-impact artificial intelligence activity, including authority to interpret, question, disregard, override, or suspend the use of any artificial intelligence system used in such activity.

(7) Secretary.—The term "Secretary" means the Secretary of Commerce.

(8) Use case inventory.—The term "use case inventory" means a public or nonpublic catalog of high-impact artificial intelligence activities used by a Federal agency, including the function, legal authority, vendor, status, and risk designation of each such activity.

(b) Coverage and designation.—

(1) In general.—Each Federal agency shall identify and designate each high-impact artificial intelligence activity used or proposed to be used by the agency.

(2) Presumptive coverage.—An artificial intelligence activity shall be presumed to be a high-impact artificial intelligence activity if it is used or proposed to be used in any context described in subsection (a)(4)(A) through (D).

(3) Anti-evasion.—A Federal agency may not avoid designation under this subsection by characterizing an artificial intelligence activity as merely advisory, assistive, experimental, pilot, or nonfinal if such activity materially influences agency action.

(c) Governance requirements.—

(1) Responsible officials.—Each Federal agency using or proposing to use a high-impact artificial intelligence activity shall designate a senior responsible official to oversee compliance with this section.

(2) Internal governance.—Each such agency shall establish documented policies, procedures, and internal controls governing the approval, procurement, testing, deployment, monitoring, audit, material modification, suspension, and discontinuance of each high-impact artificial intelligence activity.

(3) Inventory and records.—Each such agency shall maintain a use case inventory and sufficient records to permit audit, oversight, and review of each high-impact artificial intelligence activity.

(d) Preconditions to procurement.—A Federal agency may not procure artificial intelligence for use in connection with a high-impact artificial intelligence activity unless, before such procurement—

(1) the agency has documented the legal authority for the intended use;

(2) the terms of use, technical design, and contractual restrictions applicable to the system do not prevent testing, logging, auditing, disclosure to oversight authorities, or other investigation necessary to enforce this section;

(3) the agency has established a process for independent review and meaningful human oversight of the activity; and

(4) the senior responsible official designated under subsection (c)(1) has approved the procurement in writing.

(e) Preconditions to deployment or use as a material basis for agency action.—A Federal agency may not deploy artificial intelligence in connection with a high-impact artificial intelligence

activity, or use the output of artificial intelligence as a material basis for a determination or action in connection with such an activity, unless, before such deployment or use—

(1) the agency has completed an impact assessment;

(2) the agency has tested and validated the system for its intended use;

(3) the agency has established meaningful human oversight over the activity;

(4) the agency has adopted measures to identify and mitigate reasonably foreseeable risks to safety, privacy, civil rights, civil liberties, and due process;

(5) the agency has adopted measures reasonably designed to ensure that the activity functions reliably and universally across affected populations and to identify and mitigate systematic favoritism or disfavor toward any subset of such population;

(6) the agency has established logging, auditability, incident reporting, and record retention procedures sufficient to permit review of the activity and its outputs;

(7) the agency has completed an independent review of the activity by appropriate officials who are not part of the sponsoring program office, including officials responsible for legal compliance, privacy, civil rights or civil liberties, cybersecurity, and records management, as applicable;

(8) if the activity is a new externally facing high-impact artificial intelligence activity, and except to the extent expressly prohibited by law or impracticable in classified, military, intelligence, national security, or law enforcement operations, the agency has published a plain language summary of the impact assessment and provided not fewer than 30 days for public comment before initial deployment; and

(9) the senior responsible official designated under subsection (c)(1) has approved the deployment or use in writing.

(f) Required safeguards.—Each Federal agency engaging in a high-impact artificial intelligence activity shall—

(1) ensure that the activity is used only for a documented and lawful purpose;

(2) conduct predeployment testing, red team testing where appropriate, and periodic reevaluation of system performance, limitations, and failure modes;

(3) assess and mitigate reasonably foreseeable risks of bias, discrimination, privacy invasion, unlawful surveillance, security compromise, hallucination, inaccuracy, and harmful overreliance;

(4) maintain technical and organizational safeguards sufficient to protect Government data and any personal data processed by or through the activity;

(5) provide meaningful human oversight over any agency action materially informed by the activity;

(6) provide, before any final materially adverse agency action materially informed by the activity, to any person materially adversely affected by such action, except to the extent expressly prohibited by law or impracticable in classified or military operations—

(A) notice that artificial intelligence was used;

(B) a description of the role that the activity played in the action;

(C) notice of the principal categories of data materially relied upon, to the extent consistent with law and the protection of classified, privileged, or otherwise protected information; and

(D) an opportunity for review, correction, contest, or appeal before an official with authority to disregard or reverse the output of the activity;

(7) ensure that no final adverse agency action is based solely on the output of artificial intelligence used in the activity; and

(8) suspend or discontinue use of the system when the agency cannot reasonably mitigate material risks associated with the high-impact artificial intelligence activity.

(g) Transition for existing activities.—

(1) Existing activity defined.—In this subsection, the term "existing activity" means a high-impact artificial intelligence activity used by a Federal agency on the date of enactment of this Act.

(2) Inventory and provisional approval.—Not later than 90 days after the date of enactment of this Act, each Federal agency shall—

(A) identify each existing activity;

(B) enter the activity in the use case inventory maintained under subsection (c)(3); and

(C) obtain written provisional approval for continued use from the senior responsible official designated under subsection (c)(1).

(3) Contents of provisional approval.—A provisional approval under paragraph (2) shall document the legal authority and operational necessity for the existing activity, its principal known or reasonably foreseeable risks, and the interim safeguards governing its continued use.

(4) Continued use during transition.—Notwithstanding subsection (e), a Federal agency may continue an existing activity until the compliance deadline under paragraph (5), and may satisfy the testing requirement under subsection (f)(2) during that period rather than before deployment, only while—

(A) a provisional approval under paragraph (2) remains in effect; and

(B) the agency maintains meaningful human oversight, logging, incident reporting, and safeguards reasonably designed to identify and mitigate material risks.

(5) Compliance deadline.—Not later than 180 days after publication of the interim final rules under subsection (k)(1), each Federal agency shall complete the requirements of subsection (e) with respect to each existing activity and approve, modify, suspend, or discontinue the activity.

(6) Inventory status.—For purposes of subsection (i)(2)(E), an existing activity operating under a valid provisional approval shall be identified as operating under the transition authorized by this subsection and shall not be described as noncompliant solely because the impact assessment required under subsection (e)(1) has not been completed.

(7) Prior procurements.—Subsection (d) shall not apply to a procurement completed before the date of enactment of this Act, but shall apply to a renewal, extension, replacement, material modification, or new procurement occurring on or after that date.

(8) Immediate safeguards.—Nothing in this subsection shall—

(A) authorize an activity prohibited under section 1033; or

(B) delay the application of the suspension and discontinuance requirements under subsection (j)(6) and (7).

(h) Material changes.—A Federal agency may not materially expand or materially alter a high-impact artificial intelligence activity without completing a supplemental impact assessment and obtaining updated written approval under subsection (e)(9).

(i) Transparency and inventory.—

(1) Public inventory.—Each Federal agency shall publish and maintain a publicly accessible inventory of high-impact artificial intelligence activities used by the agency.

(2) Contents.—The inventory required under paragraph (1) shall include, for each listed activity—

(A) a general description of the activity and its purpose;

(B) the vendor or developer, if any;

(C) the legal authority for use;

(D) the date the activity was first deployed;

(E) a short summary of the impact assessment required under this section, including the principal risks identified and the principal safeguards or mitigation measures adopted by the agency, or, if the impact assessment has not been completed, a statement that the activity is not in compliance with this section; and

(F) such additional information as the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, may require by regulation or guidance.

(3) Exceptions.—A Federal agency may withhold or redact information from the public inventory only to the extent necessary to protect classified information, law enforcement

sensitivity, operational security, or other interests protected by law, but shall maintain a complete nonpublic inventory available for oversight.

(j) Monitoring, incident reporting, suspension, and discontinuance.—

(1) Ongoing monitoring.—Each Federal agency shall continuously monitor the performance and impacts of each high-impact artificial intelligence activity used by the agency.

(2) Initial incident reporting.—A Federal agency shall report an adverse AI incident not later than 72 hours after discovery, or as soon thereafter as practicable if the agency demonstrates good cause for delay, to—

(A) the Secretary, acting through the Director of the National Institute of Standards and Technology;

(B) the Inspector General of the Federal agency; and

(C) the Attorney General, if the incident appears to involve unlawful conduct or a material risk to civil rights, civil liberties, or due process.

(3) Contents of initial report.—An initial report under paragraph (2) shall include, to the extent known at the time of submission—

(A) the identity of the reporting Federal agency;

(B) a description of the high-impact artificial intelligence activity involved;

(C) the date of discovery and the known or reasonably suspected date or period of occurrence;

(D) the nature of the adverse AI incident;

(E) the known or reasonably suspected harms or risks arising from the incident;

(F) whether the activity has been suspended, limited, modified, or discontinued;

(G) any immediate mitigation measures taken; and

(H) such other information as the Secretary may require by regulation.

(4) Supplemental reports.—A Federal agency that submits an initial report under paragraph (2) shall submit supplemental reports at such times and in such form as the Secretary may require by regulation, including when—

(A) material new facts become known;

(B) the agency determines that an affected activity should be suspended, modified, resumed, or discontinued;

(C) the agency determines that notice should be provided to affected persons under this section; or

(D) the agency completes a material part of its investigation or remediation.

(5) Incident response and preservation duties.—Upon discovering an adverse AI incident, a Federal agency shall—

(A) take reasonable measures to contain, mitigate, and document the incident;

(B) preserve records, logs, outputs, model settings, prompts, instructions, data inputs, decision records, and other materials reasonably necessary to investigate the incident and assess compliance with this section; and

(C) determine whether the high-impact artificial intelligence activity should be suspended, modified, or discontinued, and whether any materially affected person should receive notice, review, correction, contest, or appeal rights under this section.

(6) Suspension.—A Federal agency shall promptly suspend use of a high-impact artificial intelligence activity upon determining that the activity presents a substantial and unmitigated risk of unlawful action, material inaccuracy, material security failure, or material harm to safety, privacy, civil rights, or civil liberties.

(7) Discontinuance.—A Federal agency shall discontinue use of a high-impact artificial intelligence activity when the agency determines that compliance with this section cannot reasonably be achieved.

(k) Oversight and enforcement.—

(1) Regulations and guidance.—Not later than April 30, 2027, the Secretary, acting through the Director of the National Institute of Standards and Technology and in consultation with the Attorney General, shall promulgate interim final rules and guidance to carry out this section. The interim final rules shall take effect upon publication in the Federal Register, shall have the force and effect of law, and may be issued without regard to section 553 of title 5, United States Code. The Secretary shall provide a public comment period of not less than 60 days after publication and shall promulgate final rules not later than July 1, 2028.

(2) Interagency coordination.—The Secretary, acting through the Director of the National Institute of Standards and Technology, shall convene an interagency council of representatives designated by Federal agencies subject to this section to promote consistent implementation, share best practices, identify common risks, and develop recommendations for guidance and updates under paragraph (1).

(3) Inspector General review.—The Inspector General of each Federal agency using a high-impact artificial intelligence activity shall periodically audit compliance with this section and submit the results of such audit to Congress.

(4) Government Accountability Office review.—Not later than July 1, 2028, and biennially thereafter, the Comptroller General of the United States shall submit to Congress a report evaluating agency compliance with this section.

(l) Rule of construction.—Nothing in this section shall be construed—

(1) to authorize any use of artificial intelligence prohibited under section 1033; or

(2) to authorize any use of artificial intelligence otherwise prohibited by the Constitution or any other provision of law.

SEC. 1035. ARTIFICIAL INTELLIGENCE PROCUREMENT.

(a) Definitions.—In this section:

(1) Artificial intelligence.—The term "artificial intelligence" has the meaning given that term in section 581.

(2) Cloud computing.—The term "cloud computing" has the meaning given that term in Special Publication 800–145 of the National Institute of Standards and Technology, or any successor document.

(3) Data infrastructure.—The term "data infrastructure" means the underlying computer, network, and software systems that enable the collection, storage, processing, and analysis of data, including the ability to record, transmit, transform, categorize, integrate, and otherwise process data generated by digital data systems.

(4) Digital solution.—The term "digital solution" means any cloud computing service, data infrastructure, foundation model, or other artificial intelligence product or service procured, licensed, subscribed to, accessed, or used by a Federal agency.

(5) Federal agency.—The term "Federal agency" means an Executive agency, as defined in section 105 of title 5, United States Code, and includes any military department.

(6) Foundation model.—The term "foundation model" means an artificial intelligence model that—

(A)—

(i) generally uses self-supervision;

(ii) contains at least 1,000,000,000 parameters; and

(iii) is applicable across a wide range of contexts; or

(B) exhibits, or could be easily modified to exhibit, high levels of performance at tasks that pose a serious risk to security, national economic security, national public health, or safety.

(7) Government-furnished data.—The term "Government-furnished data" means data, and any associated metadata, logs, configurations, prompts, outputs, or derivative records, provided by or generated for or on behalf of a Federal agency through the development, testing, deployment, operation, or use of a digital solution.

(8) Multi-cloud technology.—The term "multi-cloud technology" means architecture and services that allow for data, application, and program portability, usability, and interoperability between infrastructure, platforms, and hosted applications of multiple cloud providers and between public, private, and edge cloud environments in a manner that securely delivers operational and management consistency, comprehensive visibility, and resiliency.

(b) Government-wide procurement requirements.—The head of each Federal agency, and the Administrator of General Services with respect to any Government-wide acquisition vehicle, shall ensure that each procurement of a digital solution—

(1) uses a competitive award process unless another provision of law expressly authorizes a noncompetitive procurement and the head of the Federal agency makes a written determination justifying the use of such authority;

(2) preserves for the Federal Government exclusive rights to access and use all Government-furnished data, except to the extent that rights in preexisting vendor materials are expressly reserved by contract and do not impair Government access and use;

(3) prioritizes the appropriate allocation of intellectual property and data rights to protect Government access, use, portability, security, interoperability, and auditability;

(4) includes modular open systems approaches and appropriate work allocation and technical boundaries;

(5) uses open, documented, externally accessible, machine-readable interfaces using industry standard, nonproprietary technologies, protocols, and payloads where feasible;

(6) provides for storage and management of Government-furnished data in a provider-agnostic and environment-agnostic manner, uncoupled from unnecessary hardware or software dependencies;

(7) provides for portability and exportability of Government-furnished data in a usable format and without unreasonable cost or delay;

(8) prioritizes multi-cloud technology where feasible and advantageous;

(9) mitigates barriers to entry faced by small business concerns and nontraditional contractors;

(10) prohibits pricing structures, introductory offers, trial terms, contractual restrictions, or technical design choices that create unreasonable vendor lock-in or materially impair transition to another provider;

(11) requires the procuring Federal agency to assess and document reasonably anticipated lifecycle costs, switching costs, usage-based cost escalation, and exit costs before award;

(12) if the procurement involves no-cost, nominal-cost, or introductory-price access to a digital solution, requires a written determination by the head of the Federal agency that the agency has evaluated lifecycle costs, usage-based cost growth, switching costs, exit costs, and data portability before accepting such access; and

(13) includes requirements sufficient to permit Government inspection, testing, logging, auditing, post-award monitoring, and oversight of security, performance, costs, and compliance.

(c) Government data and training protections.—Not later than April 30, 2027, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to ensure that each contract for a digital solution provides that—

(1) Government-furnished data may not be disclosed, retained, transferred, licensed, sold, or used without proper authorization by the relevant Federal agency;

(2) Government-furnished data stored on vendor systems are segregated from other data on such systems and protected through reasonable administrative, technical, and physical safeguards;

(3) Government-furnished data may not be used to train, fine-tune, retrain, evaluate, or otherwise improve any artificial intelligence product or service except as expressly authorized by the relevant Federal agency;

(4) the relevant Federal agency is able, upon request and without unreasonable cost or delay, to retrieve and export Government-furnished data in a usable format;

(5) violation of the contract provisions required under this subsection shall be subject to specific penalties, including fines, contract termination, and such other contractual remedies as the head of the relevant Federal agency determines appropriate; and

(6) no contractor may satisfy a contractual requirement for security, compliance, or performance review solely through an assessment, audit, attestation, or similar review paid for by the contractor or an affiliate of the contractor.

(d) Additional Department of Defense implementation.—

(1) In general.—Not later than April 30, 2027, the Secretary of Defense shall direct the Chief Digital and Artificial Intelligence Office and the Under Secretary of Defense for Acquisition and Sustainment to update or promulgate provisions of the Defense Federal Acquisition Regulation Supplement to implement this section for the Department of Defense.

(2) Exemptions.—A component acquisition executive may issue an exemption from a requirement of this section only upon—

(A) determining in writing that issuing the exemption is not inconsistent with national security;

(B) identifying the specific requirement exempted, the vendor and program receiving the exemption, and the justification for the exemption; and

(C) notifying the Chief Digital and Artificial Intelligence Officer of the exemption.

(e) Noncompliant procurement terms.—A Federal agency may not award, renew, extend, or exercise an option under a contract for a digital solution if the solicitation, contract, renewal, extension, or option materially fails to comply with subsection (b), unless the head of the Federal agency determines in writing that exigent circumstances require continued performance for a period not to exceed 180 days and submits the determination to the Administrator of General Services and the Inspector General of the Federal agency.

(f) Rule of construction.—Nothing in this section shall be construed to limit any stronger restriction, safeguard, or prohibition applicable under this subtitle or any other provision of law.

SEC. 1036. CENTER FOR AI STANDARDS AND INNOVATION.

(a) Definitions.—In this section:

(1) CAISI.—The term "CAISI" means the Center for AI Standards and Innovation established under subsection (b).

(2) Digital solution.—The term "digital solution" has the meaning given that term in section 1035.

(3) Federal agency.—The term "Federal agency" means an Executive agency, as defined in section 105 of title 5, United States Code, and includes any military department.

(4) NIST.—The term "NIST" means the National Institute of Standards and Technology.

(5) Secretary.—The term "Secretary" means the Secretary of Commerce.

(b) Establishment.—There is established within NIST the Center for AI Standards and Innovation.

(c) Duties of CAISI.—The Secretary, acting through CAISI, shall—

(1) develop, publish, and periodically update guidelines, best practices, evaluation methods, benchmarks, and tools supporting voluntary standards relating to the security, reliability, and functionality of artificial intelligence systems;

(2) conduct and support unclassified evaluations of artificial intelligence capabilities that may pose material risks to public safety, national security, critical infrastructure, cybersecurity, biosecurity, or chemical weapons security;

(3) evaluate and assess security vulnerabilities and malign foreign influence risks arising from the use of artificial intelligence systems developed in the United States or abroad;

(4) support Federal agencies in the evaluation of artificial intelligence systems proposed to be used in Government operations and procurement, including through collaboration with the General Services Administration and other agencies responsible for acquisition and shared services;

(5) coordinate with Federal agencies, including the Department of Defense, the Department of Energy, the Department of Homeland Security, the Office of Science and Technology Policy, and the intelligence community, as appropriate, to develop evaluation methods, share technical expertise, and support secure and interoperable adoption of artificial intelligence;

(6) support the development of voluntary, consensus-based, and interoperable standards for artificial intelligence systems and related provenance, labeling, evaluation, and security practices;

(7) provide technical assistance and measurement science support for the implementation of sections 1033 through 1035 and subtitle F of title V; and

(8) submit to Congress the reports required under subsection (g).

(d) Government-wide procurement review capability.—

(1) In general.—The Administrator of General Services, acting through the Federal Risk and Authorization Management Program and in consultation with the Secretary, acting through CAISI, the Director of the Cybersecurity and Infrastructure Security Agency, and the Administrator for Federal Procurement Policy, shall establish and maintain a Government-wide capability to perform or commission independent technical review of digital solutions used or proposed to be used by Federal agencies for purposes of procurement and acquisition oversight.

(2) Scope.—The capability required under paragraph (1) shall be limited to review of procurement-facing risks and requirements associated with digital solutions, including—

(A) cybersecurity;

(B) auditability and logging;

(C) Government data rights;

(D) portability and exportability;

(E) interoperability and multi-cloud compatibility;

(F) lifecycle costs, switching costs, and vendor lock-in risks; and

(G) conflicts of interest in third-party assessment.

(3) Rule of construction.—Nothing in this subsection shall be construed to authorize the Administrator of General Services, the Federal Risk and Authorization Management Program, or CAISI to make a final determination regarding the substantive legality, mission appropriateness, or programmatic permissibility of an agency use of artificial intelligence, which determinations shall remain with the procuring Federal agency subject to applicable law.

(e) Standards, guidance, and interagency support.—Not later than April 30, 2027, the Secretary, acting through CAISI, and the Administrator of General Services, acting through the Federal Risk and Authorization Management Program, shall jointly issue such standards and guidance as are necessary to carry out subsection (d) and subsection (f), including standards and guidance relating to evaluation integrity, procurement-facing artificial intelligence risks, and the avoidance of unreasonable vendor lock-in.

(f) Evaluation integrity and anti-capture.—In carrying out this section, the Secretary, the Administrator of General Services, CAISI, and the Federal Risk and Authorization Management Program shall—

(1) require disclosure of any material financial, contractual, employment, or organizational conflict of interest affecting an evaluation, assessment, benchmark, review, or procurement-facing technical analysis under this section;

(2) ensure that no evaluation, assessment, benchmark, review, or procurement-facing technical analysis under this section is controlled by a person with a material financial interest in the vendor, contractor, model, system, or digital solution being evaluated;

(3) ensure that no Federal agency relies solely on an assessment, audit, attestation, certification, benchmark, or similar review paid for or controlled by the vendor or an affiliate of the vendor to satisfy a requirement under this section;

(4) publish evaluation methods, benchmark descriptions, conformity profiles, and review criteria to the greatest extent practicable, consistent with national security, cybersecurity, trade secret protection, and other applicable law; and

(5) ensure that standards, benchmarks, reviews, and procurement-facing technical analyses under this section do not unnecessarily favor dominant vendors, proprietary architectures, closed interfaces, or noninteroperable systems over smaller vendors, open standards, interoperable systems, or nonproprietary alternatives.

(g) Reports.—

(1) CAISI report.—Not later than July 1, 2027, and annually thereafter for 4 years, the Secretary, acting through CAISI, shall submit to Congress a report describing—

(A) the activities carried out under subsection (c);

(B) significant findings from evaluations, assessments, and standards work conducted under this section, including any recurring security or functionality concerns;

(C) recommendations for legislative and administrative action; and

(D) the resources, staffing, and appropriations needed to carry out this section.

(2) Procurement review report.—Not later than July 1, 2027, and annually thereafter for 4 years, the Administrator of General Services, in consultation with the officials specified in subsection (d)(1) and the heads of relevant Federal agencies, shall submit to Congress a report assessing competition, innovation, barriers to entry, switching costs, vendor lock-in risks, reliance on vendor-paid assessments, and concentrations of market power or market share in the artificial intelligence, cloud computing, data infrastructure, and foundation model space for each period covered by the report, together with recommendations for legislative and administrative action.

(3) Defense supplement.—Each procurement review report shall include a supplement prepared by the Secretary of Defense describing implementation of section 1035(d) by the Department of Defense, including exemptions granted under section 1035(d)(2).

(4) Publication.—The Administrator of General Services shall ensure that a publicly releasable version of each procurement review report is made available on appropriate websites.

(h) Authorization of appropriations.—

(1) CAISI and NIST support.—There are authorized to be appropriated to the Secretary, acting through NIST and CAISI, such sums as may be necessary for each of fiscal years 2027 through 2031 to carry out this section.

(2) Procurement review capacity.—There are authorized to be appropriated to the Administrator of General Services, acting through the Federal Risk and Authorization Management Program, $30,000,000 for each of fiscal years 2027 through 2031 to carry out subsection (d), including staffing, technical analysis, independent testing, conflict-of-interest screening, and other support necessary to maintain the capability required under such subsection.

(i) Rule of construction.—Nothing in this section shall be construed to limit or displace any stronger restriction, safeguard, or prohibition applicable under section 1033, section 1034, section 1035, subtitle F of title V, or any other provision of law.

Subtitle D—Government Transparency and Improved Rulemaking

SEC. 1041. AMENDMENT TO THE FREEDOM OF INFORMATION ACT.

(a) Amendments to section 552(a).—Section 552(a) of title 5, United States Code (commonly known as the "Freedom of Information Act") is amended—

(1) in paragraph (2)—

(A) in subparagraph (D)(i)(II), by striking "and";

(B) in subparagraph (E), by adding after the semicolon the following: "and

"(F) (i) materials related to the operations and establishment of advisory committees (as defined in section 1001) and any subcommittee thereof, including events, timelines, agendas, minutes, transcripts, recordings, committee member names and biographies, conflict of interest waivers, committee charters, and any other related materials;

"(ii) unclassified reports submitted to Congress by the head of the agency;

"(iii) unclassified testimony submitted to Congress by the head of the agency;

"(iv) agency organization charts and directories with the contact information for all offices of the agency;

"(v) any log relating to a request for a record under paragraph (3), including any tracking number assigned to the request, the date the request was received by the head of the agency, the subject of the request, and the disposition of the request;

"(vi) any record that reflects the official calendar of the head of the agency, including a record that reflects an event, meeting, or telephone call scheduled for the head of the agency;

"(vii) a list—

"(I) identifying—

"(aa) each contract or grant of the agency with a value exceeding $100,000,000; or

"(bb) the 10 contracts or grants of the agency with the highest value if fewer than 10 contracts or grants have a value exceeding $100,000,000;

"(II) the award ID for each such contract or grant;

"(III) a description of each such contract or grant, including the award type of the contract or grant;

"(IV) the recipient of each such contract or grant;

"(V) the start and end date of each such contract or grant; and

"(VI) the total obligations related to the contract or grant;

"(viii) final reports or memoranda created by an entity other than the agency, including other Governmental entities, at the request of the head of the agency and used to make a final policy decision;

"(ix) any memorandum from the Office of Legal Counsel of the Department of Justice provided to the head of the agency;

"(x) any documents containing legal analysis relied upon formally or informally by the head of the agency to respond to the public;

"(xi) any documents containing legal analysis relied upon formally or informally by the head of the agency to inform policy analysis or policy determinations; and

"(xii) unclassified reports of the Inspector General of the agency.";

(2) in paragraph (3)—

(A) by redesignating subparagraphs (D) and (E) as (E) and (F), respectively;

(B) by striking subparagraph (C) and inserting the following:

"(C) In responding under this paragraph to a request for a record originally created in an electronic form or format, an agency shall make a reasonable effort to produce the record in that form or format, except when such an effort would significantly interfere with the operation of the automated information system of the agency.

"(D) For the purpose of responding under this paragraph to a request for a record, the Chief FOIA Officer of the agency may access and retrieve any such record without making a request to a document custodian of the agency for such access or retrieval."; and

(C) by adding at the end the following new subparagraph:

"(G) Not later than 2 months after the date on which the head of an agency makes a record available to a person under this paragraph, the head of the agency shall make available on the website of the agency, at no cost to the public and in a searchable, sortable, downloadable, and machine-readable format, electronic copies of the request for the record and any response provided to the person that made the request for the record (including the record made available to the person), unless the head of the agency

determines that the excessive cost of making such copies available on the website would place an undue burden on the agency.";

(3) in paragraph (4)(B) to read as follows—

"(B) (i) A person aggrieved by a failure of an agency to comply with any requirement of this section may bring an action against the agency in a district court of the United States. The district courts shall have original jurisdiction of all actions arising under this section. Venue over such an action is proper—

"(I) in the district in which the complainant resides;

"(II) in the district in which the complainant's principal place of business is located;

"(III) in the district in which the agency records that are the subject of the action are situated; or

"(IV) in the District of Columbia.

"(ii) The court in such an action may—

"(I) enjoin the agency from withholding an agency record;

"(II) order the agency to publish records in the Federal Register as required by paragraph (1), and to require such publication on a continuing basis;

"(III) order the agency to make records available for public inspection in an electronic format as required by paragraph (2), and to require such public access on a continuing basis;

"(IV) order the agency to produce agency records in response to a request under paragraph (3);

"(V) provide relief to resolve any dispute over—

"(aa) the validity of a request under paragraph (3), including whether a request reasonably describes the records sought or has been submitted in accordance with an agency's published rules and procedures;

"(bb) an agency's interpretation of the scope of a request under paragraphs (1), (2), or (3);

"(cc) the validity of an agency determination under paragraph (6);

"(dd) the reasonableness of an agency's search for records;

"(ee) the ability of an agency to reproduce a record in a particular form or format;

"(ff) the treatment of a record under paragraph (2) of subsection (f);

"(gg) any fee issue, including an agency's denial of a request for the waiver or reduction of fees; and

"(hh) the denial of a request for expedited processing;

"(VI) enjoin the agency from maintaining or applying any policy or practice that impairs lawful access to records or otherwise fails to abide by the terms of this section;

"(VII) issue a declaratory judgment, to the extent authorized by section 2201 of title 28; and

"(VIII) provide any other appropriate equitable relief to remedy a violation of this section.

"(iii) In any action brought under this section, the court shall determine the matter de novo. The court may examine the contents of agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section. The burden is on the agency to sustain its action. In addition to any other matters to which a court accords substantial weight, a court shall accord substantial weight to an affidavit of an agency concerning the agency's determination as to technical feasibility under paragraph (2)(C) and subsection (b), and reproducibility under paragraph (3)(B).".

(4) in paragraph (6)(C)(i) by striking "the names and titles or positions of each person responsible for the denial of such request" and inserting: "each name and title or position of each person responsible for the denial or partial denial or any decision to withhold a responsive record under subsection (b)"; and

(5) in paragraph (8)(A)(i)(I) after "described in subsection (b)" by inserting ", and such harm outweighs the public interest (including the interest in furthering public understanding of the operations or decision making of an official or employee of an agency, facilitating the ability of the public to make informed decisions with respect to electoral or democratic processes, investigating any reasonable suspicion of governmental wrongdoing, and furthering public health or safety) in making available such information".

(b) Amendments to section 552(b).—Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (3)(B), after "specifically cites to this paragraph" by inserting "with an explanation for the exemption";

(2) in paragraph (4), by striking "trade secrets and commercial or financial information obtained from a person and privileged or confidential" and inserting "trade secrets, and commercial or financial information obtained from a person the disclosure of which would likely cause substantial harm to the competitive position of the person from whom the information was obtained";

(3) in paragraph (5), by inserting before the semicolon at the end the following: ", except for inter-agency and intra-agency memorandums or letters required to be disclosed under subsection (a), including—

"(A) opinions that are controlling interpretations of law;

"(B) final reports or memoranda created by an entity other than the agency, including other Governmental entities, at the request of the agency and used to make a final policy decision; or

"(C) guidance documents used by the agency to respond to the public.";

(4) in paragraph (6), by striking "similar files" and inserting "files that contain personal information (such as contact information or financial information of a person)"; and

(5) in the matter following paragraph (9)—

(A) by inserting before "Any reasonably segregable portion" the following: "An agency may not withhold information under this subsection unless such agency reasonably foresees that disclosure would cause specific identifiable harm to an interest protected by an exemption."; and

(B) by inserting before "If technically feasible," the following: "For each record not released in whole or in part pursuant to the exemption under paragraph (3), the agency shall, at the time the agency provides the record or a response to the request for such record, identify that the record was not released in whole or in part pursuant to such exemption.".

(c) Amendments to section 552(d).—Section 552(d) of title 5, United States Code, is amended to read as follows:

"(d) This section—

"(1) does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section;

"(2) does not authorize the withholding of a portion of an otherwise responsive record on the basis that the portion is nonresponsive; and

"(3) is not authority to withhold information from Congress.".

(d) Amendments to section 552(e).—Section 552(e)(1) of title 5, United States Code, is amended—

(1) in subparagraph (P), by striking "; and" and inserting a semicolon;

(2) in subparagraph (Q), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(R) a detailed description of any steps taken by the agency to design or format information or records, such that such information or records may be made available to the public under subsection (a);

"(S) the number of requests for records the agency found to be not reasonably described or unduly burdensome; and

"(T) the number of requests for records with respect to which the agency could neither confirm nor deny the existence of the records.".

(e) Amendments to section 552(h).—Section 552(h) of title 5, United States Code, is amended by adding at the end the following:

"(7) Access to agency records.—The head of an agency shall provide to the Director of the Office of Government Information Services any record requested by the Director for the purpose of carrying out mediation services pursuant to paragraph (3).".

(f) Amendments to section 552(i).—Section 552(i) of title 5, United States Code, is amended to read as follows:

"(i) The Comptroller General shall—

"(1) not later than July 1, 2027, and every 2 years thereafter, audit each agency to determine compliance with and implementation of the requirements of this section and issue reports to the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the results of such audit;

"(2) catalog the matters specifically exempted from disclosure by statute pursuant to subsection (b)(3), and any use of such exemptions by agencies; and

"(3) review and prepare a report on the processing of requests by agencies for information pertaining to an entity that has received assistance under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) during any period in which the Federal Government owns or owned more than 50 percent of the stock of such entity.".

(g) Amendments adding section 552(n).—Section 552 of title 5, United States Code, is amended by adding at the end the following:

"(n) Annual report by Congressional Research Service.—The Congressional Research Service shall, on an annual basis—

"(1) compile a list of statutes that specifically exempt records from disclosure pursuant to subsection (b)(3); and

"(2) make such list available to—

"(A) the Committee on Oversight and Accountability of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(B) the public.".

SEC. 1042. OVERSIGHT OF DOJ LEGAL CONCLUSIONS.

(a) In general.—Section 521 of title 28, United States Code, is amended—

(1) by inserting "(a) In general.—" before "The Attorney General"; and

(2) by adding at the end the following:

"(b) OLC Opinions.—

"(1) Definitions.—In this subsection, the following terms shall apply:

"(A) Final OLC opinion.—The term 'final OLC opinion' means an OLC opinion that—

"(i) the Attorney General, Assistant Attorney General for the Office of Legal Counsel, or a Deputy Assistant Attorney General for the Office of Legal Counsel, has determined is final;

"(ii) is relied upon by government officials or government contractors;

"(iii) is relied upon to formulate legal guidance; or

"(iv) is directly or indirectly cited in another OLC opinion.

"(B) OLC opinion.—The term 'OLC opinion'—

"(i) means views on a matter of legal interpretation communicated for executive branch use by the Office of Legal Counsel of the Department of Justice, or by a Department of Justice office or component that, on or after January 1, 1933, exercised Attorney General opinion, executive branch legal advice, or executive order review functions later assigned to the Office of Legal Counsel; and

"(ii) includes—

"(I) in the case of a verbal communication of a legal interpretation, a memorialization of that communication;

"(II) a final OLC opinion; and

"(III) a revised OLC opinion.

"(C) Revised OLC opinion.—The term 'revised OLC opinion' means an OLC opinion—

"(i) that is withdrawn;

"(ii) to which information is added; or

"(iii) from which information is removed.

"(2) Requirement.—Subject to paragraph (3) and in accordance with paragraph (4), the Attorney General shall publish all OLC opinions on the public website of the Department to be accessed by the public free of charge.

"(3) Redaction of classified information.—

"(A) In general.—In the case of an OLC opinion required to be published under paragraph (2) that contains information classified as confidential, secret, or top secret, the Attorney General shall—

"(i) redact the classified information from the OLC opinion before publication of the OLC opinion; and

"(ii) establish and preserve an accurate record documenting each redaction from the OLC opinion, including information describing in detail why public online disclosure of the classified information would have resulted in the associated harm that pertains to each level of classification.

"(B) Limitation.—The Attorney General may not redact information under this paragraph that is sensitive but unclassified, controlled unclassified information, or subject to any similar executive branch control marking, unless another provision of law requires withholding.

"(C) Submission to Congress.—In the case of an OLC opinion described in subparagraph (A), the Attorney General shall submit the full opinion, without redaction, to any Member of Congress and any appropriately cleared congressional staff member.

"(D) Periodic review.—To the maximum extent practicable, the Attorney General shall, on a continual basis and not less frequently than once every 90 days—

"(i) review every OLC opinion published under this subsection that contains redactions of classified information; and

"(ii) remove any redactions that no longer protect information that is classified as either confidential, secret, or top secret.

"(4) Deadline for publication.—

"(A) In general.—Each OLC opinion issued by the Office of Legal Counsel of the Department on or after the date of enactment of this Act shall be published in accordance with this section as soon as practicable, but not later than 48 hours, after the date of issuance of the opinion.

"(B) Previously issued opinions.—In the case of OLC opinions issued before the date of enactment of this Act, the Attorney General shall, subject to subparagraph (C)—

"(i) not later than 90 days after the date of enactment of this Act, publish all OLC opinions issued on or after July 4, 2019, and before the date of enactment of this Act;

"(ii) not later than March 31, 2027, publish all OLC opinions issued on or after July 4, 2000, and before July 4, 2019;

"(iii) not later than January 1, 2028, publish all OLC opinions issued on or after July 4, 1976, and before July 4, 2000; and

"(iv) not later than January 1, 2029, publish all OLC opinions issued before July 4, 1976.

"(C) Descriptions of certain opinions.—In the case of an OLC opinion issued by the Office of Legal Counsel of the Department before the date of enactment of this Act, for which the text of the OLC opinion cannot be located, the Attorney General shall—

"(i) publish a description of the OLC opinion; and

"(ii) submit a written certification to Congress, under penalty of perjury, that—

"(I) a good faith effort was made to find the text of the OLC opinion; and

"(II) the text of the OLC opinion is unavailable.

"(5) Civil action.—

"(A) In general.—On a complaint brought by a complainant who has been harmed as a result of being deprived access to an OLC opinion that is required to be made available to the public free of charge on the public website of the Department under this subsection, the district court of the United States in the district in which the complainant resides, or has the complainant's principal place of business, or in the District of Columbia, has jurisdiction to enjoin the Office of Legal Counsel from withholding information required to be made available under this subsection and to order the production of information improperly withheld from the complainant.

"(B) Review.—In a case brought under subparagraph (A)—

"(i) the court—

"(I) shall determine the matter de novo; and

"(II) may examine the contents of the opinion issued by the Office of Legal Counsel in camera to determine whether such information or any part thereof shall be withheld under paragraph (3); and

"(ii) the burden is on the Office of Legal Counsel to sustain its action.".

SEC. 1043. GOVERNMENT ACCOUNTABILITY OFFICE AUDITS AND INVESTIGATIONS.

(a) Amendment.—Section 3308 of title 50, United States Code, is amended by adding at the end the following:

"(e) Government Accountability Office analyses, evaluations, and investigations.—

"(1) In general.—Except as provided in paragraph (2), the Director of National Intelligence shall ensure that personnel of the Government Accountability Office designated by the Comptroller General of the United States are provided with access to all information in the possession of an element of the intelligence community that the Comptroller General determines is necessary for such personnel to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by a committee of Congress with jurisdiction over such program or activity.

"(2) Exception.—

"(A) In general.—Subject to subparagraph (B), the Director of National Intelligence may restrict access to information referred to in paragraph (1) by personnel designated in such paragraph if the Director determines that the restriction is necessary to protect vital national security interests of the United States.

"(B) Classification not sole basis.—The Director of National Intelligence may not restrict access under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the personnel designated in paragraph (1) may seek access to while conducting an analysis, evaluation, or investigation.

"(C) Notice to Congress.—If the Director exercises the authority under subparagraph (A), the Director shall submit to each committee of Congress with jurisdiction over the program or activity that is the subject of the analysis, evaluation, or investigation for which the Director restricts access to information under such subparagraph an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

"(D) Notice to Comptroller General.—The Director shall notify the Comptroller General at the time a statement under subparagraph (C) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Comptroller General with a copy of such statement.

"(E) Comments.—The Comptroller General shall submit to each committee of Congress to which the Director of National Intelligence submits a statement under subparagraph (C) any comments on the statement that the Comptroller General considers appropriate.

"(3) Confidentiality and procedures.—

"(A) Confidentiality and penalties.—The requirements of subsection (b) shall apply to information made available for an analysis, evaluation, or investigation under paragraph (1).

"(B) Procedures.—The Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an analysis, evaluation, or investigation under paragraph (1).

"(C) Identification of personnel.—Before initiating an analysis, evaluation, or investigation under paragraph (1), the Comptroller General shall provide the Director of National Intelligence and the head of each relevant element of the intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records and information of the element of the intelligence community shall be made available in conducting such analysis, evaluation, or investigation.

"(4) Rule of construction.—Notwithstanding subsection (a) and any directive issued under subsection (a), the Director of National Intelligence shall ensure access required by this subsection in accordance with paragraphs (1) and (2), and no directive issued under subsection (a) may limit or condition access in a manner inconsistent with this subsection.".

(b) Conforming amendment.—Section 3308(a)(1) of title 50, United States Code, is amended by inserting ", subject to subsection (e)," after "shall issue a written directive".

(c) Appropriation.—In addition to amounts otherwise available, there is appropriated to the Government Accountability Office, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2029, for salaries and expenses, audits, investigations, evaluations, technology assessment, data analysis, and other activities of the Government Accountability Office.

SEC. 1044. TRANSPARENCY AND TIMELY REVIEW OF REGULATORY ACTIONS.

(a) Definitions.—In this section:

(1) Office.—The term "Office" means the Office of Information and Regulatory Affairs of the Office of Management and Budget.

(2) Regulatory action.—The term "regulatory action" means any substantive action by an agency that promulgates or is expected to lead to the promulgation of a final rule or regulation, including a notice of inquiry, advance notice of proposed rulemaking, notice of proposed rulemaking, or final rule.

(3) Significant regulatory action.—The term "significant regulatory action" means any regulatory action that is likely to result in a rule that may—

(A) have an annual effect on the economy of $100,000,000 or more or materially affect the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the general principles of regulation customarily practiced by the executive branch.

(b) Disclosure of changes during centralized review.—With respect to any regulatory action submitted to the Office for centralized review, the agency shall—

(1) not later than the date on which the agency publishes a notice of proposed rulemaking with respect to the regulatory action, place in the rulemaking docket—

(A) the substance of any material change between the text of any draft regulatory action that the agency provided to the Office and the text published in the notice; and

(B) a statement regarding whether any change described in subparagraph (A) was made as a result of communication with—

(i) the Office;

(ii) another agency; or

(iii) any other Federal official; and

(2) not later than the date on which the agency publishes a final regulatory action in the Federal Register, place in the rulemaking docket—

(A) the substance of any material change between the text of the regulatory action that the agency provided to the Office and the text of the regulatory action published in the Federal Register; and

(B) a statement regarding whether any change described in subparagraph (A) was made as a result of communication with—

(i) the Office;

(ii) another agency; or

(iii) any other Federal official.

(c) Justification of withdrawn rules.—

(1) In general.—If an agency withdraws a regulatory action after submitting the regulatory action to the Office for centralized review, or after publishing a notice of proposed rulemaking with respect to the regulatory action, the agency shall publish in the Federal Register, on the public docket of the agency, and on the website of the agency a statement regarding the decision to withdraw the regulatory action.

(2) Contents.—A statement required under paragraph (1) shall include—

(A) a detailed explanation of the reasons that the agency withdrew the regulatory action; and

(B) a statement regarding whether the withdrawal was made as a result of communication with—

(i) the Office;

(ii) another agency; or

(iii) any other Federal official.

(d) Timely review by Office.—

(1) In general.—Except as provided in paragraph (2), if the Office commences a review of a significant regulatory action, the Office shall complete such review not later than 60 days after the date on which the Office receives the significant regulatory action.

(2) Extension.—The Office may extend the period described in paragraph (1) by a single additional period of not more than 60 days if the Office provides the agency with, and makes publicly available, a written justification for the extension.

(3) Publication by agency.—If the Office waives review of a significant regulatory action, does not notify the agency in writing not later than 30 days after receiving the action that the Office has commenced review, or does not notify the agency in writing of the results of review

within the period described in paragraph (1) or (2), the agency may publish the significant regulatory action in the Federal Register.

SEC. 1045. DISCLOSURE OF CONFLICTS OF INTEREST IN RULEMAKING.

(a) In general.—Section 553 of title 5, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "After notice required by this section, the agency shall" and inserting "(1) After notice required by this section, the agency shall, subject to subsections (f) and (h),"; and

(B) by adding at the end the following:

"(2) In the case of any submission under paragraph (1) by an interested person that includes a scientific, economic, or technical study or research (or a citation thereto) that the interested person funded directly or indirectly, or the nonpublic results of any scientific, economic, or technical study or research that the interested person funded directly or indirectly, the interested person shall disclose to the agency—

"(A) the amount of any funds that were received by the person who conducted the study or research;

"(B) the entity that provided the funds referred to in subparagraph (A);

"(C) any entity that was allowed to review or revise the study or research, and the extent of that review or revision; and

"(D) any financial relationship between the person who conducted the study or research and any person that would be affected by the proposed rule."; and

(2) by adding at the end the following new subsections:

"(f) With respect to any submission by an interested person under subsection (c), or any other submission by an interested person relating to a proposed rule or final rule, that includes a scientific, economic, or technical study or research by the interested person not published in a publicly available peer-reviewed publication, or any result of a scientific, economic, or technical study or research by the interested person not published in a publicly available peer-reviewed publication, the interested person shall disclose to the agency—

"(1) the source of any funding for the study or research, as applicable;

"(2) any entity that sponsored the study or research;

"(3) the extent to which the findings of the study or research were reviewed by a person that may be affected by the rulemaking to which the submission relates;

"(4) the identity of any person identified under paragraph (3); and

"(5) the nature of any financial relationship, including a consulting agreement, the support of any expert witness, and the funding of research, between any person that conducted the study

or research and any interested person with respect to the rulemaking to which the submission relates.

"(g) With respect to a study or research submitted by an interested person to an agency under subsection (c), the agency shall ensure that the study or research is available to the public, including on the internet website of the agency and on the public docket of the agency for the rulemaking, unless disclosure is exempted or excluded under section 552.

"(h) (1) If a study or research submitted by an interested person to an agency under subsection (c) presents a conflict described in paragraph (2), the agency shall disclose the conflict to the public on the internet website of the agency and on the public docket of the agency, and by publication in the Federal Register, unless disclosure is exempted or excluded under section 552.

"(2) A conflict described in this subsection means a study or research for which—

"(A) not less than 10 percent of the funding for the study or research is from an entity subject to the jurisdiction of the agency with respect to that rulemaking; or

"(B) an entity subject to the jurisdiction of the agency with respect to that rulemaking that is regulated by the agency exercises editorial control over the study or research.

"(i) In the case of a violation of a requirement to make a disclosure—

"(1) under subsection (c)(2) or subsection (f) with respect to a submission, the agency may exclude from consideration or otherwise disregard the submission, and the agency has no obligation to respond to the submission, except that the submission may be remade with required disclosures during the opportunity for participation referred to in subsection (c)(1); or

"(2) under subsection (h) with respect to a conflict related to a submission referred to under subsection (c), the agency shall promptly make the required disclosure, and such violation shall not provide a basis for excluding from consideration or otherwise disregarding the submission.

"Nothing in this subsection may be construed to affect the level of deference accorded to agency action by a court reviewing such action under applicable law.

"(j) (1) Any entity required to file an annual report under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) that makes a submission under subsection (c) knowing the same—

"(A) to include any materially false, fictitious, or fraudulent statement or representation; or

"(B) to omit any material fact resulting in any statement or representation being false or misleading,

shall be subject to a civil penalty of not less than $250,000 for a first violation.

"(2) Any entity that has a subsequent violation of paragraph (1) shall be subject to a civil penalty of not less than $1,000,000 for each subsequent violation.

"(3) Any submission in violation of this subsection may be excluded from the record and from consideration by the agency or otherwise disregarded, and such submission, or any

amendment to such submission, may not be resubmitted thereafter. An exclusion or other disregard of a submission pursuant to this subsection shall not affect the level of deference, in accordance with applicable law, accorded to agency action by a court reviewing such action.

"(k) Any entity required to file an annual report pursuant to section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) shall include in a submission under subsection (c)(2) the annual report filed in the year previous to such submission and the quarterly report filed most recently prior to such submission.

"(l) (1) The head of each agency shall take such actions as may be necessary to—

"(A) expand public awareness of the initiation of each rulemaking proceeding;

"(B) expand public awareness of the publication of each proposed rule;

"(C) expand public awareness when a rule is published; and

"(D) establish a participation log, including all rulemaking participants, with respect to each rulemaking.

"(2) Not later than 2 business days after the date on which an agency publishes a notice of proposed rulemaking or a final rule under this section, the agency shall notify interested persons of the publication, including by using contact information that interested persons have provided to the agency and by publishing such notice on the agency's website and any social media accounts.".

SEC. 1046. ESTABLISHMENT OF THE OFFICE OF THE PUBLIC ADVOCATE.

(a) Subchapter I of chapter 5 of title 5, United States Code, is amended—

(1) by adding at the end the following:

"Sec. 505. Office of the Public Advocate.

"(a) Establishment.—There is established in the Office of Management and Budget an office to be known as the Office of the Public Advocate.

"(b) National Public Advocate.—The Office of the Public Advocate shall be under the supervision of an official to be known as the National Public Advocate, who shall—

"(1) be appointed by the President, by and with the advice and consent of the Senate;

"(2) report to the President;

"(3) be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382;

"(4) have a background in customer service, consumer protection, or administrative law; and

"(5) have experience working with the public in cases involving rules, as defined in section 551.

"(c) Duties.—The duties of the Office of the Public Advocate shall include—

"(1) assisting agencies in soliciting public participation in the rulemaking process;

"(2) assisting individuals in participating in the rulemaking process;

"(3) working with agencies, Congress, and the public to identify problems and improve public participation in the rulemaking process;

"(4) conducting and publishing research on public participation in the rulemaking process;

"(5) developing and coordinating public participation best practices across the executive branch;

"(6) facilitating means by which individuals and populations that have not historically participated in the rulemaking process may be better included in the rulemaking process, including by—

"(A) recommending and implementing new outreach plans;

"(B) partnering with State, local, and Tribal governments and with community-based organizations to propagate information about rule changes; and

"(C) ensuring information about agency rulemaking and changes to rules are written in clear, accessible language and made available in multiple languages.

"(d) Rulemaking.—Not later than 180 days after the date on which the National Public Advocate is appointed under this section, the National Public Advocate shall prescribe rules to carry out this section."; and

(2) in the table of sections for such chapter, by inserting after the item relating to section 504 the following:

"505. Office of the Public Advocate.".

SEC. 1047. SCOPE OF REVIEW.

(a) In general.—Section 706 of title 5, United States Code, is amended—

(1) in the first sentence of the matter preceding paragraph (1)—

(A) by striking "agency action." and inserting "agency action. If a statute that an agency administers is silent or ambiguous as to the proper construction of a particular term or provision or set of terms or provisions, and an agency has followed the applicable procedures in subchapter II of chapter 5, has otherwise lawfully adjudicated a matter, or has followed the corresponding procedural provisions of the relevant statute, as applicable, a reviewing court shall defer to the agency's reasonable or permissible interpretation of that statute, regardless of the significance of the related agency action or a possible future agency action."; and

(B) by striking "To the extent necessary" and inserting "(a) In general.—To the extent necessary"; and

(2) by adding at the end the following:

"(b) Unreasonable delay.—For purposes of subsection (a)(1), unreasonable delay shall include—

"(1) when an agency has not issued a notice of proposed rulemaking before the date that is 1 year after the date of enactment of the legislation mandating the rulemaking, where no deadline for the rulemaking was specified in the enacted law;

"(2) when an agency has not issued a final version of a proposed rule before the date that is 1 year after the date on which the proposed rule was published in the Federal Register;

"(3) when an agency has not implemented a final rule before the date that is 1 year after the implementation date published in the Federal Register or, if no implementation date was provided, before the date that is 1 year after the date on which the final rule was published in the Federal Register; and

"(4) when an agency has not issued or implemented a final rule, upon a showing of good cause therefor.".

SEC. 1048. INSPECTOR GENERAL MODERNIZATION.

(a) Removal, transfer, and non-duty status protections.—Section 403(b) of title 5, United States Code, is amended to read as follows:

"(b) Removal, Transfer, and Non-Duty Status.—

"(1) Removal or transfer.—

"(A) In general.—An Inspector General may be removed from office or transferred to another position or location only for permanent incapacity, neglect of duty, malfeasance, conviction of a felony or conduct involving moral turpitude, knowing violation of law, rule, or regulation, gross mismanagement, gross waste of funds, abuse of authority, or inefficiency.

"(B) Notice to Congress.—Not later than 30 days before removing or transferring an Inspector General under subparagraph (A), the President shall communicate in writing to both Houses of Congress, including the appropriate congressional committees, the substantive rationale, including detailed and case-specific reasons, for the removal or transfer.

"(C) Inquiry materials.—If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under subparagraph (B) shall—

"(i) identify each entity that is conducting, or conducted, the inquiry; and

"(ii) in the case of a completed inquiry, include the findings made during the inquiry.

"(2) Non-duty status.—

"(A) In general.—Only the President may place an Inspector General on paid or unpaid non-duty status.

"(B) Notice to Congress.—If the President places an Inspector General on paid or unpaid non-duty status, the President shall communicate in writing to both Houses of Congress, including the appropriate congressional committees, the substantive rationale, including detailed and case-specific reasons, for the change in status not later than 15 days before the date on which the change in status takes effect.

"(C) Immediate non-duty status.—The President may submit the communication required under subparagraph (B) not later than the date on which the change in status takes effect if—

"(i) the President determines that the continued presence of the Inspector General in the workplace may pose a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A); and

"(ii) the communication includes—

"(I) a specification of which clause of section 6329b(b)(2)(A) the President has determined applies;

"(II) the substantive rationale, including detailed and case-specific reasons, for the determination;

"(III) an identification of each entity that is conducting, or conducted, any inquiry on which the determination was made; and

"(IV) in the case of a completed inquiry, the findings made during the inquiry.

"(D) Non-duty status before removal or transfer.—The President may not place an Inspector General on paid or unpaid non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (1) unless the President makes a determination described in subparagraph (C)(i) and submits the communication required under subparagraph (C)(ii) not later than the date on which the change in status takes effect.

"(3) Special Inspectors General.—For purposes of this subsection—

"(A) the term 'Inspector General' includes the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery; and

"(B) a reference to the removal or transfer of an Inspector General under paragraph (1), or to the written communication described in paragraph (1), shall be treated as—

"(i) in the case of the Special Inspector General for Afghanistan Reconstruction, a reference to section 1229(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 378);

"(ii) in the case of the Special Inspector General for the Troubled Asset Relief Program, a reference to section 121(b)(4) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(b)(4)); and

"(iii) in the case of the Special Inspector General for Pandemic Recovery, a reference to section 4018(b)(3) of the CARES Act (15 U.S.C. 9053(b)(3)).

"(4) Rule of construction.—Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than removal, transfer, or placement on paid or unpaid non-duty status.".

(b) Vacancy in position of Inspector General.—Section 403(h) of title 5, United States Code, is amended to read as follows:

"(h) Vacancy in Position of Inspector General.—

"(1) Definitions.—In this subsection:

"(A) First assistant.—The term 'first assistant to the position of Inspector General' means, with respect to an Office of Inspector General—

"(i) an individual who, as of the day before the date on which the Inspector General dies, resigns, is removed, is transferred, or otherwise becomes unable to perform the functions and duties of the position—

"(I) is serving in a position in that Office; and

"(II) has been designated in writing by the Inspector General, through an order of succession or otherwise, as the first assistant to the position of Inspector General; or

"(ii) if the Inspector General has not made a designation described in clause (i)(II)—

"(I) the Principal Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, is removed, is transferred, or otherwise becomes unable to perform the functions and duties of the position; or

"(II) if there is no Principal Deputy Inspector General of that Office, the Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, is removed, is transferred, or otherwise becomes unable to perform the functions and duties of the position.

"(B) Inspector General.—The term 'Inspector General' means an Inspector General who is appointed by the President, by and with the advice and consent of the Senate, and includes the Inspector General of an establishment, the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.

"(2) Vacancy, removal, transfer, or inability.—If an Inspector General dies, resigns, is removed, is transferred, or otherwise becomes unable to perform the functions and duties of the position—

"(A) section 3345(a) and section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)) shall not apply;

"(B) subject to paragraph (4), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346; and

"(C) notwithstanding subparagraph (B), and subject to paragraphs (4) and (5), the President, and only the President, may direct an officer or employee of an Office of Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 only if—

"(i) during the 365-day period preceding the date of death, resignation, removal, transfer, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of Inspector General for not fewer than 90 days, except that—

"(I) the requirement under this clause shall not apply if the officer is an Inspector General; and

"(II) for purposes of this subparagraph, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of Inspector General;

"(ii) the rate of pay for the position of the officer or employee is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule;

"(iii) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and

"(iv) not later than 30 days before the direction takes effect, the President communicates in writing to both Houses of Congress, including the appropriate congressional committees, the substantive rationale, including detailed and case-specific reasons, for the direction, including the reason for directing someone other than the individual performing the functions and duties of the Inspector General temporarily in an acting capacity as of the date on which the President issues the direction to perform those functions and duties temporarily in an acting capacity.

"(3) Non-duty status.—Notwithstanding section 3345(a) and subparagraphs (B) and (C) of paragraph (2), and subject to paragraph (4), during any period in which an Inspector General is on paid or unpaid non-duty status—

"(A) the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346; and

"(B) if the first assistant described in subparagraph (A) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President, and only the President, may direct an officer or employee in that Office of Inspector General to perform those functions and duties temporarily in an acting capacity subject to the time limitations of section 3346 if—

"(i) the direction satisfies the requirements under clauses (ii), (iii), and (iv) of paragraph (2)(C); and

"(ii) the officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes the direction.

"(4) One acting position.—An individual may perform the functions and duties of an Inspector General temporarily in an acting capacity under subparagraph (B) or (C) of paragraph (2), or under paragraph (3), with respect to only 1 Inspector General position at any given time.

"(5) Interim service before alternative presidential designation.—If the President makes a direction under paragraph (2)(C), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the applicable Inspector General shall be performed by—

"(A) the first assistant to the position of Inspector General; or

"(B) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues the direction, if that individual is an individual other than the first assistant to the position of Inspector General.".

(c) Temporary appointment authority after expiration of acting-service period.—Section 403 of title 5, United States Code, as amended by subsection (b), is amended by adding at the end the following:

"(i) Temporary Appointment After Expiration of Acting-Service Period.—

"(1) CIGIE candidate list.—The Council of the Inspectors General on Integrity and Efficiency shall maintain a list of qualified individuals who may perform the functions and duties of an Inspector General temporarily in an acting capacity after the expiration of the applicable time limitation under section 3346.

"(2) Qualifications.—An individual may be included on the list under paragraph (1) only if the individual—

"(A) has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations;

"(B) has substantial experience in an Office of Inspector General, the Government Accountability Office, the Office of Special Counsel, or another Federal oversight or accountability entity;

"(C) has not, during the 2-year period preceding inclusion on the list, been employed by the establishment or designated Federal entity for which the individual may be designated as acting Inspector General, other than in an Office of Inspector General; and

"(D) satisfies any additional qualification standards prescribed by the Council.

"(3) CIGIE designation.—If the applicable time limitation under section 3346 has expired with respect to service under subsection (h), no individual is authorized to perform the functions

and duties of the Inspector General temporarily in an acting capacity under subsection (h), and no individual has been confirmed by the Senate to fill the vacancy, the Chairperson of the Council of the Inspectors General on Integrity and Efficiency, with the concurrence of a majority of the Council, shall designate an individual from the list maintained under paragraph (1) to perform the functions and duties of the Inspector General temporarily in an acting capacity.

"(4) Priority for relevant oversight experience.—In making a designation under paragraph (3), the Chairperson shall give priority to individuals with experience in an Office of Inspector General or oversight entity with jurisdiction, mission, or subject matter experience substantially related to the establishment or designated Federal entity in which the vacancy exists.

"(5) Termination of designation.—A designation under paragraph (3) shall terminate upon the earlier of—

"(A) the date on which an Inspector General is confirmed by the Senate and appointed to fill the vacancy;

"(B) the date on which the individual designated under paragraph (3) resigns, dies, or is unable to perform the functions and duties of the position;

"(C) the date on which the Council designates another individual under paragraph (3);

"(D) the date on which an individual becomes authorized to perform the functions and duties of the Inspector General temporarily in an acting capacity under subsection (h); or

"(E) the date on which the vacancy no longer exists.

"(6) Judicial fallback.—If a court of competent jurisdiction enters a final judgment holding paragraph (3) unconstitutional or otherwise unenforceable, or enjoins implementation of paragraph (3), the United States District Court for the District of Columbia may, upon application by the Council of the Inspectors General on Integrity and Efficiency or any Member of Congress, designate an acting Inspector General from the list maintained under paragraph (1) for any vacancy described in paragraph (3).

"(7) No limitation on nomination.—Nothing in this subsection shall be construed to limit the authority of the President to nominate an individual to serve as Inspector General by and with the advice and consent of the Senate.".

(d) Presidential explanation of failure to nominate.—Section 403 of title 5, United States Code, as amended by subsections (b) and (c), is amended by adding at the end the following:

"(j) Presidential Explanation of Failure To Nominate.—If the President fails to make a formal nomination for a vacant Inspector General position by the date that is 210 days after the date on which the vacancy occurred, and every 90 days thereafter until a nomination is made, the President shall communicate to both Houses of Congress, including the appropriate congressional committees—

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

"(2) a target date for making a formal nomination.".

(e) Access to information and notice of refusal.—Section 406(c) of title 5, United States Code, is amended to read as follows:

"(c) Requests for Information.—

"(1) Compliance in general.—Upon request of an Inspector General for information or assistance under subsection (a)(3), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to the Inspector General, or to an authorized designee, the requested information or assistance.

"(2) Unreasonable refusal or delay.—

"(A) Report to head of establishment.—Whenever information or assistance requested under subsection (a)(1) or (a)(3) is, in the judgment of an Inspector General, unreasonably refused, delayed, restricted, conditioned, or not provided, the Inspector General shall report the circumstances to the head of the establishment or designated Federal entity involved without delay.

"(B) Notice to Congress.—If the information or assistance described in subparagraph (A) is not provided not later than 7 days after the report under subparagraph (A), the Inspector General shall submit a report to both Houses of Congress, including the appropriate congressional committees, describing—

"(i) the information or assistance requested;

"(ii) the office, officer, employee, contractor, or other person responsible for refusing, delaying, restricting, conditioning, or failing to provide the information or assistance;

"(iii) the effect of the refusal, delay, restriction, condition, or failure on the audit, investigation, inspection, evaluation, review, or other oversight matter; and

"(iv) any explanation provided by the establishment or designated Federal entity.

"(C) Form of report.—A report under subparagraph (B) may include a classified annex or other protected annex if necessary to protect classified information, sensitive law enforcement information, whistleblower-identifying information, or information the disclosure of which is otherwise prohibited by law.".

(f) Testimonial subpoena authority.—Section 406 of title 5, United States Code, is amended by adding at the end the following:

"(l) Testimonial Subpoena Authority.—

"(1) Definitions.—In this subsection:

"(A) Chairperson.—The term 'Chairperson' means the Chairperson of the Council of the Inspectors General on Integrity and Efficiency.

"(B) Inspector General.—The term 'Inspector General' means an Inspector General of an establishment or designated Federal entity and includes the Inspector General of the Central Intelligence Agency, the Inspector General of the Intelligence Community, the

Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.

"(C) Subpoena Panel.—The term 'Subpoena Panel' means the panel established under paragraph (5).

"(2) Authority.—In addition to the authority otherwise provided by this chapter, each Inspector General may require by subpoena the attendance and testimony of witnesses as necessary in the performance of an audit, inspection, evaluation, or investigation.

"(3) Enforcement.—In the case of contumacy or refusal to obey a subpoena issued under paragraph (2), the subpoena shall be enforceable by order of any appropriate United States district court.

"(4) Federal employees.—An Inspector General may not require by subpoena under this subsection the attendance and testimony of a current Federal employee or current employee of a designated Federal entity, but may use other authorized procedures.

"(5) Subpoena Panel.—

"(A) Establishment.—There is established within the Council a panel to approve requests by Inspectors General to issue subpoenas under this subsection.

"(B) Membership.—The Subpoena Panel shall consist of 3 Inspectors General designated by the Chairperson for renewable terms of 1 year.

"(C) Approval required.—An Inspector General may not issue a subpoena under this subsection unless the Subpoena Panel approves the request to issue the subpoena.

"(6) Notice to Attorney General.—Not later than 10 days before submitting a request for approval to issue a subpoena to the Subpoena Panel, an Inspector General shall notify the Attorney General of the intent of the Inspector General to issue the subpoena.

"(7) Attorney General objection.—If the Attorney General determines that issuing the subpoena would interfere with an ongoing criminal investigation, the Attorney General may object in writing to the Subpoena Panel during the 10-day period described in paragraph (6), and the Subpoena Panel may not approve the subpoena unless the objection is withdrawn or the Attorney General later determines that the subpoena will not interfere with the ongoing criminal investigation.

"(8) Delegation.—The authority to issue a subpoena under this subsection may be delegated only to an official performing the functions and duties of an Inspector General when the Inspector General position is vacant or when the Inspector General is unable to perform the functions and duties of the Office of Inspector General.

"(9) Semiannual reporting.—Each Inspector General shall include in the semiannual report required under section 405 a description of each subpoena issued under this subsection during the reporting period, except that information may be provided in a classified annex or other protected annex if necessary to protect classified information, sensitive law enforcement

information, whistleblower-identifying information, or information the disclosure of which is otherwise prohibited by law.

"(10) Guidelines.—The Council, in consultation with the Attorney General, shall issue guidelines governing the use of testimonial subpoena authority under this subsection.

"(11) GAO review.—Not later than July 1, 2029, the Comptroller General of the United States shall submit to Congress a report reviewing the use of testimonial subpoena authority under this subsection, including the number of subpoena requests submitted, approved, denied, issued, enforced, withdrawn, or challenged, and any recommendations for improving the use, oversight, or protection of such authority.".

(g) Department of Justice Inspector General jurisdiction.—Section 413 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "except as specified in subsection (a) and paragraph (3)," and inserting "except as specified in subsection (a),";

(B) by striking paragraph (3); and

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(2) in subsection (d), by striking ", except with respect to allegations described in subsection (b)(3),".

(h) Inspector General for the Office of Management and Budget.—

(1) Establishment.—Section 401 of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting "the Office of Management and Budget," after "the Office of Personnel Management,"; and

(B) in paragraph (2), by inserting "the Director of the Office of Management and Budget," after "the Director of the Office of Personnel Management,".

(2) Special provisions.—Chapter 4 of title 5, United States Code, is amended by adding at the end the following:

"Sec. 425. Special provisions concerning the Office of Management and Budget

"(a) Jurisdiction.—The Inspector General of the Office of Management and Budget shall have jurisdiction over the Office of Management and Budget and over any program, function, duty, or activity specifically assigned to the Office of Management and Budget by law, regulation, executive order, or other Presidential directive.

"(b) No limitation on review of centralized functions.—The jurisdiction of the Inspector General of the Office of Management and Budget includes audits, investigations, inspections, evaluations, and reviews of budget, management, procurement, information policy, regulatory review, statistical policy, performance, and interagency coordination functions assigned to the Office of Management and Budget.

"(c) Rule of construction.—Nothing in this section shall be construed to limit the jurisdiction of another Inspector General over the establishment or designated Federal entity with respect to which that Inspector General has responsibilities under this chapter.".

(3) Clerical amendment.—The table of sections for chapter 4 of title 5, United States Code, is amended by adding at the end the following:

"425. Special provisions concerning the Office of Management and Budget.".

(i) CIGIE Integrity Committee transparency.—Section 424(d) of title 5, United States Code, is amended—

(1) by amending paragraph (9) to read as follows:

"(9) Semiannual report.—On or before May 31 and November 30 of each year, the Council shall submit to Congress and the President a report on the activities of the Integrity Committee during the immediately preceding 6-month periods ending March 31 and September 30, which shall include the following with respect to allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described under paragraph (4)(C):

"(A) An overview and analysis of allegations of wrongdoing disposed of by the Integrity Committee, including—

"(i) an analysis of the positions held by individuals against whom allegations were made, including the duties associated with such positions;

"(ii) an analysis of the categories or types of allegations of wrongdoing; and

"(iii) a summary of the disposition of such allegations.

"(B) The number of allegations received by the Integrity Committee.

"(C) The number of allegations referred to the Department of Justice or the Office of Special Counsel, including the number of allegations referred for criminal investigation.

"(D) The number of allegations referred to the Chairperson of the Integrity Committee for investigation, a general description of the status of such investigations, and a summary of the findings of investigations completed.

"(E) An overview and analysis of allegations of wrongdoing received by the Integrity Committee during any previous reporting period that remained pending during any part of the 6-month period covered by the report, including—

"(i) an analysis of the positions held by individuals against whom allegations were made, including the duties associated with such positions;

"(ii) an analysis of the categories or types of allegations of wrongdoing; and

"(iii) a summary of the disposition of such allegations.

"(F) The number and category or type of pending investigations.

"(G) For each allegation received—

"(i) the date on which the investigation was opened;

"(ii) the date on which the allegation was disposed of, as applicable; and

"(iii) the case number associated with the allegation.

"(H) The nature and number of allegations closed without referral by the Integrity Committee, including the justification for why each allegation was closed without referral.

"(I) A brief description of any difficulty encountered by the Integrity Committee when receiving, evaluating, investigating, or referring for investigation an allegation received by the Integrity Committee, including a brief description of—

"(i) any attempt to prevent or hinder an investigation; or

"(ii) any concern about the integrity or operations of an Office of Inspector General.

"(J) Other matters that the Council considers appropriate."; and

(2) by adding at the end the following:

"(14) Additional congressional access to closed allegations and final dispositions.—

"(A) Closed allegations.—Upon request of any Member of Congress, the Integrity Committee shall make available information regarding an allegation of wrongdoing that the Integrity Committee closed without referral, including the date on which the allegation was received, a general description of the allegation, the reason the allegation was closed without referral, and any conflict of interest or recusal determination relating to the allegation, except that the Integrity Committee may withhold information that is classified, law enforcement sensitive, whistleblower identifying, or otherwise protected from disclosure by law.

"(B) Final disposition reports.—Not later than 30 days after the final disposition of an allegation of wrongdoing concerning an Inspector General or a senior staff member of an Office of Inspector General, the Integrity Committee shall submit to Congress a report describing the final disposition, including whether disciplinary action, referral, corrective action, or no action resulted.

"(15) Investigations of Offices of Inspector General.—The Integrity Committee may conduct, direct, or coordinate an investigation of an Office of Inspector General if the allegation concerns systemic misconduct, a pattern or practice of retaliation, obstruction of oversight, or other conduct affecting the integrity or operations of the Office.".

(j) Office of Inspector General whistleblower complaints and anti-retaliation.—Section 407 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting "or any employee of an Office of Inspector General" after "employee of the establishment";

(2) by amending subsection (b) to read as follows:

"(b) Prohibition on Disclosure of Identity.—The Inspector General shall not, after receipt of a complaint or information from an employee of the establishment or an employee of an Office of Inspector General, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines the disclosure is unavoidable during the course of the investigation or is otherwise required by law.";

(3) by amending subsection (c) to read as follows:

"(c) Prohibition on Reprisal.—Any employee who has authority to take, direct others to take, recommend, or approve any personnel action may not, with respect to that authority, take or threaten to take any action against any employee of an establishment or any employee of an Office of Inspector General as a reprisal for making a complaint or disclosing information to an Inspector General, the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency, the Office of Special Counsel, or Congress, unless the complaint was made or the information was disclosed with knowledge that the complaint or information was false or with willful disregard for its truth or falsity."; and

(4) by adding at the end the following:

"(d) Office of Inspector General Whistleblower Complaints.—

"(1) Direct submission.—An employee of an Office of Inspector General may submit a complaint or information concerning wrongdoing, retaliation, gross mismanagement, gross waste of funds, abuse of authority, violation of law, rule, or regulation, or danger to public health or safety directly to the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency, the Office of Special Counsel, or Congress.

"(2) Protection of identity.—The identity of an employee of an Office of Inspector General who submits a complaint or information under paragraph (1) may not be disclosed without the consent of the employee, unless disclosure is unavoidable in the course of an investigation or is otherwise required by law.

"(3) Anti-retaliation.—No officer or employee of an Office of Inspector General may take or threaten to take a personnel action against an employee of an Office of Inspector General because of a complaint or disclosure described in paragraph (1).

"(4) Referral.—The Integrity Committee shall establish procedures for receiving, reviewing, referring, and resolving complaints submitted under paragraph (1), including procedures for referral to the Office of Special Counsel, the Department of Justice, another Office of Inspector General, or Congress, as appropriate.".

(k) CIGIE resources and reporting.—

(1) Appropriation.—In addition to amounts otherwise available, there is appropriated to the Council of the Inspectors General on Integrity and Efficiency, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2029, to carry out section 424 of title 5, United States Code, and this section, including Integrity Committee operations, training, data systems, temporary appointment administration, subpoena-panel support, and oversight workforce development.

(2) Expenditure report.—Not later than January 1, 2027, and annually thereafter through fiscal year 2029, the Chairperson of the Council of the Inspectors General on Integrity and Efficiency shall submit to Congress and make publicly available a report describing the use of amounts appropriated under paragraph (1), including expenditures for Integrity Committee operations, training, data systems, temporary appointment administration, subpoena-panel support, and oversight workforce development.

(l) Functions and duties of Council.—Section 424(c)(1) of title 5, United States Code, is amended to read as follows:

"(1) In general.—The Council shall—

"(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

"(B) develop plans for coordinated, Governmentwide activities that address these problems and promote economy and efficiency in Federal programs and operations, including interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

"(C) develop policies that will aid in the maintenance of a corps of well trained and highly skilled Office of Inspector General personnel;

"(D) maintain an internet website and other electronic systems for the benefit of all Inspectors General, as the Council determines are necessary or desirable;

"(E) support the professional development of Inspectors General, including by developing, maintaining, and making available training resources and training opportunities on the duties, responsibilities, and authorities of Inspectors General, including independence, access to information, whistleblower protection, testimonial subpoena authority, congressional reporting, conflicts of interest, and the handling of allegations involving Offices of Inspector General;

"(F) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various Offices of Inspector General;

"(G) submit recommendations of individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);

"(H) make such reports to Congress as the Chairperson determines are necessary or appropriate;

"(I) except for matters coordinated among Inspectors General under section 103H of the National Security Act of 1947 (50 U.S.C. 3033), receive, review, and mediate any disputes submitted in writing to the Council by an Office of Inspector General regarding an audit, investigation, inspection, evaluation, or project that involves the jurisdiction of more than 1 Office of Inspector General; and

"(J) perform other duties within the authority and jurisdiction of the Council, as appropriate.".

(m) Rule of construction.—Nothing in this section or the amendments made by this section shall be construed to limit any authority of an Inspector General, the Council of the Inspectors General on Integrity and Efficiency, the Integrity Committee of the Council, the Government Accountability Office, the Office of Special Counsel, Congress, or any committee of Congress under any other provision of law.

SEC. 1049. REGULATORY RECUSAL AND CONFLICTED LEGAL LEADERSHIP.

(a) Definitions.—In this section:

(1) Antitrust laws.—The term "antitrust laws" has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section prohibits unfair methods of competition.

(2) Covered matter.—The term "covered matter" means a particular matter involving specific parties, a particular matter of general applicability, rulemaking, guidance document, enforcement policy, supervisory policy, licensing determination, adjudication, investigation, request for a ruling or other determination, settlement, consent order, or other agency action that may directly and predictably affect the legal, regulatory, competitive, or financial interests of an identifiable person, entity, industry, or discrete and identifiable class of persons or entities.

(3) Disqualifying determination.—The term "disqualifying determination" means a final judgment, final order, consent decree, administrative order, deferred prosecution agreement, nonprosecution agreement, written settlement agreement, or other written final resolution that has not been reversed, rescinded, or vacated and that—

(A) finds, concludes, admits, or resolves a claim alleging that a person violated an antitrust law or securities law; or

(B) imposes a sanction for litigation misconduct.

(4) Legal leadership position.—The term "legal leadership position" means a position at a regulatory agency as general counsel, deputy general counsel, associate general counsel, assistant general counsel, chief counsel, director of enforcement, deputy director of enforcement, director of litigation, deputy director of litigation, director of legal policy, deputy director of legal policy, or any substantially similar senior legal, enforcement, litigation, adjudicatory, or regulatory-policy position.

(5) Litigation misconduct.—The term "litigation misconduct" means discovery abuse, spoliation of evidence, a false statement to a court or adjudicatory body, a material misrepresentation, bad faith litigation conduct, a frivolous claim or defense, violation of a protective order, violation of a discovery order, or other conduct for which a court or adjudicatory body imposes a sanction.

(6) Recent employer or client.—The term "recent employer or client" means, with respect to the 5-year period preceding an individual's appointment to, assignment to, or service in a regulatory agency, any person that—

(A) employed, retained, or paid the individual for services; or

(B) the individual personally represented or materially assisted as an attorney, consultant, contractor, agent, lobbyist, paid advocate, or paid representative.

(7) Regulatory agency.—The term "regulatory agency" means an executive agency, independent regulatory agency, bureau, division, office, commission, board, or administration that administers, enforces, supervises, or adjudicates compliance with Federal statutes or regulations applicable to private persons.

(8) Securities law.—The term "securities law" has the meaning given the term "securities laws" in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(b) Strengthened recusal requirement.—An officer or employee of a regulatory agency may not participate personally and substantially in a covered matter if a recent employer or client of the officer or employee is a party, represents a party, or has a financial interest that would be directly and predictably affected by the matter.

(c) Notice of recusal.—An officer or employee subject to subsection (b) shall provide written notice of the recusal to the designated agency ethics official or another senior ethics official designated by the head of the regulatory agency, and the regulatory agency shall include the recusal in the public log required under subsection (d).

(d) Public recusal log.—Each regulatory agency shall maintain on the public website of the agency a searchable, downloadable log of recusals under this section, including the name and title of the officer or employee, the covered matter, the recent employer or client requiring recusal, the date of recusal, and the duration of the recusal, except that the agency may withhold classified information, sensitive law enforcement information, confidential supervisory information, trade secrets, personally identifiable information, or information the disclosure of which is otherwise prohibited by law.

(e) Prohibition on conflicted legal leadership.—An individual may not serve in a legal leadership position if a recent employer or client of the individual was subject to a disqualifying determination during the 5-year period preceding the individual's appointment to, assignment to, or service in the legal leadership position.

(f) Removal from legal leadership position.—If a recent employer or client of an individual serving in a legal leadership position becomes subject to a disqualifying determination, the regulatory agency shall remove the individual from the legal leadership position not later than 30 days after the disqualifying determination becomes final.

(g) No waiver.—The requirements of this section may not be waived.

(h) Rule of construction.—Nothing in this section shall be construed to limit any recusal, disqualification, ethics, financial conflict, professional responsibility, or post-employment restriction under any other provision of law, regulation, or agency policy.

Subtitle E—Promoting Election Integrity

SEC. 1051. ADDRESSING NATIONAL REPUBLICAN SENATORIAL COMMITTEE V. FEC.

(a) Findings.—Congress finds the following:

(1) In National Republican Senatorial Committee v. FEC, the Supreme Court invalidated the limits on political-party coordinated expenditures under section 315(d) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(d)), while identifying base contribution limits, earmarking rules, and disclosure requirements as less speech-restrictive tools for preventing circumvention of contribution limits.

(2) This decision builds on previous findings, such as its per curiam opinion in Buckley v. Valeo, "disclosure requirements certainly in most applications appear to be the least restrictive means of curbing the evils of campaign ignorance and corruption that Congress found to exist." In Citizens United v. FEC, the Court reiterated that "disclosure is a less restrictive alternative to more comprehensive regulations of speech."

(3) Campaign finance disclosure advances substantial government interests, including fostering an informed electorate, helping the people hold elected officials accountable, detecting and deterring quid pro quo corruption, and identifying information necessary to enforce campaign finance laws, including contribution limits and the prohibition on foreign money in Federal elections.

(4) To further these interests, campaign finance disclosure must be timely and complete, and must disclose the true and original source of money given, transferred, and spent to influence Federal elections. Campaign finance disclosure is also essential to enforce the prohibition on contributions by, and solicitations of, foreign nationals under the Federal Election Campaign Act of 1971.

(b) Purpose.—The purpose of this section is to strengthen the earmarking and disclosure rules identified by the Supreme Court in National Republican Senatorial Committee v. FEC without reimposing the political-party coordinated-expenditure limits invalidated in that decision.

(c) Earmarked contributions.—Section 315(a)(8) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(a)(8)) is amended to read as follows:

"(8) Earmarked contributions.—

"(A) In general.—For purposes of the limitations imposed by this section, all contributions made by a person, directly or indirectly, on behalf of a clearly identified candidate, including contributions that are in any way earmarked or otherwise directed to the candidate through an intermediary or conduit, including a political committee or political party committee, shall be treated as contributions from that person to that candidate.

"(B) Earmarked defined.—In this paragraph, the term 'earmarked' means a designation, instruction, encumbrance, agreement, or understanding, whether direct or indirect, express or implied, oral or written, that results in all or any part of a contribution being made to,

transferred to, expended on behalf of, or used for coordinated expenditures with respect to a clearly identified candidate or the authorized committee of such candidate.

"(C) Reporting.—An intermediary or conduit, including a political committee or political party committee, shall report the original source and intended recipient of a contribution described in subparagraph (A) to the Commission and to the intended recipient.".

(d) Rapid disclosure of party coordinated expenditures.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104) is amended by adding at the end the following:

"(j) Rapid disclosure of party coordinated expenditures.—

"(1) Initial report.—A political committee established and maintained by a national committee, State committee, district committee, or local committee of a political party that makes or contracts to make coordinated expenditures with respect to a clearly identified candidate for Federal office aggregating $1,000 or more with respect to an election shall file a report describing the expenditures with the Commission not later than 24 hours after the expenditure is made or contracted to be made.

"(2) Additional reports.—After a political committee files a report under paragraph (1), the political committee shall file an additional report not later than 24 hours after each time the political committee makes or contracts to make coordinated expenditures aggregating an additional $1,000 with respect to the same election.

"(3) Contents.—A report under this subsection shall include—

"(A) the name of the political committee making or contracting to make the coordinated expenditure;

"(B) the name of the clearly identified candidate, the office sought by the candidate, and the election to which the coordinated expenditure relates;

"(C) the date, amount, payee, and purpose of the coordinated expenditure;

"(D) whether the coordinated expenditure was made in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate, the authorized committee of the candidate, or an agent of the candidate; and

"(E) for any contribution known to the political committee to be earmarked or otherwise directed for the coordinated expenditure or for the clearly identified candidate, the original source, amount, date, and intermediary or conduit of such contribution.

"(4) Public availability.—The Commission shall make each report filed under this subsection publicly available on the internet not later than 24 hours after receipt.

"(5) Coordination with other requirements.—A report required under this subsection shall be in addition to any other reporting requirement under this Act.".

(e) Effective date.—The amendments made by this section shall apply to contributions, coordinated expenditures, and contracts to make coordinated expenditures made on or after November 4, 2026.

SEC. 1052. CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN NATIONALS IN ELECTIONS.

(a) Clarification of application of foreign money ban to certain disbursements and activities.—Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121) is amended—

(1) in subsection (a)(1)—

(A) by striking "or" at the end of subparagraph (B); and

(B) by striking subparagraph (C) and inserting the following:

"(C) an expenditure;

"(D) an independent expenditure;

"(E) a disbursement for an electioneering communication (within the meaning of section 304(f)(3));

"(F) a disbursement for a communication which is placed or promoted for a fee on a website, web application, or digital application that refers to a clearly identified candidate for election for Federal office and is disseminated within 60 days before a general, special or runoff election for the office sought by the candidate or 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate for the office sought by the candidate;

"(G) a disbursement by a covered foreign national for a broadcast, cable or satellite communication, or for a communication which is placed or promoted for a fee on a website, web application, or digital application, that promotes, supports, attacks or opposes the election of a clearly identified candidate for Federal, State, or local office (regardless of whether the communication contains express advocacy or the functional equivalent of express advocacy);

"(H) a disbursement for a broadcast, cable, or satellite communication, or for any communication which is placed or promoted for a fee on an online platform, that discusses a national legislative issue of public importance in a year in which a regularly scheduled general election for Federal office is held, but only if the disbursement is made by a covered foreign national;

"(I) a disbursement by a covered foreign national to compensate any person for internet activity that promotes, supports, attacks or opposes the election of a clearly identified candidate for Federal, State, or local office (regardless of whether the activity contains express advocacy or the functional equivalent of express advocacy); or

"(J) a disbursement by a covered foreign national for a Federal judicial nomination communication (as defined in section 325(g)(2)).''; and

(2) by striking subsection (b) and inserting—

"(b) Definitions.—For purposes of this section—

"(1) Contribution or donation.—The term 'contribution or donation' includes—

"(A) any disbursement to a political committee which accepts donations or contributions that do not comply with any of the limitations, prohibitions, and reporting requirements of this Act (or any disbursement to or on behalf of any account of a political committee which is established for the purpose of accepting such donations or contributions), or to any other person for the purpose of funding an expenditure, independent expenditure, or electioneering communication (as defined in section 304(f)(3)); and

"(B) any disbursement, other than a disbursement described in section 325(a)(3)(A), to another person who made a campaign-related disbursement consisting of a covered transfer (as described in section 325) during the 2-year period ending on the date of the disbursement.

"(2) Federal, State, or local election.—The term 'Federal, State, or local election' includes a State or local ballot initiative or referendum, but only in the case of—

"(A) a covered foreign national as defined in paragraph (4); or

"(B) a foreign principal described in section 1(b)(2) or 1(b)(3) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(b)(2) or (b)(3)) or an agent of such a foreign principal under such Act.

"(3) Foreign national.—The term 'foreign national' means—

"(A) a foreign principal, as such term is defined by section 611(b) of title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or

"(B) an individual who is not a citizen of the United States or a national of the United States (as defined in section 1101(a)(22) of title 8) and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.

"(4) Covered foreign national.—

"(A) In general.—The term 'covered foreign national' means—

"(i) a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b))) that is a government of a foreign country or a foreign political party;

"(ii) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal described in clause (i) or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal described in clause (i); or

"(iii) any person included in the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to authorities relating to the imposition of sanctions relating to the conduct of a foreign principal described in clause (i).

"(B) Clarification regarding application to citizens of the United States.—In the case of a citizen of the United States, clause (ii) of subparagraph (A) applies only to the extent that the person involved acts within the scope of that person's status as the agent of a foreign principal described in clause (i) of subparagraph (A).

"(5) Online platform.—

"(A) In general.—For purposes of this section, subject to subparagraph (B), the term 'online platform' means any public-facing website, web application, or digital application (including a social network, ad network, or search engine) that—

"(i) (I) sells qualified political advertisements; and

"(II) has 50,000,000 or more unique monthly United States visitors or users for a majority of months during the preceding 12 months; or

"(ii) is a third-party advertising vendor that has 50,000,000 or more unique monthly United States visitors in the aggregate on any advertisement space that it has sold or bought for a majority of months during the preceding 12 months, as measured by an independent digital ratings service accredited by the Media Ratings Council (or its successor).

"(B) Exemption.—Such term shall not include any online platform that is a distribution facility of any broadcasting station or newspaper, magazine, blog, publication, or periodical.

"(6) Third-party advertising vendor.—For purposes of this subsection, the term 'third-party advertising vendor' includes, but is not limited to, any third-party advertising vendor network, advertising agency, advertiser, or third-party advertisement serving company that buys and sells advertisement space on behalf of unaffiliated third-party websites, search engines, digital applications, or social media sites.".

(b) Prohibition related to establishing a corporation.—

(1) Chapter 29 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 612. Establishment of corporation to conceal election contributions and donations by foreign nationals

"(a) Offense.—It shall be unlawful for an owner, officer, attorney, or incorporation agent of a corporation, company, or other entity to establish or use the corporation, company, or other entity with the intent to conceal an activity of a foreign national (as defined in section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121)) prohibited under such section 319.

"(b) Penalty.—Any person who violates subsection (a) shall be imprisoned for not more than 5 years, fined under this title, or both.".

(2) Clerical amendment.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

"612. Establishment of corporation to conceal election contributions and donations by foreign nationals.".

SEC. 1053. REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS.

(a) In general.—Title III of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is amended by inserting after section 324 the following new section:

"Sec. 325. Disclosure of campaign-related disbursements by covered organizations.

"(a) Disclosure statement.—

"(1) In general.—Any covered organization that makes campaign-related disbursements aggregating more than $10,000 in an election reporting cycle shall, not later than 24 hours after each disclosure date, file a statement with the Commission made under penalty of perjury that contains the information described in paragraph (2)—

"(A) in the case of the first statement filed under this subsection, for the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning 1 year before the first such disclosure date) and ending on the first such disclosure date; and

"(B) in the case of any subsequent statement filed under this subsection, for the period beginning on the previous disclosure date and ending on such disclosure date.

"(2) Information described.—The information described in this paragraph is as follows:

"(A) The name of the covered organization and the principal place of business of such organization and, in the case of a covered organization that is a corporation (other than a business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of that Act (15 U.S.C. 78o(d)) or an entity described in subsection (e)(2), a list of the beneficial owners (as defined in paragraph (4)(A)) of the entity that—

"(i) identifies each beneficial owner by name and current residential or business street address; and

"(ii) if any beneficial owner exercises control over the entity through another legal entity, such as a corporation, partnership, limited liability company, or trust, identifies each such other legal entity and each such beneficial owner who will use that other entity to exercise control over the entity.

"(B) The amount of each campaign-related disbursement made by such organization during the period covered by the statement of more than $1,000, and the name and address of the person to whom the disbursement was made.

"(C) In the case of a campaign-related disbursement that is not a covered transfer—

"(i) the election to which the campaign-related disbursement pertains; and

"(ii) if the disbursement is made for a public communication—

"(I) the name of any candidate identified in such communication; and

"(II) whether such communication is in support of or in opposition to the identified candidate.

"(D) A certification by the chief executive officer or person who is the head of the covered organization that the campaign-related disbursement is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate, authorized committee, or agent of a candidate, political party, or agent of a political party.

"(E) (i) If the covered organization makes campaign-related disbursements using exclusively funds in a campaign-related disbursement segregated fund, for each payment made to the account by a person other than the covered organization—

"(I) the name and address of each person who made such payment to the account during the period covered by the statement;

"(II) the date and amount of such payment; and

"(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning 1 year before the disclosure date) and ending on the disclosure date,

"but only if such payment was made by a person who made payments to the account in an aggregate amount of $10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning 1 year before the disclosure date) and ending on the disclosure date.

"(ii) In any calendar year after 2027, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in clause (i), the 'base period' shall be calendar year 2027.

"(F) (i) If the covered organization makes campaign-related disbursements using funds other than funds in a campaign-related disbursement segregated fund, for each payment to the covered organization—

"(I) the name and address of each person who made such payment during the period covered by the statement;

"(II) the date and amount of such payment; and

"(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning 1 year before the disclosure date) and ending on the disclosure date,

"but only if such payment was made by a person who made payments to the covered organization in an aggregate amount of $10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning 1 year before the disclosure date) and ending on the disclosure date.

"(ii) In any calendar year after 2027, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amount described in clause (i), the 'base period' shall be calendar year 2027.

"(G) Such other information as required in rules established by the Commission to promote the purposes of this section.

"(3) Exceptions.—

"(A) Amounts received in ordinary course of business.—The requirement to include in a statement filed under paragraph (1) the information described in paragraph (2) shall not apply to amounts received by the covered organization in commercial transactions in the ordinary course of any trade or business conducted by the covered organization or in the form of investments (other than investments by the principal shareholder in a limited liability company) in the covered organization. For purposes of this subparagraph, amounts received by a covered organization as remittances from an employee to the employee's collective bargaining representative shall be treated as amounts received in commercial transactions in the ordinary course of the business conducted by the covered organization.

"(B) Donor restriction on use of funds.—The requirement to include in a statement submitted under paragraph (1) the information described in subparagraph (F) of paragraph (2) shall not apply if—

"(i) the person described in such subparagraph prohibited, in writing, the use of the payment made by such person for campaign-related disbursements; and

"(ii) the covered organization agreed to follow the prohibition and deposited the payment in an account which is segregated from a campaign-related disbursement segregated fund and any other account used to make campaign-related disbursements.

"(C) Threat of harassment or reprisal.—The requirement to include any information relating to the name or address of any person (other than a candidate) in a statement submitted under paragraph (1) shall not apply if the inclusion of the information would subject the person to serious threats, harassment, or reprisals.

"(4) Other definitions.—For purposes of this section:

"(A) Beneficial owner defined.—

"(i) In general.—Except as provided in clause (ii), the term 'beneficial owner' means, with respect to any entity, a natural person who, directly or indirectly—

"(I) exercises substantial control over an entity through ownership, voting rights, agreement, or otherwise; or

"(II) has a substantial interest in or receives substantial economic benefits from the assets of an entity.

"(ii) Exceptions.—The term 'beneficial owner' shall not include—

"(I) a minor child;

"(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

"(III) a person acting solely as an employee of an entity and whose control over or economic benefits from the entity derives solely from the employment status of the person;

"(IV) a person whose only interest in an entity is through a right of inheritance, unless the person also meets the requirements of clause (i); or

"(V) a creditor of an entity, unless the creditor also meets the requirements of clause (i).

"(iii) Anti-abuse rule.—The exceptions under clause (ii) shall not apply if used for the purpose of evading, circumventing, or abusing the provisions of clause (i) or paragraph (2)(A).

"(B) Campaign-related disbursement segregated fund.—The term 'campaign-related disbursement segregated fund' means a segregated bank account consisting of funds that were paid directly to such account by persons other than the covered organization that controls the account.

"(C) Disclosure date.—The term 'disclosure date' means—

"(i) the first date during any election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000; and

"(ii) any other date during such election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000 since the most recent disclosure date for such election reporting cycle.

"(D) Election reporting cycle.—The term 'election reporting cycle' means the 2-year period beginning on the date of the most recent general election for Federal office.

"(E) Payment.—The term 'payment' includes any contribution, donation, transfer, payment of dues, or other payment.

"(b) Coordination with other provisions.—

"(1) Other reports filed with the Commission.—Information included in a statement filed under this section may be excluded from statements and reports filed under section 304.

"(2) Treatment as separate segregated fund.—A campaign-related disbursement segregated fund may be treated as a separate segregated fund for purposes of section 527(f)(3) of the Internal Revenue Code of 1986.

"(c) Filing.—Statements required to be filed under subsection (a) shall be subject to the requirements of section 304(d) to the same extent and in the same manner as if such reports had been required under subsection (c) or (g) of section 304.

"(d) Campaign-related disbursement defined.—

"(1) In general.—In this section, the term 'campaign-related disbursement' means a disbursement by a covered organization for any of the following:

"(A) An independent expenditure which expressly advocates the election or defeat of a clearly identified candidate for election for Federal office, or is the functional equivalent of express advocacy because, when taken as a whole, it can be interpreted by a reasonable person only as advocating the election or defeat of a candidate for election for Federal office.

"(B) An applicable public communication.

"(C) An electioneering communication, as defined in section 304(f)(3).

"(D) A covered transfer.

"(2) Applicable public communications.—

"(A) In general.—The term 'applicable public communication' means any public communication that refers to a clearly identified candidate for election for Federal office and which promotes or supports the election of a candidate for that office, or attacks or opposes the election of a candidate for that office, without regard to whether the communication expressly advocates a vote for or against a candidate for that office.

"(B) Exception.—Such term shall not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, publication, or periodical, unless such facilities are owned or controlled by any political party, political committee, or candidate.

"(e) Covered organization defined.—In this section, the term 'covered organization' means any of the following:

"(1) A corporation (other than an organization described in section 501(c)(3) of the Internal Revenue Code of 1986).

"(2) A limited liability company that is not otherwise treated as a corporation for purposes of this Act (other than an organization described in section 501(c)(3) of the Internal Revenue Code of 1986).

"(3) An organization described in section 501(c) of such Code and exempt from taxation under section 501(a) of such Code (other than an organization described in section 501(c)(3) of such Code).

"(4) A labor organization (as defined in section 316(b)).

"(5) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act (except as provided in paragraph (6)).

"(6) A political committee with an account that accepts donations or contributions that do not comply with the contribution limits or source prohibitions under this Act, but only with respect to such accounts.

"(f) Covered transfer defined.—

"(1) In general.—In this section, the term 'covered transfer' means any transfer or payment of funds by a covered organization to another person if the covered organization—

"(A) designates, requests, or suggests that the amounts be used for—

"(i) campaign-related disbursements (other than covered transfers); or

"(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

"(B) made such transfer or payment in response to a solicitation or other request for a donation or payment for—

"(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

"(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

"(C) engaged in discussions with the recipient of the transfer or payment regarding—

"(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

"(ii) donating or transferring any amount of such transfer or payment to another person for the purpose of making or paying for such campaign-related disbursements; or

"(D) knew or had reason to know that the person receiving the transfer or payment would make campaign-related disbursements in an aggregate amount of $50,000 or more during the 2-year period beginning on the date of the transfer or payment.

"(2) Exclusions.—The term 'covered transfer' does not include any of the following:

"(A) A disbursement made by a covered organization in a commercial transaction in the ordinary course of any trade or business conducted by the covered organization or in the form of investments made by the covered organization.

"(B) A disbursement made by a covered organization if—

"(i) the covered organization prohibited, in writing, the use of such disbursement for campaign-related disbursements; and

"(ii) the recipient of the disbursement agreed to follow the prohibition and deposited the disbursement in an account which is segregated from a campaign-related disbursement segregated fund and any other account used to make campaign-related disbursements.

"(3) Special rule regarding transfers among affiliates.—

"(A) Special rule.—A transfer of an amount by one covered organization to another covered organization which is treated as a transfer between affiliates under subparagraph (C) shall be considered a covered transfer by the covered organization which transfers the amount only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than $50,000.

"(B) Determination of amount of certain payments among affiliates.—In determining the amount of a transfer between affiliates for purposes of subparagraph (A), to the extent that the transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.

"(C) Description of transfers between affiliates.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

"(i) one of the organizations is an affiliate of the other organization; or

"(ii) each of the organizations is an affiliate of the same organization,

except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of making campaign-related disbursements.

"(D) Determination of affiliate status.—For purposes of subparagraph (C), a covered organization is an affiliate of another covered organization if—

"(i) the governing instrument of the organization requires it to be bound by decisions of the other organization;

"(ii) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

"(iii) the organization is chartered by the other organization.

"(E) Coverage of transfers to affiliated section 501(c)(3) organizations.—This paragraph shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this paragraph applies to an amount transferred by a covered organization to another covered organization.

"(g) Application to Federal judicial nominations.—

"(1) In general.—For purposes of this section—

"(A) a disbursement by a covered organization for a Federal judicial nomination communication shall be treated as a campaign-related disbursement; and

"(B) in the case of campaign-related disbursements which are for Federal judicial nomination communications—

"(i) the dollar amounts in paragraphs (1) and (2) of subsection (a) shall be applied separately with respect to such disbursements and other campaign-related disbursements;

"(ii) the election reporting cycle shall be the calendar year in which the disbursement for the Federal judicial nomination communication is made;

"(iii) references to a candidate in subsections (a)(2)(C), (a)(2)(D), and (a)(3)(C) shall be treated as references to a nominee for a Federal judge or justice;

"(iv) the reference to an election in subsection (a)(2)(C) shall be treated as a reference to the nomination of such nominee.

"(2) Federal judicial nomination communication.—

"(A) In general.—The term 'Federal judicial nomination communication' means any communication—

"(i) that is by means of any broadcast, cable, or satellite, paid internet, or paid digital communication, paid promotion, newspaper, magazine, outdoor advertising facility, mass mailing, telephone bank, telephone messaging effort of more than 500 substantially similar calls or electronic messages within a 30-day period, or any other form of general public political advertising; and

"(ii) which promotes, supports, attacks, or opposes the nomination or Senate confirmation of an individual as a Federal judge or justice.

"(B) Exception.—Such term shall not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, publication, or periodical, unless such facilities are owned or controlled by any political party, political committee, or candidate.

"(C) Intent not required.—A disbursement for an item described in subparagraph (A) shall be treated as a disbursement for a Federal judicial nomination communication regardless of the intent of the person making the disbursement.

"(h) No effect on other reporting requirements.—Except as provided in subsection (b)(1), nothing in this section shall be construed to waive or otherwise affect any other requirement of this Act which relates to the reporting of campaign-related disbursements.".

(b) Conforming amendment.—Section 304(f)(6) of such Act (52 U.S.C. 30104(f)(6)) is amended by striking "Any requirement" and inserting "Except as provided in section 325(b), any requirement".

(c) Expanded disclaimer requirements.—Section 318 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120) is amended—

(1) in subsection (a)—

(A) by striking "for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate" and inserting "for a campaign-related disbursement, as defined in section 325, consisting of a public communication";

(B) by striking "mailing" each place it appears and inserting "mailing, telephone call consisting in substantial part of a prerecorded audio message"; and

(C) in paragraph (3), by striking "shall clearly state" and inserting "shall (except in the case of a Federal judicial nomination communication, as defined in section 325(g)(2)) clearly state";

(2) in subsection (d)—

(A) in paragraph (1)(A)—

(i) by striking "which is transmitted through radio" and inserting "which is in an audio format"; and

(ii) by striking "By radio" in the heading and inserting "Audio format";

(B) in paragraph (1)(B)—

(i) by striking "which is transmitted through television" and inserting "which is in video format"; and

(ii) by striking "By television" in the heading and inserting "Video format";

(C) in paragraph (2)—

(i) in the heading, by striking "Others" and inserting "Certain political committees—";

(ii) by striking "Any communication" and inserting "(A) Any communication";

(iii) by inserting "which (except to the extent provided in subparagraph (B)) is paid for by a political committee (including a political committee of a political party) and" after "subsection (a)";

(iv) by striking "or other person" each place it appears; and

(D) by adding at the end the following new subparagraph:

"(B) (i) This paragraph does not apply to a communication paid for in whole or in part during a calendar year with a campaign-related disbursement, but only if the covered organization making the campaign-related disbursement made campaign-related disbursements (as defined in section 325) aggregating more than $10,000 during such calendar year.

"(ii) For purposes of clause (i), in determining the amount of campaign-related disbursements made by a covered organization during a year, there shall be excluded the following:

"(I) Any amounts received by the covered organization in the ordinary course of any trade or business conducted by the covered organization or in the form of investments in the covered organization.

"(II) Any amounts received by the covered organization from a person who prohibited, in writing, the organization from using such amounts for campaign-related disbursements, but only if the covered organization agreed to follow the prohibition and deposited the amounts in an account which is segregated from a campaign-related disbursement segregated fund (as defined in section 325) and any other account used to make campaign-related disbursements.";

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

"(e) Expanded disclaimer requirements for communications not authorized by candidates or committees.—

"(1) In general.—Except as provided in paragraph (6), any communication described in paragraph (3) of subsection (a) which is transmitted in an audio or video format (including an internet or digital communication), or which is an internet or digital communication transmitted in a text or graphic format, or which consists of a telephone call consisting in substantial part of a prerecorded audio message, shall include, in addition to the requirements of paragraph (3) of subsection (a), the following:

"(A) The individual disclosure statement described in paragraph (2)(A) (if the person paying for the communication is an individual) or the organizational disclosure statement described in paragraph (2)(B) (if the person paying for the communication is not an individual).

"(B) If the communication is transmitted in a video format, or is an internet or digital communication which is transmitted in a text or graphic format, and is paid for in whole or in part with a payment which is treated as a campaign-related disbursement under section 325—

"(i) the Top Five Funders list (if applicable); or

"(ii) in the case of a communication which, as determined on the basis of criteria established in regulations issued by the Commission, is of such short duration that including the Top Five Funders list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the Top Five Funders list, the name of a website which contains the Top Five Funders list (if applicable) or, in the case of an internet or digital communication, a hyperlink to such website.

"(C) If the communication is transmitted in an audio format and is paid for in whole or in part with a payment which is treated as a campaign-related disbursement under section 325—

"(i) the Top Two Funders list (if applicable); or

"(ii) in the case of a communication which, as determined on the basis of criteria established in regulations issued by the Commission, is of such short duration that including the Top Two Funders list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the Top Two Funders list, the name of a website which contains the Top Two Funders list (if applicable).

"(2) Disclosure statements described.—

"(A) Individual disclosure statements.—The individual disclosure statement described in this subparagraph is the following: 'I am _____, and I approve this message.', with the blank filled in with the name of the applicable individual.

"(B) Organizational disclosure statements.—The organizational disclosure statement described in this subparagraph is the following: 'I am _____, the _____ of _____, and _____ approves this message.', with—

"(i) the first blank to be filled in with the name of the applicable individual;

"(ii) the second blank to be filled in with the title of the applicable individual; and

"(iii) the third and fourth blank each to be filled in with the name of the organization or other person paying for the communication.

"(3) Method of conveyance of statement.—

"(A) Communications in text or graphic format.—In the case of a communication to which this subsection applies which is transmitted in a text or graphic format, the disclosure statements required under paragraph (1) shall appear in letters at least as large as the majority of the text in the communication.

"(B) Communications transmitted in audio format.—In the case of a communication to which this subsection applies which is transmitted in an audio format, the disclosure statements required under paragraph (1) shall be made by audio by the applicable individual in a clear and conspicuous manner.

"(C) Communications transmitted in video format.—In the case of a communication to which this subsection applies which is transmitted in a video format, the information required under paragraph (1)—

"(i) shall appear in writing at the end of the communication or in a crawl along the bottom of the communication in a clear and conspicuous manner, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 6 seconds; and

"(ii) shall also be conveyed by an unobscured, full screen view of the applicable individual or by the applicable individual making the statement in voiceover accompanied by a clearly identifiable photograph or similar image of the individual, except in the case of a Top Five Funders list.

"(D) Prerecorded telephone calls.—In the case of a communication to which this subsection applies which is a telephone call consisting in substantial part of a prerecorded audio message, the communication shall be considered to be transmitted in an audio format.

"(4) Applicable individual defined.—The term 'applicable individual' means, with respect to a communication to which this subsection applies—

"(A) if the communication is paid for by an individual, the individual involved;

"(B) if the communication is paid for by a corporation, the chief executive officer of the corporation (or, if the corporation does not have a chief executive officer, the highest ranking official of the corporation);

"(C) if the communication is paid for by a labor organization, the highest ranking officer of the labor organization; and

"(D) if the communication is paid for by any other person, the highest ranking official of such person.

"(5) Top Five Funders list and Top Two Funders list defined.—

"(A) Top Five Funders list.—The term 'Top Five Funders list' means, with respect to a communication which is paid for in whole or in part with a campaign-related disbursement (as defined in section 325), a list of the 5 persons who, during the 12-month period ending on the date of the disbursement, provided the largest payments of any type in an aggregate amount equal to or exceeding $10,000 to the person who is paying for the communication and the amount of the payments each such person provided. If 2 or more people provided the fifth largest of such payments, the person paying for the communication shall select 1 of those persons to be included on the Top Five Funders list.

"(B) Top Two Funders list.—The term 'Top Two Funders list' means, with respect to a communication which is paid for in whole or in part with a campaign-related disbursement (as defined in section 325), a list of the persons who, during the 12-month period ending on the date of the disbursement, provided the largest and the second largest payments of any type in an aggregate amount equal to or exceeding $10,000 to the person who is paying for the communication and the amount of the payments each such person provided. If 2 or more persons provided the second largest of such payments, the person paying for the communication shall select 1 of those persons to be included on the Top Two Funders list.

"(C) Exclusion of certain payments.—For purposes of subparagraphs (A) and (B), in determining the amount of payments made by a person to a person paying for a communication, there shall be excluded the following:

"(i) Any amounts provided in the ordinary course of any trade or business conducted by the person paying for the communication or in the form of investments in the person paying for the communication.

"(ii) Any payment which the person prohibited, in writing, from being used for campaign-related disbursements, but only if the person paying for the communication

agreed to follow the prohibition and deposited the payment in an account which is segregated from a campaign-related disbursement segregated fund (as defined in section 325) and any other account used to make campaign-related disbursements.

"(6) Special rules for certain communications.—

"(A) Exception for communications paid for by political parties and certain political committees.—This subsection does not apply to any communication to which subsection (d)(2) applies.

"(B) Treatment of video communications lasting 10 seconds or less.—In the case of a communication to which this subsection applies which is transmitted in a video format, or is an internet or digital communication which is transmitted in a text or graphic format, the communication shall meet the following requirements:

"(i) The communication shall include the individual disclosure statement described in paragraph (2)(A) (if the person paying for the communication is an individual) or the organizational disclosure statement described in paragraph (2)(B) (if the person paying for the communication is not an individual).

"(ii) The statement described in clause (i) shall appear in writing at the end of the communication, or in a crawl along the bottom of the communication, in a clear and conspicuous manner, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

"(iii) The communication shall include, in a clear and conspicuous manner, a website address with a landing page which will provide all of the information described in paragraph (1) with respect to the communication. Such address shall appear for the full duration of the communication.

"(iv) To the extent that the format in which the communication is made permits the use of a hyperlink, the communication shall include a hyperlink to the website address described in clause (iii).".

(d) Rule of construction.—Nothing in this section shall be construed to require any person who is not required under section 318 of the Federal Election Campaign Act of 1971 to include a disclaimer on communications made by the person through the internet to include any disclaimer on any such communications.

(e) Sense of Congress regarding implementation.—It is the sense of Congress that the Federal Election Commission should simplify the process for filing any disclosure required under the provisions of, and amendments made by, this title in order to ensure that such process is as easy and accessible as possible.

(f) Regulations.—Not later than December 31, 2026, the Federal Election Commission shall issue interim final rules, reporting forms, and filing instructions to carry out the amendments made by this section, including with respect to the application of the exemption under section 325(a)(3)(C) of such Act (52 U.S.C. 30126(a)(3)(C)). The interim final rules shall take effect upon publication in the Federal Register, shall have the force and effect of law, and may be issued without regard to section 553 of title 5, United States Code. The Commission shall provide a public

comment period of not less than 60 days after publication and shall issue final rules not later than July 1, 2027. Such rules—

(1) shall require that the legal burden of establishing eligibility for such exemption is upon the organization required to make the report required under section 325(a)(1) of such Act (as added by subsection (a)); and

(2) shall be consistent with the principles applied in Citizens United v. Federal Election Commission, 558 U.S. 310 (2010).

(g) Coordination with FinCEN.—

(1) In general.—The Director of the Financial Crimes Enforcement Network of the Department of the Treasury shall provide the Federal Election Commission with such information as necessary to assist in administering and enforcing section 325 of the Federal Election Campaign Act of 1971, as amended by this section.

(2) Report.—Not later than April 30, 2027, the Chairman of the Federal Election Commission, in consultation with the Director of the Financial Crimes Enforcement Network of the Department of the Treasury, shall submit to Congress a report with recommendations for providing further legislative authority to assist in the administration and enforcement of such section 325.

(h) Effective date.—The amendments made by this section shall apply with respect to communications made on or after January 1, 2027, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SEC. 1054. JUDICIAL REVIEW REFORMS.

(a) Petition for certiorari.—Section 307(a)(6) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by inserting "(including a proceeding before the Supreme Court on certiorari)" after "appeal".

(b) Judicial review.—Title IV of the Federal Election Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is amended by inserting after section 406 the following new section:

"Sec. 407. Judicial review.

"(a) In general.—If any action is brought for declaratory or injunctive relief to challenge, whether facially or as-applied, the constitutionality or lawfulness of any provision of this Act, including title V, or of chapter 95 or 96 of the Internal Revenue Code of 1986, or is brought with respect to any action of the Commission under chapter 95 or 96 of the Internal Revenue Code of 1986, the following rules shall apply:

"(1) The action shall be filed in the United States District Court for the District of Columbia and an appeal from the decision of the district court may be taken to the Court of Appeals for the District of Columbia Circuit.

"(2) In the case of an action relating to declaratory or injunctive relief to challenge the constitutionality of a provision, the party filing the action shall concurrently deliver a copy of the complaint to the Clerk of the House of Representatives and the Secretary of the Senate.

"(3) It shall be the duty of the United States District Court for the District of Columbia and the Court of Appeals for the District of Columbia Circuit to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

"(b) Clarifying scope of jurisdiction.—If an action at the time of its commencement is not subject to subsection (a), but an amendment, counterclaim, cross-claim, affirmative defense, or any other pleading or motion is filed challenging, whether facially or as-applied, the constitutionality or lawfulness of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, or is brought with respect to any action of the Commission under chapter 95 or 96 of the Internal Revenue Code of 1986, the district court shall transfer the action to the District Court for the District of Columbia, and the action shall thereafter be conducted pursuant to subsection (a).

"(c) Intervention by Members of Congress.—In any action described in subsection (a) relating to declaratory or injunctive relief to challenge the constitutionality of a provision, any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require interveners taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

"(d) Challenge by Members of Congress.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge, whether facially or as-applied, the constitutionality of any provision of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986.".

(c) Conforming amendments.—

(1) Section 9011 of the Internal Revenue Code of 1986 is amended to read as follows:

"Sec. 9011. Judicial review.

"For provisions relating to judicial review of certifications, determinations, and actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.".

(2) Section 9041 of the Internal Revenue Code of 1986 is amended to read as follows:

"Sec. 9041. Judicial review.

"For provisions relating to judicial review of actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.".

(3) Section 310 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30110) is repealed.

(4) Section 403 of the Bipartisan Campaign Reform Act of 2002 (52 U.S.C. 30110 note) is repealed.

SEC. 1055. LIMITING DARK MONEY THROUGH NONPROFIT ORGANIZATIONS.

(a) Limitation on covered political expenditures by nonprofit organizations.—

(1) In general.—Section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501) is amended—

(A) in subsection (c)(6) by striking "boards of trade, or professional football leagues (whether or not administering a pension fund for football players)," and inserting "or boards of trade,"; and

(B) by adding at the end the following new subsection:

"(s) Limitation on covered political expenditures by organizations described in subsection (c).—

"(1) In general.—An organization described in subsection (c) shall not be exempt from tax under subsection (a) for a taxable year in which such organization engages in substantial electioneering.

"(2) Definitions.—For purposes of this subsection—

"(A) Covered political expenditures.—The term 'covered political expenditures' means direct or indirect expenditures for an exempt function described in section 527(e)(2).

"(B) Substantial electioneering.—The term 'substantial electioneering' means, with respect to covered political expenditures of an organization, such expenditures—

"(i) are more than 33 percent of the total expenditures of the organization; or

"(ii) exceed $10,000,000.

"(3) Anti-authorization rule.—Nothing in this subsection shall be construed to authorize any organization described in subsection (c) to make any contribution, expenditure, disbursement, or communication that is otherwise prohibited under this title, the Federal Election Campaign Act of 1971, or any other provision of Federal law.

"(4) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to prevent avoidance of this subsection.".

(2) Expansion of political organization definition.—Section 527(e)(1) of such Code is amended to read as follows:

"(1) Political organization.—The term 'political organization' means—

"(A) a party, committee, association, fund, or other organization, whether or not incorporated, organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function; or

"(B) an organization described in section 501(c) that, for the taxable year involved, is not exempt from tax under section 501(a) by reason of section 501(s).".

(3) Political intervention added to exempt function definition.—Section 527(e) of such Code is amended—

(A) in paragraph (2)—

(i) by striking "includes the making of expenditures relating to an office described in the preceding sentence which, if incurred by the individual, would be allowable as a deduction under section 162(a)." and inserting "includes—

"(A) the making of expenditures relating to an office described in the preceding sentence which, if incurred by the individual, would be allowable as a deduction under section 162(a); and

"(B) political intervention."; and

(ii) by adding at the end the following new paragraph:

"(6) Political intervention.—The term 'political intervention' has the meaning given to such term by section 4956.".

(b) Political intervention.—

(1) Disclosure requirement.—Section 6104(d)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 6104(d)(3)) is amended by adding at the end the following new subparagraph:

"(C) Certain 501(c) organizations must disclose certain donors.—In the case of an organization described in paragraph (4), (5), or (6) of section 501(c) that spends funds on political intervention (as defined in section 4956) during any taxable year, such organization shall—

"(i) disclose the name and address of any contributor donating $5,000 or more to such organization—

"(I) during the taxable year that such organization spends funds on political intervention; and

"(II) for the taxable year immediately preceding such taxable year; and

"(ii) make such information open to public inspection in the manner described in subsection (a)(1)(A).".

(2) Political intervention defined.—Subchapter C of chapter 42 of subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"Sec. 4956. Political intervention.

"(a) Political intervention defined.—For purposes of this section, the term 'political intervention' means (except as provided in subsection (b)), with respect to activities conducted by an organization in relation to Federal, State, local, and foreign election campaigns of candidates for public office—

"(1) express advocacy—

"(A) for the election, defeat, nomination, or recall of a political candidate,

"(B) for the election or defeat of candidates affiliated with a specific political party,

"(C) that voters select candidates for support or opposition based on 1 or more criteria that clearly distinguish certain candidates from other candidates, or

"(D) the making of contributions to a candidate's campaign, a political party, or (unless the contribution is restricted so that it must not be used to support political intervention) any other political organization within the meaning of section 527(e)(1),

"(2) communication to any part of the electorate, other than an express advocacy communication within the meaning of paragraph (1), if the communication—

"(A) refers to a political candidate, and

"(B) reflects a view on such candidate, and

"(3) political use of resources.

"(b) Exceptions.—A communication described in subsection (a) shall not constitute political intervention if—

"(1) it does not consist of paid mass media advertising, and

"(2) it falls under one of the following exceptions:

"(A) Communications to influence official action.—Commentary on a public official that has a direct, limited, and reasonable relationship to specific actions the official may yet perform within the official's current term of office without mention of any election or voting in an election, or of the official's candidacy or opponent.

"(B) Voter education.—Voter education activities or the dissemination of materials that compare two or more candidates for an office, including materials disclosing the views of the organization on political issues, if the communication consists solely of content in which the time, text, or space is offered in equal shares to each of the participating candidates, and the organization's share of content is no greater than the share available to any of the participating candidates. The opportunity to participate, including a full description of the opportunity and of the organization's share of the content, if any, must be given to all candidates meeting an objective threshold of viability for nomination or election to the office at least 72 hours in advance of the final preparation of the communication.

"(C) Self-defense communications.—A response by the organization to a public or publicly reported statement by a candidate or candidates that—

"(i) attacks the organization itself;

"(ii) comments upon a specific public policy position that the organization has taken publicly in furtherance of its exempt purpose within the prior year; or

"(iii) results in press inquiries to the organization that were not solicited subsequent to the candidate's statement by the organization.

"The response by the organization must be educational, limited topically to addressing the candidate's statement, and as to (i) or (ii), disseminated in a manner commensurate in medium and scale, and proximate in time, to the publicity of the candidate's statement, and as to (iii), limited to dissemination to the requesting press organization.

"(D) Personal, oral remarks at official meetings.—Oral remarks made by anyone other than a candidate who is present in person at an official meeting of an organization held in a single room or location, so long as—

"(i) no announcement of the meeting refers to any candidate, party, election, or voting, and

"(ii) a disclaimer is made to those in attendance, stating that remarks are the speaker's personal opinion and are not made on behalf of the organization.

This exception covers only oral remarks made by and to persons in attendance, and not any other form of communication or redistribution of those remarks, whether written, electronic, recorded, broadcast, or otherwise transmitted.

"(c) Definitions.—For purposes of this section—

"(1) Candidate.—The term 'candidate' means a person who offers themself for election to public office or whose election the person conducting the activity or making the expenditure in question expressly proposes, supports, or opposes.

"(2) Election.—The term 'election' means a process culminating in a vote by the public to determine whether a candidate will serve in a public office, including primary, general, special, and runoff elections, nominations by caucus, convention, or other means, and recall and confirmation votes.

"(3) Paid mass media advertising.—

"(A) In general.—The term 'paid mass media advertising' means communication to the general public placed for a fee on one of the following media operated by another person: a broadcast, cable, or satellite facility, newspaper, magazine, outdoor advertising facility, mass mailing service, telephone bank, or another person's web site or internet communications service.

"(B) Mass mailing.—The term 'mass mailing' means—

"(i) a mailing by United States mail or facsimile;

"(ii) of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period; and

"(iii) that is not voter education materials.

"(4) Political use of resources.—The term 'political use of resources'—

"(A) means—

"(i) the provision of any of an organization's resources, tangible or intangible, including monetary or in-kind, goods, services, or facilities, by gift, loan, sale, rental, or any other method of transfer to another person or entity, if—

"(I) the transferee uses such resources to support or oppose any candidate's election to public office;

"(II) such use is reasonably foreseeable; and

"(III) the transferor has not taken reasonable steps to prevent such use; and

"(ii) any other transfer that is a reportable contribution related to 1 or more candidates for elective public office, to a political party, or (unless the transfer is restricted so that it must not be used to support political intervention) to any other political organization within the meaning of section 527(e)(1); and

"(iii) any other use of an organization's resources in support of or opposition to a candidate, if not specifically allowed under a Revenue Ruling or other Federal tax authority; and

"(B) does not include a transfer that is—

"(i) made in a transaction in which the fair market value of goods or services provided by the organization does not exceed the value of the consideration received in exchange;

"(ii) similar to other transactions conducted by the organization; and

"(iii) without preference for or against any candidate.

"(d) Regulations.—The Secretary shall prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section.".

(3) Conforming amendments.—

(A) The heading for subchapter C of chapter 42 of subtitle D of such Code is amended by adding at the end the following: "; political intervention".

(B) The table of sections for such subchapter C is amended by adding at the end the following:

"Sec. 4956. Political intervention.".

(C) The item in the table of subchapters of such chapter 42 relating to subchapter C is amended to read as follows:

"SUBCHAPTER C. POLITICAL EXPENDITURES OF SECTION 501(c)(3) ORGANIZATIONS; POLITICAL INTERVENTION.".

(c) Repealing restriction on IRS guidance.—Notwithstanding any other provision of law, section 123 of Division E of the Consolidated Appropriations Act, 2026 (PL 119-75) shall have no force or effect.

(d) Guidance and report.—

(1) Guidance required.—Not later than November 1, 2027, the Secretary of the Treasury (acting through the Commissioner of Internal Revenue) shall develop regulations, and such other guidance as the Secretary determines appropriate, to carry out the amendments made by this section, including guidance describing the application of section 4956 of the Internal Revenue Code of 1986 and section 501(s) of such Code.

(2) Report.—Not later than November 1, 2027, the Secretary of the Treasury shall submit to Congress and make publicly available a report—

(A) describing the guidance issued under paragraph (1); and

(B) including any recommendations for statutory changes, including recommendations relating to the appropriate percentage threshold under section 501(s)(2)(B)(i) of the Internal Revenue Code of 1986.

(e) Effective date.—The amendments made by this section shall apply to contributions and expenditures made in taxable years beginning after December 31, 2026, and shall take effect without regard to whether or not the Secretary of the Treasury has promulgated regulations to carry out such amendments.

SEC. 1056. DONOR-SIDE EXCISE TAX ON EXCESS POLITICAL OUTLAYS.

(a) Findings.—Congress finds the following:

(1) Unlimited political spending by a small number of extremely wealthy donors can distort democratic accountability.

(2) Congress has authority under its taxing power to impose generally applicable excise taxes to raise revenue and to address harms associated with excessive concentrations of political spending.

(3) A donor-side excise tax that applies without regard to the identity of the recipient political organization avoids direct taxation of political organizations and improves administrability.

(b) Definitions.—In this section:

(1) Aggregate political outlays.—The term "aggregate political outlays" means, with respect to a natural person and a calendar year, the sum of all political contributions and personal independent expenditures made by such natural person during such calendar year.

(2) Basic wage.—The term "basic wage" means the amount calculated in section 1398c of title 42, United States Code.

(3) Natural person.—The term "natural person" means an individual human being and does not include any corporation, partnership, association, trust, estate, or other legal or artificial person.

(4) Personal independent expenditure.—The term "personal independent expenditure" means an independent expenditure, as such term is used in chapter 301 of title 52, United States Code, that is made by a natural person using such natural person's own resources.

(5) Political contribution.—The term "political contribution" means any transfer of money or thing of value by a natural person to a political recipient, including by contribution, donation, dues, membership payment, loan, advance, in-kind contribution, or any other form of support.

(6) Political recipient.—The term "political recipient" means—

(A) a political committee, as defined in section 30101(4) of title 52, United States Code;

(B) a political organization described in section 527 of title 26, United States Code;

(C) any entity that makes independent expenditures or electioneering communications, as such terms are used in chapter 301 of title 52, United States Code, and that is required to report such activity to the Federal Election Commission;

(D) any covered organization, as defined in section 325 of the Federal Election Campaign Act of 1971, that makes campaign-related disbursements during the calendar year or preceding 2-year election cycle; and

(E) any organization described in section 501(c) of title 26, United States Code, other than an organization described in paragraph (3) of such section, that engages in political intervention during the calendar year or preceding 2-year election cycle.

(c) Imposition of tax.—There is hereby imposed on each natural person for each calendar year an excise tax equal to the amount determined under subsection (e).

(d) Aggregate political outlays.—For purposes of this section, the aggregate political outlays of a natural person for a calendar year shall include all political contributions and personal independent expenditures made by such natural person during such calendar year.

(e) Amount of tax.—The tax imposed under subsection (c) shall be equal to the sum of—

(1) 10 percent of the portion of the aggregate political outlays that exceeds the basic wage and does not exceed 2 times the basic wage;

(2) 25 percent of the portion of the aggregate political outlays that exceeds 2 times the basic wage and does not exceed 5 times the basic wage;

(3) 50 percent of the portion of the aggregate political outlays that exceeds 5 times the basic wage and does not exceed 10 times the basic wage; and

(4) 75 percent of the portion of the aggregate political outlays that exceeds 10 times the basic wage.

(f) Anti-avoidance; aggregation.—For purposes of this section:

(1) A political contribution or personal independent expenditure made by a natural person through a corporation, limited liability company, partnership, association, trust, estate, donor-advised fund, family office, agent, intermediary, pass-through entity, or other conduit shall be treated as made by such natural person.

(2) A political contribution or personal independent expenditure that is funded, reimbursed, directed, controlled, earmarked, or otherwise designated by a natural person shall be treated as made by such natural person.

(3) A political contribution made by a natural person to a political recipient and earmarked, directed, or otherwise designated for the benefit of another political recipient shall be treated as a political contribution to each recipient to the extent of the amounts so earmarked, directed, or designated, except that an amount treated as a political contribution to more than 1 recipient under this paragraph shall be counted only once in determining aggregate political outlays under subsection (d).

(4) The Secretary of the Treasury may prescribe such regulations as are necessary to prevent avoidance of tax under this section, including through affiliated entities, nominee arrangements, reimbursements, loans lacking commercially reasonable terms, coordinated expenditures falsely characterized as independent, and circular funding.

(g) Administration.—

(1) In general.—The tax imposed by this section shall be assessed and collected by the Secretary of the Treasury.

(2) Returns.—Each natural person whose aggregate political outlays for a calendar year exceed the basic wage shall file such return at such time and in such manner as the Secretary of the Treasury may prescribe.

(3) Information reporting.—Each political recipient that receives aggregate political contributions from a natural person in excess of $5,000 in a calendar year shall file such information returns as the Secretary of the Treasury may require for administration of this section, in a manner coordinated to the maximum extent practicable with reporting under chapter 301 of title 52, United States Code.

(h) Effective date.—This section shall apply to political contributions and personal independent expenditures made in calendar years beginning after December 31, 2026.

SEC. 1057. DE MINIMIS MEMBERSHIP ASSOCIATION AUTHORIZATION UNDER SECTION 527.

(a) Definitions.—In this section:

(1) De minimis membership association authorization.—The term "de minimis membership association authorization" means a Federal electioneering authorization that is granted upon the filing of a notice under subsection (c) and that permits a membership association to make de minimis political expenditures in connection with a Federal election, subject to the limitations of this section.

(2) De minimis political expenditures.—The term "de minimis political expenditures" means expenditures for political activities, as defined in section 13(t) of the Securities Exchange Act of 1934 (as inserted by this Act), the aggregate value of which does not exceed the amount that would cause the membership association to become a political committee under section 30101(4)(A) of title 52, United States Code.

(3) Membership association.—The term "membership association" means an organization, whether or not incorporated, that—

(A) is composed exclusively of natural persons as members, except that a federation of local, State, or national chapters or affiliates shall be treated as composed exclusively of natural persons if each constituent chapter or affiliate satisfies subparagraphs (A) through (D);

(B) is governed by and accountable to such members under governing documents that provide meaningful member control;

(C) has no equity owners and does not distribute net earnings to any private shareholder or individual; and

(D) is not substantially controlled, directly or indirectly, by any corporation or other for-profit entity.

(4) Notice.—The term "notice" means a filing submitted in accordance with subsection (c).

(b) Grant of authorization.—Notwithstanding any other provision of law, a de minimis membership association authorization is granted to a membership association upon the filing of a notice.

(c) Notice requirement.—A notice under this subsection shall be filed with the Federal Election Commission and shall—

(1) identify the legal name of the membership association and any name under which it does business;

(2) identify a responsible person who is authorized to act for the membership association and certify compliance with this section;

(3) provide a physical mailing address and a means of electronic contact;

(4) certify under penalty of perjury that the organization satisfies the definition of membership association under subsection (a)(3);

(5) certify under penalty of perjury that the organization will only make de minimis political expenditures during any calendar year; and

(6) be filed before the first de minimis political expenditure is made.

(d) Loss of authorization; conversion to full compliance.—If a membership association that has received a de minimis membership association authorization makes or obligates itself to make a political expenditure that would cause the membership association to become a political committee under section 30101(4)(A) of title 52, United States Code, then—

(1) the de minimis membership association authorization shall terminate with respect to such expenditure or obligation; and

(2) such expenditure or obligation, and any further political expenditure or obligation during such calendar year, shall be unlawful unless the membership association complies with the

applicable requirements of chapter 301 of title 52, United States Code, and section 527 of title 26, United States Code.

(e) Anti-avoidance.—

(1) Aggregation.—For purposes of the limitation under subsection (a)(2), political expenditures made by a membership association through an agent, intermediary, or affiliated entity shall be treated as made by such membership association.

(2) Prohibition on reimbursements.—A membership association may not receive funds, reimbursements, or in-kind support from any corporation or other for-profit entity for the purpose of making de minimis political expenditures under this section.

(3) Regulations.—The Federal Election Commission, in consultation with the Secretary of the Treasury, may prescribe regulations necessary to prevent evasion of this section, including through the use of nominee arrangements, pass-through entities, and coordinated spending falsely characterized as de minimis.

(f) Rule of construction.—Nothing in this section shall be construed to grant corporate power to electioneer, except as expressly provided by the grant of authorization under subsection (b).

(g) Implementation.—The Federal Election Commission, in consultation with the Secretary of the Treasury, shall promulgate regulations to implement this section not later than April 30, 2027.

SEC. 1058. VERIFICATION OF CITIZENSHIP FOR FEDERAL ELECTIONS.

(a) Definitions.—In this section and in section 1059:

(1) Automatic Federal registration.—The term "automatic Federal registration" means a system that registers an eligible citizen for elections for Federal office by securely transferring information necessary for such registration from the Treasury, a State election official, a Federal, State, or local government agency, or a covered placement entity to the appropriate State election official, without requiring the eligible citizen to submit a separate voter registration application.

(2) Chief State election official.—The term "chief State election official" means the State officer designated under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509).

(3) Citizen account.—The term "citizen account" means a digital Treasury account established under section 623(b)(1).

(4) Covered placement entity.—The term "covered placement entity" means a Federal, State, local, Tribal, public, or publicly regulated residential, medical, nursing, custodial, correctional, detention, military, educational, transitional, treatment, shelter, or similar facility or agency that assigns, houses, detains, confines, places, or provides residential services to an eligible citizen.

(5) Designated election-administration address.—The term "designated election-administration address" means an address assigned or approved by a State election official for election-administration purposes when an eligible citizen lacks a conventional

residential address, cannot safely disclose a residential address, or is assigned a Federal voting residence under section 1059 using a nonresidential location, institutional location, last residence, place of birth, or closest substantial connection.

(6) Election.—The term "election" has the meaning given the term in section 30101(1) of title 52, United States Code.

(7) Eligible citizen.—The term "eligible citizen" means a United States citizen who has attained 18 years of age on or before the date of the election for Federal office in which the citizen seeks to vote.

(8) Federal office.—The term "Federal office" has the meaning given the term in section 30101(3) of title 52, United States Code.

(9) Federal-only ballot.—The term "Federal-only ballot" means a ballot limited to the elections for Federal office for which an eligible citizen is entitled to vote.

(10) Federal voting residence.—The term "Federal voting residence" means the jurisdictional assignment, based on residence or connection under section 1059, consisting of the State, congressional district, and election jurisdiction in which an eligible citizen may vote in elections for Federal office.

(11) Protected information.—The term "protected information" means the residential address, mailing address, physical location, shelter location, family address, Federal voting residence, institutional residence, or other identifying location information of a protected voter, except that the term does not include a designated election-administration address authorized for election-administration purposes.

(12) Protected voter.—The term "protected voter" means an eligible citizen whose residential address, mailing address, physical location, shelter location, family address, Federal voting residence, or other identifying location information may not be safely disclosed to the public because of domestic violence, stalking, trafficking, witness protection, law enforcement safety, judicial safety, caregiving safety, homelessness, displacement, or another comparable safety or privacy concern.

(13) Register.—The term "register" means to register an eligible citizen for an election for Federal office and includes updating such registration.

(14) Residence transition.—The term "residence transition" means a period during which an eligible citizen has recently moved, is moving, is displaced, lacks a fixed address, cannot safely disclose an address, has a pending address update, or is otherwise between a prior residence and a current residence for purposes of election administration.

(15) Secretary.—The term "Secretary" means the Secretary of the Treasury.

(16) State election official.—The term "State election official" means the chief State election official of a State and any State or local official responsible under State law for voter registration, voter identification, ballot issuance, absentee ballot administration, mail ballot administration, provisional ballot administration, ballot cure, or vote counting for an election for Federal office.

(17) Treasury Recurring Unconditional Monetary Payment card.—The term "Treasury Recurring Unconditional Monetary Payment card" or "TRUMP card" means a debit card issued by the Treasury to the holder of a citizen account for the purposes of securely accessing the money in such account.

(18) Treasury voter verification.—The term "Treasury voter verification" means a confirmation by the Treasury that an individual has authenticated their identity as the holder of a citizen account.

(19) Verification token.—The term "verification token" means a nonfinancial, election-specific confirmation generated or supported by the Treasury for use by a State election official to confirm Treasury voter verification, prevent duplicate voting in an election for Federal office, or support ballot cure without disclosing ballot selections or information not necessary to election administration.

(b) Federal citizenship and identity verification requirement.—Beginning on January 1, 2028, for an election for Federal office, a State election official may not, unless the citizenship and identity of the individual are verified—

(1) register an individual to vote;

(2) issue a nonprovisional ballot to an individual;

(3) fulfill an absentee ballot request or mail ballot request from an individual; or

(4) complete a ballot cure for an individual.

Nothing in this subsection shall prohibit a State election official from issuing, accepting, or processing a provisional ballot pending verification and cure under subsection (h) or section 1059.

(c) Treasury voter verification as sufficient proof.—Treasury voter verification shall constitute primary and conclusive proof of United States citizenship and valid and sufficient identification in an election for Federal office, but shall not, by itself, establish residence, domicile, or Federal voting residence.

(d) Verification methods.—

(1) In general.—The Treasury shall make Treasury voter verification available to State election officials through secure, accessible, and auditable methods prescribed by the Secretary.

(2) Permissible methods.—Methods prescribed under paragraph (1) may include card swipe, card tap, chip insertion, QR code, manual credential entry, online Treasury interface, Treasury-approved account interface, toll-free telephone verification, transaction-based verification, verification token, Treasury-issued verification receipt, or any other secure method prescribed by the Secretary. A TRUMP card shall be accepted as a valid physical credential for initiating Treasury voter verification.

(3) Transaction-based verification.—A transaction-based verification method may include a zero-dollar authorization or a nominal reversible transfer in an amount prescribed by the Secretary.

(4) No financial barrier.—No individual may be charged a fee, required to maintain a minimum balance, or denied Treasury voter verification because the individual lacks funds in a citizen account.

(e) Absentee ballots, mail ballots, and remote voting methods.—

(1) In general.—For an absentee ballot, mail ballot, or other remote voting method used in an election for Federal office, a State election official shall provide a reasonable means for an individual to complete Treasury voter verification remotely.

(2) Permissible methods.—A reasonable means under paragraph (1) may include a QR code, toll-free telephone number, online Treasury interface, manual credential entry, TRUMP card authorization, transaction-based verification, Treasury-issued verification receipt, verification token, or other Treasury-approved method.

(3) Remote voting.—Nothing in this subsection shall be construed to prohibit a State from adopting a secure remote voting method for an election for Federal office if such method complies with this section, section 1059, and any other applicable provision of Federal law.

(f) No additional citizenship or identity documentation.—

(1) In general.—A State election official may not require an individual whose United States citizenship and identity are verified through Treasury voter verification to present a birth certificate, passport, naturalization certificate, certificate of citizenship, State-issued photo identification, or any other documentary proof of United States citizenship or identity as a condition of registering, receiving a ballot, casting a ballot, curing a ballot, or having a ballot counted in an election for Federal office.

(2) Residence documentation preserved.—Nothing in paragraph (1) shall be construed to prohibit a State election official from requiring proof of residence, domicile, address, election district, or Federal voting residence, if such proof is required in a nondiscriminatory manner and is not used to require additional proof of United States citizenship or identity from an individual who has completed Treasury voter verification.

(3) Driver's licenses and State identification preserved.—Nothing in this subsection shall be construed to prohibit an individual from using a driver's license, State identification card, utility bill, lease, or other lawful document to establish residence, domicile, address, election district, or Federal voting residence.

(g) Express authorization and data minimization under section 623.—

(1) Express authorization.—For purposes of section 623(e)(4), Treasury voter verification under this section and section 1059 is an expressly authorized use of information associated with digital Treasury accounts, subject to the privacy, data minimization, ballot secrecy, anti-surveillance, and nondisclosure requirements therein.

(2) Authorized uses.—The Treasury may use information associated with a citizen account only to the extent necessary to confirm United States citizenship, confirm identity, authenticate account control, generate a verification token, issue a verification receipt, support ballot cure, or maintain the security and integrity of Treasury voter verification.

(3) Minimum disclosure.—A Treasury voter verification provided to a State election official shall disclose only the minimum information necessary to confirm citizenship, identity, authentication status, date and time of verification, and a verification token or nonfinancial verification receipt.

(h) No denial for system failure.—A State election official may not deny an individual the right to register, receive a ballot, cast a provisional ballot, or cure a ballot in an election for Federal office solely because Treasury voter verification, or technical equipment supporting Treasury voter verification, is unavailable, delayed, or temporarily inoperable. In such a case, the State election official shall offer the individual an alternative lawful method of citizenship and identity verification or permit the individual to cast a provisional ballot for Federal office. A reasonable opportunity to cure such verification issue shall include a remote cure process after the Treasury voter verification becomes available.

(i) Other proof preserved.—Nothing in this section shall be construed to prohibit an individual from proving United States citizenship or identity by any other lawful method accepted for purposes of registering or voting in an election for Federal office.

(j) Federal-election scope.—This section applies to elections for Federal office. A State may accept Treasury voter verification for State or local elections, but nothing in this section shall be construed to require a State to alter voter qualifications for State or local elections except to the extent required by the Constitution of the United States or another provision of Federal law.

(k) Rulemaking.—Not later than September 30, 2027, the Secretary, in consultation with the Election Assistance Commission and the Attorney General, shall issue rules to carry out this section, including rules governing verification methods, cybersecurity, accessibility, privacy, record correction, absentee ballot verification, mail ballot verification, provisional ballot cure, State election official access, protection of ballot secrecy, and coordination with section 623.

(l) Pilots, testing, and deployments.—The Secretary shall conduct not fewer than 3 pilots, limited deployments, or special election deployments of Treasury voter verification before January 1, 2028, provided the Secretary determines that such use protects ballot secrecy, privacy, account security, and the integrity of elections for Federal office.

SEC. 1059. ONE CITIZEN, ONE VOTE.

(a) Universal Federal suffrage.—

(1) In general.—Notwithstanding any State law, every eligible citizen shall have the right to register, receive the appropriate ballot, and cast such ballot in each election for Federal office.

(2) One citizen, one Federal vote.—An eligible citizen may cast only 1 ballot for each Federal office in an election and may have only 1 Federal voting residence for such election.

(3) Federal-only ballot.—If an eligible citizen is entitled to vote in an election for Federal office under this section but is not eligible to vote in 1 or more State or local elections held at the same time, the State election official shall provide the eligible citizen a Federal-only ballot.

(b) Residence attestation and verification.—

(1) In general.—A State election official shall provide a reasonable means for an eligible citizen to establish or update a Federal voting residence.

(A) Permissible proof.—A reasonable means under paragraph (1) may include—

(i) a driver's license, a State identification card, a utility bill, a lease, mail, or a sworn written or electronic attestation;

(ii) confirmation by an administrator of a residential, medical, nursing, custodial, correctional, detention, military, educational, transitional, treatment, shelter, or similar facility that such eligible citizen resides there;

(iii) confirmation by a government agency with knowledge of the residence or connection of the eligible citizen; or

(iv) any other lawful method that establishes residence, domicile, address, election district, or Federal voting residence.

(B) Unconventional addresses.—A State election official may not reject a Federal voting residence solely because the eligible citizen—

(i) lacks a conventional street address, uses a last verified residence, uses a closest-substantial-connection address, or cannot safely disclose a residential address; or

(ii) resides at, is assigned to, or is confined in a place of detention, incarceration, nursing care, medical care, shelter, transitional housing, or other institutional residence.

(2) Federal voting residence.—For purposes of elections for Federal office, the Federal voting residence of an eligible citizen shall be determined in the following order, using a residence or connection established under paragraph (1):

(A) the current residence of the citizen, provided that for an incarcerated citizen, the Federal voting residence shall correspond to the residence at which the eligible citizen is counted or assigned for purposes of congressional redistricting under section 141(h) of title 13, United States Code;

(B) if the citizen does not have a current verified residence, the last verified residence of the citizen;

(C) if the citizen does not have a current or last verified residence, the verified residence of a parent, spouse, adult child, sibling, next of kin, or other person with whom the citizen has a substantial personal connection;

(D) if the citizen does not have a residence described in subparagraph (A), (B), or (C), the place of birth of the citizen in the United States; or

(E) if the citizen does not have a residence or place of birth described in subparagraph (A), (B), (C), or (D), the place in the United States with which the citizen has the closest substantial connection.

(3) Automatic Federal registration.—Beginning on January 1, 2028, the chief State election official of each State shall establish and operate a system of automatic Federal registration for elections for Federal office in the State. The system shall register an eligible citizen, and update the registration of an eligible citizen, through automated data feeds, matching procedures, and exception-handling procedures using information transferred under paragraph (5). A State election official may not require an eligible citizen to submit a separate voter registration application after the information necessary for automatic Federal registration has been verified. A prior Federal registration may not be cancelled, superseded, or treated as inactive until the new Federal voting residence is established or the eligible citizen is otherwise protected against loss of the right to vote in elections for Federal office.

(4) Federal-only registration.—Automatic Federal registration under this section shall constitute registration for elections for Federal office. Nothing in this section shall be construed to require a State to treat automatic Federal registration as registration for an election for State or local office if the eligible citizen is not qualified to vote in that election under State law, except to the extent required by the Constitution of the United States or another provision of Federal law.

(5) Electronic transfer of registration information.—The Secretary, the Election Assistance Commission, each chief State election official, and any Federal, State, or local government agency or covered placement entity with information necessary for automatic Federal registration shall provide for the secure electronic transfer of such information to the appropriate State election official.

(A) Information transferred under this paragraph shall be limited to information necessary to carry out registration, Federal voting residence assignment, supersession of prior Federal registrations, protected-voter procedures, Federal-only ballot procedures, and provisional Federal ballot cure under this section.

(B) Statewide computerized list coordination.—Information transferred under this paragraph shall be entered on an expedited basis into the computerized statewide voter registration list required under section 303(a) of the Help America Vote Act of 2002 (52 U.S.C. 21083(a)), coordinated with other agency databases as necessary, and maintained with adequate technological security measures to prevent unauthorized access.

(C) During the period beginning 60 days before and ending 30 days before an election for Federal office, each covered placement entity shall transfer information sufficient to register each eligible citizen who resides at the covered placement entity, unless—

(i) such information has already been transferred for that election; or

(ii) the citizen will no longer reside with the covered placement entity on the day of the election for Federal office.

(6) One active Federal voting residence.—Before registering an eligible citizen at a new Federal voting residence or updating the Federal voting residence of an eligible citizen, a State election official shall use Treasury voter verification, a verification token, or another lawful method to confirm that the eligible citizen will have only 1 active Federal voting residence for the election for Federal office.

(c) Protected voters and public records.—

(1) Protected voter status.—A State election official shall designate an eligible citizen as a protected voter if the eligible citizen submits a court order, protective order, address-confidentiality-program record, law enforcement record, shelter confirmation, government agency confirmation, sworn written or electronic attestation, or other credible evidence showing that public disclosure of such citizen's address would create a safety risk. A State election official may not require a public hearing or public disclosure of protected information as a condition of protected voter status.

(2) Designated election-administration address.—A protected voter may use a designated election-administration address for election-administration purposes.

(3) Protected voter records.—A State election official may not publicly disclose protected information.

(d) Election-specific verification tokens.—The Secretary, in consultation with the Election Assistance Commission and the Attorney General, shall support election-specific verification tokens or other election-specific verification records sufficient to confirm that an eligible citizen casts only 1 ballot for each Federal office in the same election, without disclosing ballot selections or information not necessary to election administration.

(e) Provisional Federal ballot and cure.—If the registration status or Federal voting residence of an eligible citizen cannot be verified before the time for voting in an election for Federal office because of a delay, omission, outage, or failure in a Federal, State, or local government record, database, verification system, or registration system, the State election official shall permit the eligible citizen to cast a provisional Federal ballot and shall provide a reasonable opportunity to cure the issue after the ballot is cast.

(f) Treasury information.—A State election official may not publicly disclose a citizen account number, TRUMP card number, Treasury verification credential, Treasury verification receipt, account identifier, verification token, or any other information obtained through Treasury voter verification in a public voter file or public election record, except as necessary to administer this section, section 1058, or as otherwise authorized by law.

(g) Implementation grants.—The Election Assistance Commission shall make grants to each State to assist the State in implementing the requirements of this section and section 1058. To receive a grant under this subsection, a State shall submit an application to the Commission at such time and in such form as the Commission may require, containing a description of the activities the State will carry out with the grant, an assurance that the State will carry out such activities without partisan bias and without promoting any particular point of view regarding any issue, and such other information and assurances as the Commission may require. In making grants under this subsection, the Commission shall give priority to activities most likely to accelerate compliance with this section and section 1058, including secure electronic information transfer, updates to online or electronic voter-registration systems, automatic Federal registration, Federal voting residence assignment, protected-voter procedures, Federal-only ballots, provisional Federal ballots, verification tokens, cybersecurity, accessibility, staff training, and voter education. There are authorized to be appropriated $3,000,000,000 for fiscal year 2027 and such sums as

may be necessary for each succeeding fiscal year to carry out this section and section 1058. Amounts appropriated under this subsection shall remain available until expended.

(h) Rulemaking.—Not later than September 30, 2027, the Secretary, in consultation with the Attorney General, the National Association of Secretaries of State, the National Association of State Election Directors, and the Election Assistance Commission, shall issue rules to carry out this section, including rules for automatic Federal registration, Federal voting residence, residence transition, no-fixed-address voters, protected voters, Federal-only ballots, provisional Federal ballots, residence attestation, verification tokens, public voter records, data minimization, State election official access, and coordination with section 1058.

(i) Pilots, testing, and deployments.—The Secretary may conduct pilots, testing, and limited deployments of automatic Federal registration, Federal voting residence assignment, protected-voter procedures, Federal-only ballot procedures, provisional Federal ballot procedures, and election-specific verification tokens before or after the issuance of rules under subsection (h), if the Secretary determines that such use protects ballot secrecy, privacy, account security, and the integrity of elections for Federal office.

(j) Mandatory implementation.—Beginning on January 1, 2028, each State election official shall implement this section for elections for Federal office.

Subtitle F—Expansion of Congress

SEC. 1061. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds the following:

(1) The House of Representatives was designed to be the chamber of Congress most directly accountable to the people. Article I of the Constitution of the United States ties representation in the House of Representatives to population, recurring enumeration, and apportionment among the States.

(2) The First Congress proposed, as Article the first of the proposed Bill of Rights, an amendment that would have further directed the enlargement of the House of Representatives as the population of the United States increased.

(3) For more than a century, Congress generally honored the principle that the House of Representatives should grow as the people grew. The current 435-member House is the result of congressional gridlock following the 1920 decennial census, not a constitutional limit on representation.

(4) Since the House reached 435 members in 1913, the average congressional district has grown to nearly 4 times its former size, weakening the connection between Representatives and the people they serve.

(5) A fixed House turns representation into a zero-sum game, in which one State's gain in representation must come at another State's loss.

(6) A fixed House also intensifies partisan conflict because, when the number of seats is frozen, the only way for one political party to gain seats is for another political party to lose seats.

(7) Expanding the House creates an abundance of new representation, allowing the people of multiple States and communities to gain a stronger voice in Congress without requiring every gain to be matched by a loss.

(8) Expanding the House also creates a fair and orderly occasion for a one-time national congressional redistricting process under uniform standards that promote equal representation, competitive elections, and accountability to voters.

(9) The 250th anniversary of the Declaration of Independence is an appropriate occasion for Congress to renew the promise of republican representation by expanding the House, restoring the House as the people's chamber.

(10) The spirit of expansion can be further served by providing a path to full representation for residents of the District of Columbia, and offering an opportunity for self-determination for the people of Puerto Rico.

(b) Purpose.—The purpose of this subtitle is to unstack the current House in a way that more closely aligns with the Framers' vision.

SEC. 1062. EXPANSION AND APPORTIONMENT OF THE HOUSE OF REPRESENTATIVES.

(a) Number of Representatives.—Section 2 of title 2, United States Code, is amended to read as follows:

"Sec. 2. Number of Representatives

"(a) In general.—Beginning with the 121st Congress and in each Congress thereafter until the taking effect of a reapportionment under section 2a or a subsequent statute, the House of Representatives shall be composed of 535 Representatives, plus any Representatives added upon the admission of a State after the apportionment under subsection (b) and before the next census-based reapportionment under section 2a.

"(b) Transitional apportionment for 121st Congress.—

"(1) Statement by President.—Not later than January 10, 2027, the President shall transmit to Congress and to the Clerk of the House of Representatives a statement showing the number of Representatives to which each State is entitled in the 121st Congress under an apportionment of 535 Representatives by the method known as the method of equal proportions, no State to receive less than 1 Member, using the population ascertained under the 24th decennial census.

"(2) Certification to States.—Not later than 15 calendar days after receiving the statement required under paragraph (1), the Clerk of the House of Representatives shall send to the executive of each State a certificate of the number of Representatives to which the State is entitled in the 121st Congress.

"(3) Vacancies.—A vacancy in the representation of a State in the 120th Congress shall be filled only as a vacancy in a seat existing for that Congress and shall not authorize the filling of any additional seat apportioned under paragraph (1).".

(b) Permanent apportionment rule.—Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929 (2 U.S.C. 2a), is amended—

(1) in subsection (a) to read as follows:

"(a) On the 1st day, or within 1 week thereafter, of the 1st regular session of the 122nd Congress and of each 5th Congress thereafter, the President shall transmit to Congress a statement showing the whole number of persons in each State, as ascertained under the 25th and each subsequent decennial census of population, and the number of Representatives to which each State would be entitled under an apportionment determined by subsection (c).";

(2) in subsection (b)—

(A) by striking "Eighty-third" and inserting "123rd";

(B) by striking "one" and inserting "1";

(C) by striking "fifteen" and inserting "15"; and

(D) by striking "or of his absence or inability to discharge this duty" and inserting "or the absence or inability of the Clerk to discharge this duty"; and

(3) in subsection (c) to read as follows:

"(c) Automatic determination of number of Representatives.—

"(1) In general.—For the apportionment occurring after the 25th and each subsequent decennial census, the number of Representatives shall be the number determined by multiplying—

"(A) the number of Representatives in the current Congress; by

"(B) the quotient obtained by dividing—

"(i) the apportionment population of the several States, as ascertained under the decennial census; by

"(ii) the apportionment population of such States, as ascertained under the preceding decennial census.

"(2) Rounding.—If the number determined under paragraph (1) is not a whole number, the number shall be rounded upward to the next whole number.

"(3) No reduction.—If the number determined under paragraph (1) is less than the number of Representatives in the current Congress, the number of Representatives shall not be reduced.

"(4) Apportionment among States.—After determining the number of Representatives under this subsection, the President shall determine the number of Representatives to which each State is entitled by apportioning that number of Representatives among the several States by the method known as the method of equal proportions, no State to receive less than 1 Member.

"(5) Apportionment population defined.—In this subsection, the term 'apportionment population' means the population used for the apportionment of Representatives under this section."; and

(4) by inserting after subsection (c) the following new subsection:

"(d) If the tabulation of the number of persons in a State under subsection (a) includes an individual incarcerated in a State, Federal, county, or municipal correctional facility, or in a youth correctional facility or detention center, who is treated as a resident of the State because the tabulation attributes the individual to the individual's last usual place of residence before incarceration, as provided under section 141(h) of title 13, United States Code, the State shall treat the individual's last usual place of residence in the State before incarceration as the individual's place of residence for purposes of congressional redistricting.".

(c) Single-member congressional districts.—Section 2c of title 2, United States Code, is amended to read as follows:

"Sec. 2c. Single-member congressional districts

"In each State entitled in the 121st Congress or in any subsequent Congress to more than 1 Representative under an apportionment made pursuant to section 2 or 2a of this title, or any subsequent statute, there shall be established by law a number of congressional districts equal to the number of Representatives to which the State is entitled, each Representative shall be elected only from 1 such district, and no district shall elect more than 1 Representative.".

(d) Conforming repeal of obsolete transitional apportionment provision.—Section 2b of title 2, United States Code, is repealed.

(e) Conforming amendment.—Section 141 of title 13, United States Code, is amended by adding at the end the following new subsection:

"(h) Effective beginning with the 2030 decennial census of population and every census thereafter, in taking any census of population under subsection (a) the Secretary shall, with respect to an individual incarcerated in a State, Federal, county, or municipal correctional facility, or in a youth correctional facility or detention center, as of the decennial census date, attribute such individual to such individual's last usual place of residence before incarceration.".

SEC. 1063. NATIONAL STANDARDS FOR CONGRESSIONAL REDISTRICTING.

(a) Official representative ensembles.—Chapter 1 of title 2, United States Code, is amended by inserting after section 2c the following:

"Sec. 3. Official representative ensembles for congressional redistricting

"(a) Definitions.—In this section, section 4, and section 5:

"(1) Community of interest.—The term 'community of interest' means a geographically identifiable population that shares social, cultural, ethnic, economic, civic, Tribal, geographic, occupational, or policy interests that should be preserved in a congressional district plan, except that a community of interest may not be defined primarily by common support for a political party, incumbent, candidate, or prospective candidate.

"(2) Competitive district.—The term 'competitive district' means a congressional district for which the Republican electoral baseline is not less than 46.5 percent and not greater than 53.5 percent.

"(3) Congressional district plan.—The term 'congressional district plan' means the map, law, order, or plan establishing the districts from which Representatives are elected in a State entitled to more than 1 Representative.

"(4) Contiguous.—The term 'contiguous' means, with respect to a congressional district, that every part of the district is geographically connected to every other part of the district by territory assigned to the same district, except that—

"(A) territory separated only by water shall be treated as contiguous if the territory is an actual island, peninsula, or other water-separated area and is assigned in a geographically reasonable manner within the same State;

"(B) territory described in subparagraph (A) shall not be treated as noncontiguous solely because there is no bridge, road, ferry route, or other direct means of transportation between the connected areas;

"(C) territory connected only at a single point shall not be treated as contiguous;

"(D) territory physically separated from the remainder of a district by land assigned to another district shall not be treated as contiguous merely because the separated territory is part of the same municipality, county, political subdivision, or other governmental unit as territory assigned to the district;

"(E) territory separated from the remainder of a district by a mountain range, canyon, desert, wilderness area, military reservation, Federal land unit, or other substantial physical barrier shall not be treated as contiguous unless the separated areas are connected by a reasonable route of travel that does not require substantial travel through another congressional district; and

"(F) nothing in this paragraph shall be construed to permit a district that violates the Voting Rights Act of 1965 or another requirement of this section, section 4, or section 5.

"(5) Election-return unit.—The term 'election-return unit' means an election precinct, voting tabulation district, ward, election district, or other equivalent geographic unit for which official election returns are reported or tabulated.

"(6) Incumbent data.—The term 'incumbent data' means the residential address, office address, voting history, electoral performance, fundraising data, campaign data, or other individually identifying political information of an incumbent, candidate, prospective candidate, or immediate family member of an incumbent, candidate, or prospective candidate.

"(7) Material partisan distortion.—The term 'material partisan distortion' means that the number of districts in a congressional district plan in which the Republican electoral baseline exceeds 50 percent falls outside the representative range for the State, unless the deviation is necessary to comply with a higher priority standard under section 4.

"(8) Neutral redistricting criteria.—The term 'neutral redistricting criteria' means the following criteria, and, if simultaneous compliance with all such criteria is not practicable, such criteria shall be applied in the following order:

"(A) compliance with the Constitution of the United States;

"(B) compliance with the Voting Rights Act of 1965;

"(C) contiguity;

"(D) preservation of political subdivisions;

"(E) compactness; and

"(F) preservation of communities of interest.

"(9) Principal opposing candidate.—The term 'principal opposing candidate' means, with respect to a baseline election, the candidate other than the Republican candidate who received the highest number of votes in the election.

"(10) Public redistricting benchmark data.—The term 'public redistricting benchmark data' means public election results and any public data or public outputs published or made available by the Comptroller General under this section, except that such term does not include restricted redistricting targeting data.

"(11) Redistricting cycle.—The term 'redistricting cycle' means the period beginning on the date on which the Clerk of the House of Representatives transmits to the executive of a State a certificate of the number of Representatives to which the State is entitled and ending on the date on which the next such certificate is transmitted.

"(12) Regular general election.—The term 'regular general election' means, with respect to an election for President, Senator, or Governor, the regularly scheduled election established by Federal or State law for selecting the person to hold that office, including an all-candidate primary, general election, or runoff election if such election is the election at which the person elected to the office is selected.

"(13) Representative range.—The term 'representative range' means the range from the 10th percentile through the 90th percentile of the number of districts in the official representative ensemble in which the Republican electoral baseline exceeds 50 percent.

"(14) Republican electoral baseline.—The term 'Republican electoral baseline' means, with respect to a State, congressional district, congressional district plan, or alternative congressional district plan, the weighted Republican vote share calculated under subsection (d) from the baseline elections.

"(15) Restricted redistricting targeting data.—The term 'restricted redistricting targeting data' means voter registration by political party, voter file data, individual voting history, incumbent data, household level data, individual level data, consumer data, commercial data, credit data, financial data, demographic profiling data, psychographic data, geolocation data, political consultant data, campaign data, modeled partisan scores, modeled voter attributes, vote propensity scores, turnout propensity scores, persuasion scores, or any substantially similar

data that identifies, predicts, estimates, or models the political behavior, partisan preference, voting behavior, electoral participation, electoral responsiveness, or candidate preference of a person, household, incumbent, candidate, prospective candidate, census block, precinct, district, or other geographic unit.

"(16) Safe district.—The term 'safe district' means a congressional district for which the Republican electoral baseline is less than 40 percent or greater than 60 percent.

"(17) Voter file data.—The term 'voter file data' means a voter registration record, voter history record, voter contact record, vote propensity score, turnout propensity score, persuasion score, modeled voter attribute, or other record or score that identifies, predicts, estimates, models, or scores the political behavior, electoral participation, partisan preference, candidate preference, or electoral responsiveness of an individual voter or household.

"(b) Comptroller General to publish.—

"(1) In general.—For each redistricting cycle, the Comptroller General of the United States shall establish and publish an official representative ensemble and a Republican electoral baseline for each State entitled to more than 1 Representative.

"(2) Deadline.—For each redistricting cycle, the Comptroller General shall establish and publish the official representative ensemble for each State not later than 117 days after the start of the final Congress of the prior cycle.

"(3) Rule of construction.—Nothing in this section shall be construed to require the Comptroller General to wait for the President's statement of apportionment pursuant to section 2(b) or 2a(a) before beginning work on the ensemble or electoral baseline.

"(4) Single Representative States.—The Comptroller General shall publish a Republican electoral baseline for a State entitled to only 1 Representative.

"(c) Representative ensemble defined.—

"(1) Minimum number of alternative plans.—

"(A) In general.—An official representative ensemble for a State shall include not fewer than the greater of—

"(i) 50,000 alternative congressional district plans; or

"(ii) 20,000 alternative congressional district plans for each Representative to which the State is entitled.

"(B) Infeasibility.—If the Comptroller General determines that the number of qualifying alternative congressional district plans required under subparagraph (A) cannot be generated for a State while complying with contiguity, the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), and the whole election-return unit requirement under this section, the Comptroller General shall generate and publish the maximum number of qualifying alternative congressional district plans practicable and a written explanation of the constraint that prevented compliance with subparagraph (A).

"(2) Data used to generate alternative plans.—Each alternative congressional district plan included in an official representative ensemble shall be generated using only—

"(A) population tabulations furnished under section 141(c) of title 13, United States Code;

"(B) official geographic data furnished by the Bureau of the Census;

"(C) political subdivision boundaries of such State;

"(D) physical geography; and

"(E) publicly available governmental, geographic, census, public infrastructure, or other neutral public data, prescribed by the Comptroller General by rule, that is necessary to identify or evaluate objectively identifiable communities of interest, transportation connections, or other neutral geographic relationships relevant to compliance with this section, except that such data may not include restricted redistricting targeting data.

"(3) Neutral generation requirements.—Each alternative congressional district plan included in an official representative ensemble shall—

"(A) be composed of undivided election-return units;

"(B) satisfy neutral redistricting criteria to the greatest extent practicable;

"(C) be generated through a transparent, documented, and reproducible computational method; and

"(D) not be configured, weighted, optimized, selected, or excluded to favor or disfavor a political party, incumbent, candidate, or prospective candidate.

"(d) Republican electoral baseline calculated.—

"(1) In general.—The Republican electoral baseline for an election-return unit of a State shall be calculated by—

"(A) identifying 6 baseline elections according to paragraph (2);

"(B) determining, for each baseline election, the Republican vote share, which shall be the quotient of—

"(i) the number of votes received by the Republican candidate; divided by

"(ii) the combined number of votes received by the Republican candidate and the principal opposing candidate; and

"(C) averaging the Republican vote shares according to the weighting in paragraph (3).

"(2) Baseline elections.—

"(A) In general.—The baseline elections for a State shall consist of—

"(i) the 2 most recent regular general elections for President;

"(ii) the 2 most recent regular general elections for Senator; and

"(iii) the 2 most recent regular general elections for Governor; provided that if the term for Governor in such State is 2 years, the 2 most recent regular general elections for Governor held in nonpresidential even-numbered years shall be deemed the 2 most recent.

"(B) Qualification of baseline elections.—A regular general election may be used as a baseline election only if—

"(i) the Republican candidate is 1 of the 2 candidates receiving the highest number of votes in the election;

"(ii) the Republican candidate and the principal opposing candidate together received not less than 95 percent of the valid votes cast for candidates in the election; and

"(iii) reliable precinct-level or equivalent geographic returns are available for the election, except that a baseline election shall not be disqualified solely because returns are not available for an election-return unit included in the population tabulations furnished under section 141(c) of title 13, United States Code, provided the Comptroller General can allocate the returns to such unit under paragraph (4).

"(C) Replacement elections.—If any election described in subparagraph (A) is not qualified as a baseline election, the Comptroller General shall use substitutions until there are 6 qualified baseline elections or clauses (i) through (iv) are exhausted. In order, the Comptroller General shall use:

"(i) the next most recent regular general election for Senator;

"(ii) the next most recent regular general election for President;

"(iii) the next most recent regular general election for Senator; and

"(iv) the next most recent regular general election for Governor.

"(3) Weighting.—

"(A) In general.—The Comptroller General shall rank the 6 baseline elections in chronological order, from most recent to least recent, and shall weight the Republican vote share calculated for each baseline election as follows:

"(i) 19 percent for each of the 2 most recent baseline elections.

"(ii) 17 percent for each of the 3rd and 4th most recent baseline elections.

"(iii) 14 percent for each of the 5th and 6th most recent baseline elections.

"(B) Fewer than 6 baseline elections.—If fewer than 6 qualified baseline elections are available under paragraph (2), the Comptroller General shall proportionally adjust the weights specified in subparagraph (A) so that the total weight assigned equals 100 percent.

"(C) Elections held on same date.—If 2 or more baseline elections were held on the same date and would receive different weights under subparagraph (A), the Comptroller General shall average the weights applicable to those baseline elections and apply the averaged weight equally to each such baseline election.

"(4) Special case for allocation of returns among new election-return units.—

"(A) In general.—If official returns for a baseline election used under this subsection are reported for geographic units that are not identical to the election-return units used under this section, or are otherwise not available for 1 or more such election-return units, the Comptroller General shall allocate the official returns for that baseline election to the election-return units used under this section under a reproducible methodology established and published by the Comptroller General.

"(B) Required principles.—A methodology established under subparagraph (A) shall—

"(i) ensure that allocated returns for the election-return units used under this section equal the official aggregate returns from which the allocation is made;

"(ii) allocate votes received by the Republican candidate and votes received by the principal opposing candidate separately;

"(iii) use official election returns for predecessor election-return units, successor election-return units, related election-return units, and other partisan elections to the extent such returns assist in allocating the baseline election returns among the election-return units used under this section;

"(iv) use population tabulations furnished under section 141(c) of title 13, United States Code, official geographic data furnished by the Bureau of the Census, and other governmental or public data to the extent such data assist in allocating the baseline election returns among the election-return units used under this section.

"(C) Use of voter file data.—

"(i) In general.—If necessary, the Comptroller General may use voter file data to the minimum extent possible in order to allocate returns under this paragraph, and may not publish personally identifiable voter file data, household level voter file data, individual level voter file data, or any record that identifies the political preference, voting history, turnout propensity, persuasion propensity, or electoral responsiveness of a person or household.

"(ii) Not indirect use.—Any allocation made using voter file data in development of the Republican electoral baseline shall not be considered indirect use of voter file data for the purposes of section 4(b).

"(D) Other partisan elections.—For purposes of subparagraph (B)(iii), the Comptroller General may use official returns from another partisan election only if the election satisfies the requirement of paragraph (2)(B)(ii).

"(E) Uniform use.—An allocation under this paragraph shall be used in calculating the Republican electoral baseline for each affected election-return unit.

"(5) Election-return unit and district baselines.—

"(A) Election-return units.—For each election-return unit, the Comptroller General shall calculate the Republican vote share for each baseline election and the resulting Republican electoral baseline.

"(B) Districts.—For each congressional district, the Republican electoral baseline shall be the population-weighted average of the Republican electoral baselines of the election-return units assigned to the district.

"(C) Calculation.—The Comptroller General shall calculate the Republican electoral baseline of a congressional district by multiplying the Republican electoral baseline of each election-return unit assigned to the district by the population of that election-return unit, adding the resulting products, and dividing the sum by the total population of the district.

"(D) Plans.—For a congressional district plan or alternative congressional district plan, the Republican electoral baseline shall be calculated separately for each congressional district in the plan under subparagraphs (B) and (C).

"(e) Required scoring of ensemble plans.—For each alternative congressional district plan included in an official representative ensemble, the Comptroller General shall calculate—

"(1) the Republican electoral baseline of each district;

"(2) the number of—

"(A) competitive districts;

"(B) safe districts; and

"(C) districts in which the Republican electoral baseline exceeds 53.5 percent but does not exceed 60 percent, or is less than 46.5 percent but not less than 40 percent;

"(3) the number of districts in which the Republican electoral baseline exceeds 50 percent;

"(4) 1 or more measures of compactness prescribed by the Comptroller General by rule; and

"(5) any additional neutral statistical measure prescribed by the Comptroller General by rule.

"(f) Competitiveness benchmarks.—

"(1) In general.—For each State, the Comptroller General shall sort the alternative congressional district plans included in the official representative ensemble by the number of competitive districts.

"(A) The sorted plans shall be divided into 5 quintiles, with the 1st quintile consisting of the most favorable plans with the greatest number of competitive districts and the 5th quintile consisting of the least favorable plans with the fewest number of competitive districts.

"(B) A quintile may include more than 1 number of competitive districts.

"(2) Competitiveness threshold.—For each State, the competitiveness threshold shall be the minimum number of competitive districts contained in any alternative congressional district plan assigned to the 2nd quintile.

"(3) Competitiveness target.—For each State, the competitiveness target shall be the minimum number of competitive districts contained in any alternative congressional district plan assigned to the 1st quintile.

"(g) Use of same ensemble.—The official representative ensemble established for a State under this section shall be used to evaluate each congressional district plan proposed, adopted, implemented, challenged, ordered, or considered for that State during the same redistricting cycle, unless the Comptroller General determines that a new official representative ensemble is required because of a change in the number of Representatives to which the State is entitled, a change in controlling law, a final judgment or order of a court of competent jurisdiction, or a material error in the data, method, or computation used to establish the official representative ensemble.

"(h) Publication.—The Comptroller General shall publish and make available to the public through a government website—

"(1) for each State, a Republican electoral baseline, which shall consist of—

"(A) the baseline elections used under subsection (d) and the statewide Republican vote share calculated for each;

"(B) any allocation for incomplete election returns made under subsection (d)(4), including a summary of the method used to make the allocation; and

"(C) for each election-return unit in the State, the resulting Republican electoral baseline; and

"(2) for each State entitled to more than 1 Representative—

"(A) a machine-readable file or repository sufficient to identify, reproduce, and score each alternative congressional district plan included in the official representative ensemble;

"(B) the representative range;

"(C) the competitiveness quintiles, competitiveness threshold, and competitiveness target established under subsection (f);

"(D) the methods, assumptions, software, source code, random seeds or sampling methods, weighting rules, exclusion rules, input data, version information, and scoring formulas used to establish the official representative ensemble; and

"(E) a plain language explanation of the official representative ensemble and the benchmark thresholds established under this section.

"(i) Consultation.—In carrying out this section, the Comptroller General shall consult with the Director of the Bureau of the Census, the Election Assistance Commission, and such independent

experts in redistricting, statistics, election administration, computer science, and voting rights law as the Comptroller General considers appropriate.

"(j) Technical assistance.—The Comptroller General shall provide technical assistance to States, courts, special masters, and parties in civil actions under section 5 regarding the use of official representative ensembles and benchmark thresholds established under this section.".

SEC. 1064. CONGRESSIONAL REDISTRICTING STANDARDS AND ENFORCEMENT.

(a) Congressional redistricting standards.—Chapter 1 of title 2, United States Code, as amended by this Act, is further amended by inserting after section 3 the following new sections:

"Sec. 4. Congressional redistricting standards

"(a) Prohibition on unauthorized congressional redistricting.—It shall be unlawful for a State to adopt, implement, or use a new congressional district plan except—

"(1) once after a decennial census and the taking effect of an apportionment under section 2a;

"(2) as required by an Act of Congress; or

"(3) as required by a final judgment or order of a court of competent jurisdiction.

"(b) Permitted data for congressional redistricting.—

"(1) In general.—It shall be unlawful for a State, directly or indirectly, to use any data in drawing, revising, evaluating, selecting, adopting, implementing, or using a congressional district plan other than—

"(A) population and demographic tabulations furnished under section 141(c) of title 13, United States Code;

"(B) official geographic data furnished by the Bureau of the Census;

"(C) political subdivision boundaries;

"(D) physical geography;

"(E) information identifying communities of interest;

"(F) public redistricting benchmark data; and

"(G) other neutral public data necessary to identify or evaluate objectively identifiable communities of interest, transportation connections, or other neutral geographic relationships relevant to compliance with subsection (c), except that such data may not include restricted redistricting targeting data.

"(2) Restricted redistricting targeting data.—A State's use of restricted redistricting targeting data, directly or indirectly, in drawing, revising, evaluating, or selecting a congressional district plan shall be a violation of this subsection; provided that nothing in this subsection shall prohibit

the use of restricted redistricting targeting data solely to audit, investigate, or prove whether a violation of section 3, section 4, or section 5 has occurred.

"(c) Priority of standards.—

"(1) In general.—A State's congressional district plan shall satisfy the following standards in the following order of priority:

"(A) Whole election-return units.—Each congressional district shall be composed of whole election-return units, except in cases of infeasibility as provided by paragraph (2).

"(B) Neutral redistricting criteria.—Each plan shall meet neutral redistricting criteria.

"(C) Representative range.—To the extent consistent with subparagraphs (A) and (B), each plan shall have the number of congressional districts in which the Republican electoral baseline exceeds 50 percent fall within the representative range.

"(D) Competitiveness threshold.—To the extent consistent with subparagraphs (A) through (C), a congressional district plan shall satisfy the competitiveness threshold established under section 3(f).

"(E) Competitiveness target.—To the extent consistent with subparagraphs (A) through (D), a congressional district plan shall satisfy the competitiveness target established under section 3(f).

"(2) Exception for infeasibility of whole election-return units.—

"(A) In general.—A congressional district plan may divide an election-return unit only if the State demonstrates by clear and convincing evidence that no congressional district plan can comply with subparagraphs (B), (C), and (D) of paragraph (1) while preserving whole election-return units.

"(B) Minimum division required.—If an election-return unit is divided under this paragraph, the congressional district plan shall divide the minimum number of election-return units necessary to comply with paragraph (1).

"(C) Allocation for divided election-return units.—If an election-return unit is divided under this paragraph, the Republican electoral baseline for any district containing part of such divided unit shall be calculated using an allocation method prescribed by the Comptroller General.

"(d) Competitiveness compliance.—

"(1) Use of Republican electoral baseline.—A State shall use the Republican electoral baseline to determine the number of competitive districts in a congressional district plan.

"(2) Competitiveness threshold and target.—

"(A) In general.—A congressional district plan satisfies the competitiveness threshold if the number of competitive districts in the plan is equal to or greater than the competitiveness threshold established for the State under section 3(f), and satisfies the

competitiveness target if the number of competitive districts in the plan is equal to or greater than the competitiveness target established for the State under section 3(f).

"(B) Exception for higher priority standards.—If the State demonstrates by clear and convincing evidence that failure to satisfy the competitiveness threshold is necessary to comply with a higher priority standard under subsection (c), a congressional district plan shall not be treated as violating subsection (c)(1)(D).

"(3) Alternative scoring prohibited.—A State may not substitute any other partisan index, electoral baseline, competitiveness measure, or ensemble for the Republican electoral baseline, competitiveness threshold, or competitiveness target published by the Comptroller General under section 3 for purposes of determining whether a congressional district plan complies with this section.

"(4) Compliance certification.—Before adopting, implementing, or using a congressional district plan, a State shall publish a compliance certification identifying the data used to draw the plan, the number of competitive districts, the number of safe districts, the number of districts in which the Republican electoral baseline exceeds 50 percent, whether the plan falls within the representative range, whether the plan satisfies the competitiveness threshold and competitiveness target, and whether the plan complies with this section.

"(e) Partisan gerrymandering prohibited.—

"(1) In general.—It shall be unlawful for a State, directly or indirectly, to adopt a congressional district plan that has the purpose or effect of materially favoring or disfavoring a political party, incumbent, candidate, or prospective candidate.

"(2) Presumption of partisan gerrymandering.—A congressional district plan shall be presumed to have the purpose or effect described in paragraph (1) if—

"(A) the plan violates the competitiveness threshold requirement of subsection (c)(1)(D);

"(B) the State used restricted redistricting targeting data in violation of subsection (b);

"(C) the plan divides an election-return unit in violation of subsection (c)(1)(A);

"(D) the number of congressional districts in which the Republican electoral baseline exceeds 50 percent falls outside the representative range for the State; or

"(E) the State implemented the plan at a time not authorized under subsection (a).

"(3) Rebuttal.—A State may rebut a presumption under this subsection only by demonstrating by clear and convincing evidence that the challenged congressional district plan is necessary to comply with a higher priority standard under subsection (c).

"(f) Single Representative States.—This section shall not apply to a State entitled to only 1 Representative.

"Sec. 5. Enforcement and judicial relief

"(a) Civil actions.—The Attorney General may bring a civil action in an appropriate United States district court for declaratory, injunctive, or other equitable relief to enforce section 3 or 4. A

person who is eligible to vote in a regular general election for Representative in a State to which a challenged congressional district plan applies, or an organization with at least 1 member who is such a person, may bring a civil action in an appropriate United States district court for declaratory, injunctive, or other equitable relief to enforce section 4.

"(b) Parties, venue, and procedure.—

"(1) Proper defendants.—A civil action under this section may be brought against a State, the chief State election official, a redistricting commission or other redistricting authority of a State, or any officer or employee of a State responsible for adopting, implementing, using, administering, or certifying a congressional district plan.

"(2) Venue.—A civil action under this section may be brought in the United States district court for the judicial district in which the capital of the State is located, in the United States district court for any judicial district in which a plaintiff resides, or in any other United States district court in which venue is otherwise proper.

"(3) Three-judge court.—A civil action under this section challenging the validity of a congressional district plan or seeking statewide relief shall be heard by a district court of 3 judges convened under section 2284 of title 28.

"(4) Expedited consideration.—A court hearing a civil action under this section shall expedite the action to the greatest practicable extent, including by expediting discovery, briefing, hearing, decision, and any remedial proceeding.

"(c) Prima facie showing and burden of proof.—

"(1) Prima facie showing.—A plaintiff establishes a prima facie violation of section 4 if the plaintiff shows that—

"(A) a State adopted, implemented, or used a congressional district plan without an official representative ensemble established under section 3;

"(B) a State adopted, implemented, or used a congressional district plan that fails to satisfy the competitiveness threshold established under section 3;

"(C) a State adopted, implemented, or used a congressional district plan that creates material partisan distortion;

"(D) a State used restricted redistricting targeting data in violation of section 4(b);

"(E) a State adopted or used a congressional district plan that divides an election-return unit in violation of section 4(c)(1)(A);

"(F) a State adopted, implemented, or used a congressional district plan at a time not authorized under section 4(a); or

"(G) a State otherwise failed to comply with section 4.

"(2) Burden of proof.—If a plaintiff establishes a prima facie violation under paragraph (1), the State shall have the burden of demonstrating by clear and convincing evidence that the congressional district plan complies with section 4, that any failure to satisfy the

competitiveness threshold established under section 3 is necessary to comply with a higher priority standard under section 4, or that any material partisan distortion is necessary to comply with a higher priority standard under section 4.

"(d) Relief and court-ordered plans.—

"(1) Relief.—

"(A) In general.—In a civil action under this section, the court may declare a congressional district plan unlawful, enjoin the adoption, implementation, use, administration, or certification of an unlawful congressional district plan, require compliance with section 4, require publication of materials required under section 3, order the adoption or use of a lawful congressional district plan, or grant any other equitable relief necessary to enforce section 3 or 4.

"(B) Costs and attorney fees.—In a civil action under this section, the court may allow a prevailing plaintiff, other than the United States, reasonable attorney fees, litigation expenses, expert fees, and costs.

"(C) No damages.—No damages may be awarded under this section.

"(2) Failure to adopt lawful plan.—If a State fails to enact or adopt a congressional district plan that complies with section 4 in time to administer a regular general election for Representative, the court shall order or adopt a congressional district plan that complies with section 4.

"(3) Selection among lawful plans.—

"(A) The court may appoint a special master to prepare a plan, or invite interested parties to submit plans, provided that any plan to be considered by the court shall comply with section 4.

"(B) The court shall order or adopt a plan that does not create material partisan distortion, unless ordering or adopting such plan would conflict with a higher priority standard under section 4.

"(C) If more than 1 congressional district plan before the court satisfies subparagraph (B), the court shall order or adopt the plan with the greatest number of competitive districts, unless ordering or adopting such plan would conflict with a higher priority standard under section 4.

"(4) Duration of court-ordered plan.—A congressional district plan ordered or adopted by a court under this section shall be treated as the congressional district plan of the State for purposes of section 4(a), and shall remain in effect until the next redistricting authorized under section 4(a)(1), unless superseded by an Act of Congress or modified by a subsequent judgment or order of a court of competent jurisdiction.

"(e) Rule of construction.—Nothing in this section shall be construed to limit any authority of the Attorney General, any private right of action, or any remedy otherwise available under the Constitution of the United States, the Voting Rights Act of 1965, or any other Federal law.".

(b) Repeal of obsolete reduction of representation provision.—Section 6 of title 2, United States Code, is repealed.

(c) Clerical amendment.—The table of sections for chapter 1 of title 2, United States Code, is amended by striking the items relating to sections 3 through 6 and inserting the following:

"3. Official representative ensembles for congressional redistricting.

"4. Congressional redistricting standards.

"5. Enforcement and judicial relief.".

SEC. 1065. ADMISSION OF WASHINGTON, DOUGLASS COMMONWEALTH.

(a) Definitions.—In sections 1065 through 1067:

(1) Board.—The term "Board" means the District of Columbia Board of Elections.

(2) Capital.—The term "Capital" means the area serving as the seat of the Government of the United States, as described in subsection (f).

(3) Council.—The term "Council" means the Council of the District of Columbia.

(4) Mayor.—The term "Mayor" means the Mayor of the District of Columbia.

(5) State.—Except as otherwise provided, the term "State" means the State of Washington, Douglass Commonwealth.

(6) State Constitution.—The term "State Constitution" means the proposed Constitution of the State of Washington, DC, as approved by the Council on October 18, 2016, pursuant to the Constitution and Boundaries for the State of Washington, D.C. Approval Resolution of 2016 (D.C. Resolution R21–621), ratified by District of Columbia voters in Advisory Referendum B approved on November 8, 2016, and certified by the District of Columbia Board of Elections on November 18, 2016.

(b) Admission into the Union.—

(1) Presidential proclamation.—Not later than June 30, 2028, the President shall issue a proclamation declaring that the State shall be admitted into the Union on July 1, 2028.

(2) Admission.—Subject to the provisions of this section, on July 1, 2028, the State is declared to be a State of the United States of America and is declared admitted into the Union on an equal footing with the other States in all respects whatever.

(c) Constitution of the State of Washington, Douglass Commonwealth.—

(1) Constitution of State.—The Constitution of the State shall always be republican in form and shall not be repugnant to the Constitution of the United States or the principles of the Declaration of Independence.

(2) Ratification.—The State Constitution is found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is accepted, ratified, and confirmed as the constitution of the State.

(3) State may amend.—Any amendment or revision ratified under this subsection shall be deemed accepted, ratified, and confirmed as part of the constitution of the State if the amendment or revision is republican in form and not repugnant to the Constitution of the United States or the principles of the Declaration of Independence.

(4) Election of delegates.—The Council shall provide for the election of delegates to a constitutional convention on March 9, 2027, to propose amendments or revisions of the State Constitution for use upon admission.

(5) Initial meeting.—Not later than 30 days after the election of delegates under paragraph (4), the elected delegates shall meet at such time and place as the Council shall determine.

(6) Submission; ratification.—Any amendment or revision proposed under this subsection shall be submitted to the voters of the District of Columbia for ratification or rejection in a special election held in the manner prescribed by the Council.

(7) Majority vote required.—An amendment or revision submitted under paragraph (6) shall be deemed ratified if approved by a majority of the valid votes cast on the question.

(8) Effect of failure to ratify.—Failure to ratify an amendment or revision under this subsection shall not delay or prevent admission of the State under subsection (b).

(d) First elections for Senators and Representative; Presidential electors.—

(1) In general.—The first Senators and Representative from the State shall be elected to serve in the 121st Congress and shall be entitled, upon taking office, to all the rights and privileges of Senators and Representatives of the other States in Congress.

(2) Delegate.—The office of Delegate to the House of Representatives from the District of Columbia shall cease to exist at the conclusion of the 120th Congress.

(3) First election of Senators.—In the first election of Senators, the 2 senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. Nothing in this section shall impair the privilege of the Senate to determine the class and term to which each of the Senators elected shall be assigned, except that the Senators shall not be in the same class.

(4) First Representative election.—The State shall be entitled to elect 1 Representative until the next census-based reapportionment. Such Representative shall be a permanent increase in the number of Representatives under section 2 of title 2, United States Code.

(5) Certification of results.—Election results shall be certified in the manner required by the laws of the District of Columbia, except that the Mayor shall also provide written certification of the results of such elections to the President, the President pro tempore of the Senate, and the Speaker of the House of Representatives.

(6) Presidential electors.—For purposes of chapter 1 of title 3, United States Code, the State shall appoint electors for President and Vice President in the 2028 election and each subsequent election in the same manner as each other State.

(e) Territory and boundaries of State.—

(1) In general.—Except as provided in paragraph (2), the State shall consist of all of the territory of the District of Columbia as of the date of enactment of this section, subject to the results of the metes and bounds survey conducted under paragraph (3).

(2) Exclusion of Capital.—The territory of the State shall not include the Capital, which shall serve as the seat of the Government of the United States, as provided in clause 17 of section 8 of article I of the Constitution of the United States.

(3) Metes and bounds survey.—Not later than July 1, 2027, the President, in consultation with the Chair of the National Capital Planning Commission, shall conduct a metes and bounds survey of the Capital, as described in subsection (f)(2).

(f) Description of Capital.—

(1) In general.—Subject to paragraphs (3) and (4), upon the admission of the State into the Union, the Capital shall consist of the property described in this subsection and shall include the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, as such terms are used in section 8501(a) of title 40, United States Code.

(2) Boundaries.—Upon the admission of the State into the Union, the boundaries of the Capital shall be as follows: Beginning at the intersection of the southern right-of-way of F Street NE and the eastern right-of-way of 2nd Street NE; thence south along said eastern right-of-way of 2nd Street NE to its intersection with the northeastern right-of-way of Maryland Avenue NE; thence southwest along said northeastern right-of-way of Maryland Avenue NE to its intersection with the northern right-of-way of Constitution Avenue NE; thence west along said northern right-of-way of Constitution Avenue NE to its intersection with the eastern right-of-way of 1st Street NE; thence south along said eastern right-of-way of 1st Street NE to its intersection with the southeastern right-of-way of Maryland Avenue NE; thence northeast along said southeastern right-of-way of Maryland Avenue NE to its intersection with the eastern right-of-way of 2nd Street NE; thence south along said eastern right-of-way of 2nd Street NE to the eastern right-of-way of 2nd Street SE; thence south along said eastern right-of-way of 2nd Street SE to its intersection with the northern property boundary of the property designated as Square 760 Lot 803; thence east along said northern property boundary of Square 760 Lot 803 to its intersection with the western right-of-way of 3rd Street SE; thence south along said western right-of-way of 3rd Street SE to its intersection with the northern right-of-way of Independence Avenue SE; thence west along said northern right-of-way of Independence Avenue SE to its intersection with the northeastern right-of-way of Pennsylvania Avenue SE; thence northwest along said northeastern right-of-way of Pennsylvania Avenue SE to its intersection with the eastern right-of-way of 2nd Street SE; thence south along said eastern right-of-way of 2nd Street SE to its intersection with the southern right-of-way of C Street SE; thence west along said southern right-of-way of C Street SE to its intersection with the eastern

right-of-way of 1st Street SE; thence south along said eastern right-of-way of 1st Street SE to its intersection with the southern right-of-way of D Street SE; thence west along said southern right-of-way of D Street SE to its intersection with the eastern right-of-way of South Capitol Street; thence south along said eastern right-of-way of South Capitol Street to its intersection with the northeastern right-of-way of Canal Street SE; thence southeast along said northeastern right-of-way of Canal Street SE to its intersection with the southern right-of-way of E Street SE; thence east along said southern right-of-way of E Street SE to its intersection with the western right-of-way of 1st Street SE; thence south along said western right-of-way of 1st Street SE to its intersection with the southernmost corner of the property designated as Square 736S Lot 801; thence west along a line extended due west from said corner of said property designated as Square 736S Lot 801 to its intersection with the southwestern right-of-way of New Jersey Avenue SE; thence southeast along said southwestern right-of-way of New Jersey Avenue SE to its intersection with the northeastern right-of-way of Virginia Avenue SE; thence northwest along said northeastern right-of-way of Virginia Avenue SE to its intersection with the western right-of-way of South Capitol Street; thence north along said western right-of-way of South Capitol Street to its intersection with the southern right-of-way of E Street SW; thence west along said southern right-of-way of E Street SW to its end; thence west along a line extending said southern right-of-way of E Street SW westward to its intersection with the eastern right-of-way of 2nd Street SW; thence north along said eastern right-of-way of 2nd Street SW to its intersection with the southwestern right-of-way of Virginia Avenue SW; thence northwest along said southwestern right-of-way of Virginia Avenue SW to its intersection with the western right-of-way of 3rd Street SW; thence north along said western right-of-way of 3rd Street SW to its intersection with the northern right-of-way of D Street SW; thence west along said northern right-of-way of D Street SW to its intersection with the eastern right-of-way of 4th Street SW; thence north along said eastern right-of-way of 4th Street SW to its intersection with the northern right-of-way of C Street SW; thence west along said northern right-of-way of C Street SW to its intersection with the eastern right-of-way of 6th Street SW; thence north along said eastern right-of-way of 6th Street SW to its intersection with the northern right-of-way of Independence Avenue SW; thence west along said northern right-of-way of Independence Avenue SW to its intersection with the western right-of-way of 12th Street SW; thence south along said western right-of-way of 12th Street SW to its intersection with the northern right-of-way of D Street SW; thence west along said northern right-of-way of D Street SW to its intersection with the eastern right-of-way of 14th Street SW; thence south along said eastern right-of-way of 14th Street SW to its intersection with the northwestern boundary of the Consolidated Rail Corporation railroad easement; thence southwest along said northwestern boundary of the Consolidated Rail Corporation railroad easement to its intersection with the eastern shore of the Potomac River; thence generally northwest along said eastern shore of the Potomac River to its intersection with a line extending westward from the northern boundary of the property designated as Square 12 Lot 806; thence east along said line extending westward from the northern boundary of the property designated as Square 12 Lot 806 to the northern boundary of the property designated as Square 12 Lot 806, and continuing east along the northern boundary of the property designated as Square 12 Lot 806 to its northeast corner; thence east along a line extending east from said northeast corner of the property designated as Square 12 Lot 806 to its intersection with the western boundary of the property designated as Square 33 Lot 87; thence south along said western boundary of the property designated as Square 33 Lot 87 to its intersection with the northwest corner of the property designated as Square 33 Lot 88; thence counter-clockwise around the boundary of said property designated

as Square 33 Lot 88 to its southeast corner, which is along the northern right-of-way of E Street NW; thence east along said northern right-of-way of E Street NW to its intersection with the western right-of-way of 18th Street NW; thence south along said western right-of-way of 18th Street NW to its intersection with the southwestern right-of-way of Virginia Avenue NW; thence southeast along said southwestern right-of-way of Virginia Avenue NW to its intersection with the northern right-of-way of Constitution Avenue NW; thence east along said northern right-of-way of Constitution Avenue NW to its intersection with the eastern right-of-way of 17th Street NW; thence north along said eastern right-of-way of 17th Street NW to its intersection with the southern right-of-way of H Street NW; thence east along said southern right-of-way of H Street NW to its intersection with the northwest corner of the property designated as Square 221 Lot 35; thence counter-clockwise around the boundary of said property designated as Square 221 Lot 35 to its southeast corner, which is along the boundary of the property designated as Square 221 Lot 37; thence counter-clockwise around the boundary of said property designated as Square 221 Lot 37 to its southwest corner, which it shares with the property designated as Square 221 Lot 42; thence south along the boundary of said property designated as Square 221 Lot 42 to its southwest corner; thence east along the southern border of said property designated as Square 221 Lot 42 to its intersection with the northwest corner of the property designated as Square 221 Lot 41; thence south along the western boundary of said property designated as Square 221 Lot 41 to its southwest corner, which is along the northern right-of-way of Pennsylvania Avenue NW; thence east along said northern right-of-way of Pennsylvania Avenue NW to its intersection with the western right-of-way of 15th Street NW; thence south along said western right-of-way of 15th Street NW to its intersection with a line extending northwest from the southern right-of-way of the portion of Pennsylvania Avenue NW north of Pershing Square; thence southeast along said line extending the southern right-of-way of Pennsylvania Avenue NW to the southern right-of-way of Pennsylvania Avenue NW, and continuing southeast along said southern right-of-way of Pennsylvania Avenue NW to its intersection with the western right-of-way of 14th Street NW; thence south along said western right-of-way of 14th Street NW to its intersection with a line extending west from the southern right-of-way of D Street NW; thence east along said line extending west from the southern right-of-way of D Street NW to the southern right-of-way of D Street NW, and continuing east along said southern right-of-way of D Street NW to its intersection with the eastern right-of-way of 13½ Street NW; thence north along said eastern right-of-way of 13½ Street NW to its intersection with the southern right-of-way of Pennsylvania Avenue NW; thence east and southeast along said southern right-of-way of Pennsylvania Avenue NW to its intersection with the western right-of-way of 12th Street NW; thence south along said western right-of-way of 12th Street NW to its intersection with a line extending to the west from the southern boundary of the property designated as Square 324 Lot 809; thence east along said line to the southwest corner of said property designated as Square 324 Lot 809, and continuing northeast along the southern boundary of said property designated as Square 324 Lot 809 to its eastern corner, which it shares with the property designated as Square 323 Lot 802; thence east along the southern boundary of said property designated as Square 323 Lot 802 to its southeast corner, which it shares with the property designated as Square 324 Lot 808; thence counter-clockwise around the boundary of said property designated as Square 324 Lot 808 to its northeastern corner, which is along the southern right-of-way of Pennsylvania Avenue NW; thence southeast along said southern right-of-way of Pennsylvania Avenue NW to its intersection with the eastern right-of-way of 4th Street NW; thence north along a line extending north from said eastern right-of-way of 4th Street NW to its

intersection with the southern right-of-way of C Street NW; thence east along said southern right-of-way of C Street NW to its intersection with the eastern right-of-way of 3rd Street NW; thence north along said eastern right-of-way of 3rd Street NW to its intersection with the southern right-of-way of D Street NW; thence east along said southern right-of-way of D Street NW to its intersection with the western right-of-way of 1st Street NW; thence south along said western right-of-way of 1st Street NW to its intersection with the northern right-of-way of C Street NW; thence west along said northern right-of-way of C Street NW to its intersection with the western right-of-way of 2nd Street NW; thence south along said western right-of-way of 2nd Street NW to its intersection with the northern right-of-way of Constitution Avenue NW; thence east along said northern right-of-way of Constitution Avenue NW to its intersection with the northwestern right-of-way of Louisiana Avenue NW; thence northeast along said northwestern right-of-way of Louisiana Avenue NW to its intersection with the southwestern right-of-way of New Jersey Avenue NW; thence northwest along said southwestern right-of-way of New Jersey Avenue NW to its intersection with the northern right-of-way of D Street NW; thence east along said northern right-of-way of D Street NW to its intersection with the northwestern right-of-way of Louisiana Avenue NW; thence northeast along said northwestern right-of-way of Louisiana Avenue NW to its intersection with the western right-of-way of North Capitol Street; thence north along said western right-of-way of North Capitol Street to its intersection with the southwestern right-of-way of Massachusetts Avenue NW; thence southeast along said southwestern right-of-way of Massachusetts Avenue NW to the southwestern right-of-way of Massachusetts Avenue NE; thence southeast along said southwestern right-of-way of Massachusetts Avenue NE to the southern right-of-way of Columbus Circle NE; thence counter-clockwise along said southern right-of-way of Columbus Circle NE to its intersection with the southern right-of-way of F Street NE; and thence east along said southern right-of-way of F Street NE to the point of beginning.

(3) Exclusion of building serving as State capitol.—Notwithstanding any other provision of this section, after the admission of the State into the Union, the Capital shall not be considered to include the building known as the "John A. Wilson Building", as described and designated under section 601(a) of the Omnibus Spending Reduction Act of 1993 (sec. 10–1301(a), D.C. Official Code).

(4) Clarification of treatment of Frances Perkins Building.—The entirety of the Frances Perkins Building, including any portion of the Building which is north of D Street NW, shall be considered to be included in the Capital.

(g) Retention of title to property.—

(1) Federal title.—The United States shall have and retain title to, or jurisdiction over, for purposes of administration and maintenance, all real and personal property with respect to which the United States holds title or jurisdiction for such purposes on the day before the date of the admission of the State into the Union.

(2) State title.—The State shall have and retain title to, or jurisdiction over, for purposes of administration and maintenance, all real and personal property with respect to which the District of Columbia holds title or jurisdiction for such purposes on the day before the date of the admission of the State into the Union.

(h) Effect of admission on laws and legal status.—

(1) Laws of Capital.—Except as otherwise provided in sections 1065 through 1067, the laws of the District of Columbia which are in effect on the day before the date of the admission of the State into the Union, without regard to whether such laws were enacted by Congress or by the District of Columbia, shall apply in the Capital in the same manner and to the same extent beginning on the date of the admission of the State into the Union, and shall be deemed laws of the United States which are applicable only in or to the Capital.

(2) Municipal status of Capital.—Notwithstanding section 2 of the Revised Statutes relating to the District of Columbia (sec. 1–102, D.C. Official Code) or any other provision of law codified in subchapter I of chapter 1 of the District of Columbia Official Code, effective upon the date of the admission of the State into the Union, the Capital, or any portion thereof, shall not serve as a government and shall not be a body corporate for municipal purposes.

(3) Legislative power.—The legislative power of the State shall extend to all rightful subjects of legislation in the State, consistent with the Constitution of the United States, including the restrictions and limitations imposed upon the States by article I, section 10, and subject to sections 1065 through 1067.

(4) Continuation of State offices.—Upon the admission of the State into the Union, members of executive, legislative, and judicial offices of the District of Columbia shall be deemed members of the respective executive, legislative, and judicial offices of the State, as provided by the State Constitution and the laws of the State.

(5) Treatment of Federal laws.—To the extent that any law of the United States applies to the States generally, the law shall have the same force and effect in the State as elsewhere in the United States, except as such law may otherwise provide.

(6) Existing contracts.—Nothing in the admission of the State into the Union shall affect any obligation under any contract or agreement under which the District of Columbia or the United States is a party, as in effect on the day before the date of the admission of the State into the Union.

(7) Interstate compacts.—The State shall be deemed to be the successor to the District of Columbia for purposes of any interstate compact which is in effect on the day before the date of the admission of the State into the Union.

(8) Federal members on boards and commissions.—Nothing in the admission of the State into the Union shall affect the authority of a representative of the Federal Government who, as of the day before the date of the admission of the State into the Union, is a member of a board or commission of the District of Columbia to serve as a member of such board or commission or as a member of a successor to such board or commission after the admission of the State into the Union, as may be provided by the State Constitution and the laws of the State.

(9) Federal law enforcement authorities.—The United States Capitol Police, the United States Park Police, and the United States Secret Service Uniformed Division may not enforce any law of the State in the State, except to the extent authorized by the State. Nothing in this paragraph may be construed to affect the authority of the United States Capitol Police, the United States Park Police, and the United States Secret Service Uniformed Division to enforce any law in the Capital.

(i) Pending actions and proceedings.—

(1) Legal successor.—The State shall be the legal successor to the District of Columbia in all matters.

(2) Pending proceedings.—All existing writs, actions, suits, judicial and administrative proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, claims, demands, titles, and rights shall continue unaffected by the admission of the State into the Union with respect to the State or the United States, except as may be provided under sections 1065 through 1067, as may be modified in accordance with the provisions of the State Constitution, and as may be modified by the laws of the State or the United States, as the case may be.

(j) Limitation on authority to tax Federal property.—The State may not impose any tax on any real or personal property owned or acquired by the United States, except to the extent that Congress may permit.

(k) United States nationality.—No provision of sections 1065 through 1067 shall operate to confer United States nationality, to terminate nationality lawfully acquired, or to restore nationality terminated or lost under any law of the United States or under any treaty to which the United States is or was a party.

(l) Nonseverability of admission.—If any provision of subsection (b), or the application thereof to any person or circumstance, is held to be invalid, the remaining provisions of sections 1065 through 1067 and any amendments made by such sections shall be treated as invalid.

SEC. 1066. FEDERAL INTERESTS AND TRANSITION TO STATEHOOD.

(a) Treatment of military lands.—

(1) Reservation of Federal authority.—Subject to paragraph (2) and subsection (b), and notwithstanding the admission of the State into the Union, authority is reserved in the United States for the exercise by Congress of the power of exclusive legislation in all cases whatsoever over such tracts or parcels of land located in the State that, on the day before the date of the admission of the State into the Union, are controlled or owned by the United States and held for defense or Coast Guard purposes.

(2) Limitation on authority.—The power of exclusive legislation described in paragraph (1) shall vest and remain in the United States only so long as the particular tract or parcel of land involved is controlled or owned by the United States and held for defense or Coast Guard purposes.

(3) Authority of State.—The reservation of authority in the United States under paragraph (1) shall not operate to prevent such tracts or parcels of land from being a part of the State, or to prevent the State from exercising over or upon such lands, concurrently with the United States, any jurisdiction which it would have in the absence of such reservation of authority and which is consistent with laws enacted by Congress pursuant to such reservation of authority.

(4) Service of process.—The State shall have the right to serve civil or criminal process in such tracts or parcels of land in which the authority of the United States is reserved under

paragraph (1) in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in the State but outside of such lands.

(b) Waiver of claims to Federal property.—

(1) In general.—As a compact with the United States, the State and its people disclaim all right and title to any real or personal property not granted or confirmed to the State by or under the authority of sections 1065 through 1067, the right or title to which is held by the United States or subject to disposition by the United States.

(2) Effect on claims against United States.—Nothing in sections 1065 through 1067 shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by applicable laws of the United States.

(3) Rule of construction.—Nothing in sections 1065 through 1067 is intended or shall be construed as a finding, interpretation, or construction by Congress that any applicable law authorizes, establishes, recognizes, or confirms the validity or invalidity of any claim referred to in paragraph (2), and the determination of the applicability to or the effect of any law on any such claim shall be unaffected by sections 1065 through 1067.

(c) Capital National Guard.—

(1) Title 32 definitions.—Section 101 of title 32, United States Code, is amended—

(A) in paragraphs (4), (6), and (19), by striking "District of Columbia" each place it appears and inserting "Capital"; and

(B) by adding at the end the following:

"(20) 'Capital' means the area serving as the seat of the Government of the United States, as described in section 1065(f) of the POPULIST Act.".

(2) Title 32 conforming amendments; National Guard terminology.—Title 32, United States Code, is amended—

(A) in section 112(h)(2), section 505, section 702(a), and section 708(a), by striking "National Guard of the District of Columbia" each place it appears and inserting "Capital National Guard"; and

(B) in section 901, by adding at the end the following:

"(3) The term 'Governor' means, with respect to the Capital, the commanding general of the Capital National Guard.".

(3) Title 32 conforming amendments; District of Columbia to Capital.—Title 32, United States Code, is amended by striking "District of Columbia" each place it appears and inserting "Capital" in section 103, subsections (c) and (d) of section 104, section 107(b), subsections (a), (b), and (c) of section 109, section 112(h), section 304, section 314, section 315, section 324(b), subsections (a) and (b) of section 325, sections 326 and 327, section 328(a), section 501(b), section 503(b), section 504(b), subsections (c)(1), (g)(2), (j), (k), and (l)(1) of section 509, subsections (b), (c), and (d) of section 702, subsections (a) and (b) of section 703, section

704, section 708(d), subsections (c), (d), (e), and (f) of section 710, section 711, paragraph (1) of section 712, section 715(c), and section 901(2).

(4) Title 10 definitions.—Section 101 of title 10, United States Code, is amended—

(A) in subsection (a), by adding at the end the following:

"(22) The term 'Capital' means the area serving as the seat of the Government of the United States, as described in section 1065(f) of the POPULIST Act.";

(B) in paragraphs (2) and (4) of subsection (c), by striking "District of Columbia" both places it appears and inserting "Capital"; and

(C) in subsection (d)(5), by striking "District of Columbia" and inserting "Capital".

(5) Title 10 conforming amendments; National Guard of the District of Columbia.—Title 10, United States Code, is amended by striking "National Guard of the District of Columbia" each place it appears and inserting "Capital National Guard" in section 12406 and section 18238.

(6) Title 10 conforming amendments; District of Columbia to Capital.—Title 10, United States Code, is amended in section 771a(c), section 1076f(c)(2), section 2732(2)(B), section 7401(c), section 9401(c), section 10148(b), section 10502(a)(1), section 10505(a)(1)(A), subparagraphs (A) and (B) of section 10506(a)(1), section 10508(b)(1), section 12204(b), section 12301(b), section 12406, section 12642(c), and section 18238 by striking "District of Columbia" each place it appears and inserting "Capital".

(7) Title 10 conforming amendments; chief executive terminology.—Section 1076f of title 10, United States Code, is amended in subsections (a) and (c)(1) by striking "with respect to the District of Columbia, the mayor of the District of Columbia" both places it appears and inserting "with respect to the Capital, the commanding general of the Capital National Guard".

(d) Federal courts and Department of Justice.—

(1) Residency requirements for certain Federal officials.—Title 28, United States Code, is amended—

(A) in section 44(c)—

(i) by striking "Except in the District of Columbia, each" and inserting "Each"; and

(ii) by striking "within fifty miles of the District of Columbia" and inserting "within fifty miles of the Capital";

(B) in section 134(b), in the first sentence, by striking "the District of Columbia, the Southern District of New York, and" and inserting "the Southern District of New York and";

(C) in section 545(a), by striking the first sentence and inserting "Each United States attorney shall reside in the district for which they are appointed, except that those officers of the Southern District of New York and the Eastern District of New York may reside within 20 miles thereof.";

(D) in section 561(e)(1), by striking the paragraph and inserting the following:

"(1) the marshal for the Southern District of New York may reside within 20 miles of the district; and";

(E) in section 751(c), by striking "the District of Columbia and"; and

(F) the amendments made by this paragraph shall apply only to individuals appointed after the date of the admission of the State into the Union.

(2) Renaming of Federal courts.—Title 28, United States Code, is amended—

(A) in section 41—

(i) in the first column, by striking "District of Columbia" and inserting "Capital"; and

(ii) in the second column, by striking "District of Columbia" and inserting "Capital; Washington, Douglass Commonwealth";

(B) in section 88—

(i) in the heading, by striking "District of Columbia" and inserting "Washington, Douglass Commonwealth and the Capital";

(ii) by striking the first paragraph and inserting "The State of Washington, Douglass Commonwealth and the Capital comprise 1 judicial district."; and

(iii) in the second paragraph, by striking "Washington" and inserting "the Capital"; and

(C) in the table of sections for chapter 5, by striking the item relating to section 88 and inserting the following:

"88. Washington, Douglass Commonwealth and the Capital.".

(3) Conforming amendments relating to Federal courts.—Title 28, United States Code, is further amended—

(A) in section 44(a), in the first column, in section 48(a), in the first and second columns, and in sections 49, 2265(c)(2), and 2343, by striking "District of Columbia" each place it appears and inserting "Capital";

(B) in section 48(a), in the second column, by striking "Washington" and inserting "Capital";

(C) in section 133(a), in the first column; section 152(a)(2), in the first column; section 594(c), the first place it appears; and sections 581(a)(4), 596(a)(3), 1346(e), 1355(b)(2), 1391(f)(4), 1402(a)(2), 1413, and 2467(c)(2)(B), by striking the applicable phrase "District of Columbia" or "the District of Columbia" each place it appears and inserting "Washington, Douglass Commonwealth and the Capital";

(D) in sections 173, 175, 462(d), and 798(a), by striking "the District of Columbia" each place it appears and inserting "the Capital";

(E) in section 594(c), by striking "the District of Columbia" the second place it appears and inserting "Washington, Douglass Commonwealth";

(F) in section 456(b), by striking the subsection and inserting the following:

"(b) The official duty station of the Chief Justice of the United States, the Justices of the Supreme Court of the United States, and the judges of the United States Court of Appeals for the Federal Circuit shall be the Capital.";

(G) in sections 798(a), 1608(a)(4), and 2410(b), by striking "Washington, District of Columbia" each place it appears and inserting "the Capital";

(H) in section 451, by adding at the end the following new undesignated paragraph:

"The term 'Capital' means the area serving as the seat of the Government of the United States, as described in section 1065(f) of the POPULIST Act."; and

(I) in any Federal law, rule, or regulation other than a provision amended by this paragraph—

(i) a reference to the United States Court of Appeals for the District of Columbia shall be deemed to refer to the United States Court of Appeals for the Capital;

(ii) a reference to the District of Columbia Circuit shall be deemed to refer to the Capital Circuit; and

(iii) a reference to the United States District Court for the District of Columbia shall be deemed to refer to the United States District Court for Washington, Douglass Commonwealth and the Capital.

(4) Pretrial services in Federal district court.—Section 3152 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "(other than the District of Columbia)" and inserting "(subject to subsection (d), other than the District of Columbia)"; and

(B) by adding at the end the following:

"(d) Judicial district of Washington, Douglass Commonwealth and the Capital.—In the case of the judicial district of Washington, Douglass Commonwealth and the Capital—

"(1) upon the admission of the State of Washington, Douglass Commonwealth into the Union, the Washington, Douglass Commonwealth Pretrial Services Agency shall continue to provide pretrial services in the judicial district in the same manner and to the same extent as the District of Columbia Pretrial Services Agency provided such services in the judicial district of the District of Columbia as of the day before the date of the admission of the State into the Union; and

"(2) upon receipt by the President of certification from the State under section 1066(i)(10) of the POPULIST Act that the State has in effect laws providing for the State to provide pretrial services, paragraph (1) shall no longer apply, and the Director shall provide for the establishment of pretrial services in the judicial district under this section.".

(5) Effective date.—Except as provided in paragraph (1)(F), this subsection and the amendments made by this subsection shall take effect upon the admission of the State into the Union.

(e) Retirement and employee benefits.—

(1) Federal benefit payments under certain retirement programs.—Any individual who, as of the day before the date of the admission of the State into the Union, is entitled to a Federal benefit payment under the District of Columbia Retirement Protection Act of 1997 shall continue to be entitled to such a payment after the admission of the State into the Union, in the same manner, to the same extent, and subject to the same terms and conditions applicable under such Act.

(2) Federal obligations under retirement protection law.—Any obligation of the Federal Government under the District of Columbia Retirement Protection Act of 1997 that exists with respect to any individual or with respect to the District of Columbia as of the day before the date of the admission of the State into the Union shall remain in effect with respect to such individual and with respect to the State after the admission of the State into the Union, in the same manner, to the same extent, and subject to the same terms and conditions applicable under such Act.

(3) State obligations under retirement protection law.—Any obligation of the District of Columbia under the District of Columbia Retirement Protection Act of 1997 that exists with respect to any individual or with respect to the Federal Government as of the day before the date of the admission of the State into the Union shall become an obligation of the State with respect to such individual and with respect to the Federal Government after the admission of the State into the Union, in the same manner, to the same extent, and subject to the same terms and conditions applicable under such Act.

(4) D.C. Federal Pension Fund.—Any obligation of the Federal Government under chapter 9 of the District of Columbia Retirement Protection Act of 1997 with respect to the D.C. Federal Pension Fund that exists as of the day before the date of the admission of the State into the Union shall remain in effect with respect to such Fund after the admission of the State into the Union, in the same manner, to the same extent, and subject to the same terms and conditions applicable under such chapter.

(5) Federal civil service obligations for certain employees.—Any obligation of the Federal Government under title 5, United States Code, that exists with respect to an individual described in paragraph (7) or with respect to the District of Columbia as of the day before the date of the admission of the State into the Union shall remain an obligation of the Federal Government with respect to such individual and with respect to the State after the admission of the State into the Union, in the same manner, to the same extent, and subject to the same terms and conditions applicable under such title.

(6) State civil service obligations for certain employees.—Any obligation of the District of Columbia under title 5, United States Code, that exists with respect to an individual described in paragraph (7) or with respect to the Federal Government as of the day before the date of the admission of the State into the Union shall become an obligation of the State with respect to such individual and with respect to the Federal Government after the admission of the State

into the Union, in the same manner, to the same extent, and subject to the same terms and conditions applicable under such title.

(7) Individuals described.—An individual described in this paragraph is an individual who was first employed by the government of the District of Columbia before October 1, 1987.

(8) Judges' retirement program.—Any obligation of the Federal Government under subchapter III of chapter 15 of title 11, District of Columbia Official Code, that exists with respect to any individual and the District of Columbia as the result of service accrued prior to the date of the admission of the State into the Union shall remain in effect with respect to such individual and with respect to the State after the admission of the State into the Union, in the same manner, to the same extent, and subject to the same terms and conditions applicable under such subchapter.

(9) Service after admission.—Subject to paragraph (10), any obligation of the Federal Government under subchapter III of chapter 15 of title 11, District of Columbia Official Code, shall exist with respect to any individual and the State as the result of service accrued after the date of the admission of the State into the Union in the same manner, to the same extent, and subject to the same terms and conditions applicable under such subchapter as such obligation existed with respect to individuals and the District of Columbia as of the date of the admission of the State into the Union.

(10) Termination for State judges' retirement program.—Paragraph (9) shall not apply to service accrued on or after the date on which the State provides written certification to the President that the State has in effect laws requiring the State to appropriate and make available funds for the retirement of judges of the State.

(f) Public Defender Service.—

(1) Continuation of operations and funding.—Except as provided in paragraphs (2) and (6), title III of the District of Columbia Court Reform and Criminal Procedure Act of 1970 shall apply with respect to the State and to the public defender service of the State after the date of the admission of the State into the Union in the same manner and to the same extent as such title applied with respect to the District of Columbia and the District of Columbia Public Defender Service as of the day before the date of the admission of the State into the Union.

(2) Responsibility for employer contribution.—For purposes of paragraph (2) of section 305(c) of the District of Columbia Court Reform and Criminal Procedure Act of 1970, the Federal Government shall be treated as the employing agency with respect to the benefits provided under such section to an individual who is an employee of the public defender service of the State and who, pursuant to section 305(c) of such Act, is treated as an employee of the Federal Government for purposes of receiving benefits under any chapter of subpart G of part III of title 5, United States Code.

(3) Renaming.—Effective upon the date of the admission of the State into the Union, the State may rename the public defender service of the State.

(4) Continuation of Federal benefits for employees.—Any individual who is an employee of the public defender service of the State as of the day before the termination date described in paragraph (6) and who, on or after such date, is an employee of the office of the State that

provides the services described in title III of the District of Columbia Court Reform and Criminal Procedure Act of 1970 shall continue to be treated as an employee of the Federal Government for purposes of receiving benefits under any chapter of subpart G of part III of title 5, United States Code, notwithstanding termination under paragraph (6).

(5) Responsibility for employer contribution after termination.—Beginning on the termination date described in paragraph (6), the State shall be treated as the employing agency with respect to benefits described in paragraph (4).

(6) Termination.—Paragraph (1) shall terminate upon the date on which the State provides written certification to the President that the State has in effect laws requiring the State to appropriate and make available funds for the operation of the office of the State which provides the services described in title III of the District of Columbia Court Reform and Criminal Procedure Act of 1970.

(g) Prosecutions and clemency.—

(1) Assignment of assistant United States attorneys.—In accordance with subchapter VI of chapter 33 of title 5, United States Code, the Attorney General, with the concurrence of the District of Columbia or the State, as the case may be, shall provide for the assignment of assistant United States attorneys to the State to carry out the functions described in paragraph (3).

(2) Detail without reimbursement by State.—In accordance with section 3373 of title 5, United States Code, an assistant United States attorney who is assigned to the State under this subsection shall be deemed under subsection (a) of such section to be on detail to a regular work assignment in the Department of Justice, and the assignment shall be made without reimbursement by the State of the pay of the attorney or any related expenses.

(3) Functions described.—The functions described in this paragraph are criminal prosecutions conducted in the name of the State that would have been conducted in the name of the United States by the United States attorney for the District of Columbia or such attorney's assistants, as provided under section 23–101(c), District of Columbia Official Code, but for the admission of the State into the Union.

(4) Minimum number assigned.—The number of assistant United States attorneys assigned under this subsection may not be less than the number of assistant United States attorneys whose principal duties as of the day before the date of the admission of the State into the Union were to conduct criminal prosecutions in the name of the United States under section 23–101(c), District of Columbia Official Code.

(5) Termination.—The obligation of the Attorney General to provide for the assignment of assistant United States attorneys under this subsection shall terminate upon written certification by the State to the President that the State has appointed attorneys of the State to carry out the functions described in paragraph (3).

(6) Clemency.—Effective upon the admission of the State into the Union, the authority to grant clemency for offenses against the District of Columbia or the State shall be exercised by such person or persons, and under such terms and conditions, as provided by the State

Constitution and the laws of the State, without regard to whether the prosecution for the offense was conducted by the District of Columbia, the State, or the United States.

(7) Clemency defined.—In this subsection, the term "clemency" means a pardon, reprieve, or commutation of sentence, or a remission of a fine or other financial penalty.

(h) Marshals and Bureau of Prisons.—

(1) United States Marshals Service.—The United States Marshals Service shall provide services with respect to the courts and court system of the State in the same manner and to the same extent as the Service provided services with respect to the courts and court system of the District of Columbia as of the day before the date of the admission of the State into the Union, except that the President shall not appoint a United States Marshal under section 561 of title 28, United States Code, for any court of the State.

(2) Termination of marshals service obligation.—The obligation of the United States Marshals Service to provide services under paragraph (1) shall terminate upon written certification by the State to the President that the State has appointed personnel of the State to provide such services.

(3) Bureau of Prisons designation.—Chapter 1 of subtitle C of title XI of the National Capital Revitalization and Self-Government Improvement Act of 1997 and the amendments made by such chapter shall continue to apply with respect to individuals convicted of offenses under the laws of the District of Columbia prior to the date of the admission of the State into the Union and shall apply with respect to individuals convicted of offenses under the laws of the State after the date of the admission of the State into the Union in the same manner and to the same extent as such chapter and amendments applied with respect to individuals convicted of offenses under the laws of the District of Columbia prior to the date of the admission of the State into the Union.

(4) Termination of Bureau of Prisons designation.—Paragraph (3) shall terminate upon written certification by the State to the President that the State has in effect laws for the housing of individuals described in paragraph (3) in correctional facilities.

(i) Parole, supervision, and pretrial services.—

(1) Parole.—The United States Parole Commission shall continue to exercise the authority to grant, deny, and revoke parole, and to impose conditions upon an order of parole, in the case of any individual who is an imprisoned felon who is eligible for parole or reparole under the laws of the District of Columbia as of the day before the date of the admission of the State into the Union, as provided under section 11231 of the National Capital Revitalization and Self-Government Improvement Act of 1997, and shall exercise such authority in the case of any individual who is an imprisoned felon who is eligible for parole or reparole under the laws of the State in the same manner and to the same extent as the Commission exercised in the case of such individuals under the laws of the District of Columbia.

(2) Supervision of released offenders.—The United States Parole Commission shall continue to exercise authority over individuals who are released offenders of the District of Columbia as of the day before the date of the admission of the State into the Union, as provided under section 11233(c)(2) of the National Capital Revitalization and Self-Government

Improvement Act of 1997, and shall exercise authority over individuals who are released offenders of the State in the same manner and to the same extent as the Commission exercised authority over such individuals under the laws of the District of Columbia.

(3) Continuation of Federal benefits for employees of Parole Commission.—Any individual who is an employee of the United States Parole Commission as of the later of the day before the termination date described in paragraph (5)(A) or the day before the termination date described in paragraph (5)(B), and who, on or after such date, is an employee of the office of the State which exercises the authority described in either such subparagraph, shall continue to be treated as an employee of the Federal Government for purposes of receiving benefits under any chapter of subpart G of part III of title 5, United States Code.

(4) Responsibility for employer contribution.—Beginning on the later of the termination date described in paragraph (5)(A) or the termination date described in paragraph (5)(B), the State shall be treated as the employing agency with respect to benefits described in paragraph (3).

(5) Termination of Parole Commission authority.—

(A) Parole.—Paragraph (1) shall terminate on the date on which the State provides written certification to the President that the State has in effect laws providing for the State to exercise the authority to grant, deny, and revoke parole, and to impose conditions upon an order of parole, in the case of any individual who is an imprisoned felon who is eligible for parole or reparole under the laws of the State.

(B) Supervision of released offenders.—Paragraph (2) shall terminate on the date on which the State provides written certification to the President that the State has in effect laws providing for the State to exercise authority over individuals who are released offenders of the State.

(6) Renaming of Court Services and Offender Supervision Agency.—Effective upon the date of the admission of the State into the Union, the Court Services and Offender Supervision Agency for the District of Columbia shall be known and designated as the Court Services and Offender Supervision Agency for Washington, Douglass Commonwealth, and the District of Columbia Pretrial Services Agency shall be known and designated as the Washington, Douglass Commonwealth Pretrial Services Agency.

(7) References.—Any reference in any law, rule, or regulation to the Court Services and Offender Supervision Agency for the District of Columbia shall be deemed to refer to the Court Services and Offender Supervision Agency for Washington, Douglass Commonwealth. Any reference in any law, rule, or regulation to the District of Columbia Pretrial Services Agency shall be deemed to refer to the Washington, Douglass Commonwealth Pretrial Services Agency.

(8) Continuation of services.—The Court Services and Offender Supervision Agency for Washington, Douglass Commonwealth, including the Washington, Douglass Commonwealth Pretrial Services Agency, shall continue to provide pretrial services with respect to individuals who are charged with an offense in the District of Columbia, provide supervision for individuals who are offenders on probation, parole, and supervised release pursuant to the laws of the District of Columbia, and carry out sex offender registration functions with respect to individuals

who are sex offenders in the District of Columbia, as of the day before the date of the admission of the State into the Union, and shall provide pretrial services, supervision, and sex offender registration functions with respect to the State in the same manner and to the same extent.

(9) Continuation of Federal benefits for agency employees.—Any individual who is an employee of the Court Services and Offender Supervision Agency for Washington, Douglass Commonwealth as of the day before the termination date described in paragraph (10), and who, on or after such date, is an employee of the office of the State which provides the services and carries out the functions described in paragraph (10), shall continue to be treated as an employee of the Federal Government for purposes of receiving benefits under any chapter of subpart G of part III of title 5, United States Code.

(10) Termination of agency functions.—Paragraph (8) shall terminate on the date on which the State provides written certification to the President that the State has in effect laws providing for the State to provide pretrial services, supervise offenders on probation, parole, and supervised release, and carry out sex offender registration functions in the State.

(j) Courts of the State.—

(1) Continuation of operations.—Except as provided in paragraphs (2) and (3) and paragraph (9), title 11, District of Columbia Official Code, as in effect on the day before the date of the admission of the State into the Union, shall apply with respect to the State and the courts and court system of the State after the date of the admission of the State into the Union in the same manner and to the same extent as such title applied with respect to the District of Columbia and the courts and court system of the District of Columbia as of the day before the date of the admission of the State into the Union.

(2) Responsibility for employer contribution.—For purposes of section 11–1726(b)(2) and section 11–1726(c)(2), District of Columbia Official Code, the Federal Government shall be treated as the employing agency with respect to benefits provided under such section to an individual who is an employee of the courts and court system of the State and who, pursuant to either such paragraph, is treated as an employee of the Federal Government for purposes of receiving benefits under any chapter of subpart G of part III of title 5, United States Code.

(3) Selection and renaming of courts.—Effective upon the date of the admission of the State into the Union, the State shall select judges for any vacancy on the courts of the State and may rename any of its courts and any of the other offices of its court system.

(4) Rules of construction.—Nothing in paragraph (3) shall be construed to affect the service of any judge serving on a court of the District of Columbia on the day before the date of the admission of the State into the Union, to require the State to select such a judge for a vacancy on a court of the State, or to waive any requirement of chapter 15 of title 11, District of Columbia Official Code, other than section 11–1501(a), with respect to the appointment and service of judges of the courts of the State.

(5) Continuation of Federal benefits for court employees.—Any individual who is an employee of the courts or court system of the State as of the day before the termination date described in paragraph (9) and who, pursuant to section 11–1726(b) or section 11–1726(c),

District of Columbia Official Code, is treated as an employee of the Federal Government for purposes of receiving benefits under any chapter of subpart G of part III of title 5, United States Code, shall continue to be treated as an employee of the Federal Government for such purposes.

(6) Responsibility for employer contribution after termination.—Beginning on the termination date described in paragraph (9), the State shall be treated as the employing agency with respect to benefits described in paragraph (5).

(7) Continuation of funding.—Section 11241 of the National Capital Revitalization and Self-Government Improvement Act of 1997 shall apply with respect to the State and the courts and court system of the State after the date of the admission of the State into the Union in the same manner and to the same extent as such section applied with respect to the Joint Committee on Judicial Administration in the District of Columbia and the courts and court system of the District of Columbia as of the day before the date of the admission of the State into the Union.

(8) Treatment of court receipts.—Except as otherwise provided under State law after termination under paragraph (9), all money received by the courts and court system of the State shall be deposited in the Treasury of the United States, except that amounts designated for the Crime Victims Compensation Fund shall apply with respect to the courts and court system of the State in the same manner and to the same extent as such amounts applied to the courts and court system of the District of Columbia as of the day before the date of the admission of the State into the Union.

(9) Termination.—This subsection, other than paragraph (3) and except as provided under paragraph (5), shall terminate on the date on which the State provides written certification to the President that the State has in effect laws requiring the State to appropriate and make available funds for the operation of the courts and court system of the State.

(k) Education, health, planning, and other program continuity.—

(1) College Access Act.—The District of Columbia College Access Act of 1999 shall apply with respect to the State, and to the public institution of higher education designated by the State as the successor to the University of the District of Columbia, after the date of the admission of the State into the Union in the same manner and to the same extent as such Act applied with respect to the District of Columbia and the University of the District of Columbia as of the day before the date of the admission of the State into the Union.

(2) Termination of College Access Act continuation.—Paragraph (1), other than with respect to the public institution of higher education designated by the State as the successor to the University of the District of Columbia, shall terminate upon written certification by the State to the President that the State has in effect laws requiring the State to provide tuition assistance substantially similar to the assistance provided under the District of Columbia College Access Act of 1999.

(3) Scholarships for Opportunity and Results Act.—The Scholarships for Opportunity and Results Act shall apply with respect to the State after the date of the admission of the State into

the Union in the same manner and to the same extent as such Act applied with respect to the District of Columbia as of the day before the date of the admission of the State into the Union.

(4) Termination of Scholarships for Opportunity and Results Act continuation.—Paragraph (3) shall terminate upon written certification by the State to the President that the State has in effect laws requiring the State to provide tuition assistance substantially similar to the assistance provided under the Scholarships for Opportunity and Results Act and to provide supplemental funds to the public schools and public charter schools of the State in the amounts provided in the most recent fiscal year for public schools and public charter schools of the State or the District of Columbia, as the case may be, under such Act.

(5) Medicaid Federal medical assistance percentage.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), during the period beginning on the date of the admission of the State into the Union and ending on September 30 of the fiscal year during which the State submits the certification described in paragraph (6), the Federal medical assistance percentage for the State under title XIX of such Act shall be the Federal medical assistance percentage for the District of Columbia under such title as of the day before the date of the admission of the State into the Union.

(6) Medicaid certification.—The certification described in paragraph (5) is a written certification by the State to the President that, during each of the first 5 fiscal years beginning after the date of the certification, the estimated revenues of the State will be sufficient to cover any reduction in revenues that may result from termination of paragraph (5).

(l) Federal planning commissions, water supply, and location requirements.—

(1) National Capital Planning Commission continuing application.—Subject to the amendments made by paragraphs (2) and (3), upon the admission of the State into the Union, chapter 87 of title 40, United States Code, shall apply as follows:

(A) Such chapter shall apply with respect to the Capital in the same manner and to the same extent as such chapter applied with respect to the District of Columbia as of the day before the date of the admission of the State into the Union.

(B) Such chapter shall apply with respect to the State in the same manner and to the same extent as such chapter applied with respect to the State of Maryland and the Commonwealth of Virginia as of the day before the date of the admission of the State into the Union.

(2) National Capital Planning Commission composition.—Section 8711(b) of title 40, United States Code, is amended—

(A) in paragraph (1)(B), by striking "five citizens with experience in city or regional planning, who shall be appointed by the President" and inserting "four citizens with experience in city or regional planning, who shall be appointed by the President"; and

(B) in paragraph (2), by striking the matter after "Of the" and inserting "four citizen members, one shall be a resident of Virginia, one shall be a resident of Maryland, and one shall be a resident of Washington, Douglass Commonwealth.".

(3) National Capital Planning Commission definitions.—Section 8702 of title 40, United States Code, is amended—

(A) in paragraph (1), by striking "the territory surrounding the District of Columbia" and inserting "the territory surrounding the National Capital";

(B) in paragraph (2) to read as follows:

"(2) National Capital.—The term 'National Capital' means the area serving as the seat of the Government of the United States, as described in section 1065(f) of the POPULIST Act, and the territory the Federal Government owns in the environs."; and

(C) in paragraph (3)(A) to read as follows:

"(A) the National Capital and the State of Washington, Douglass Commonwealth;".

(4) Commission of Fine Arts.—Chapter 91 of title 40, United States Code, is amended—

(A) in section 9102(a)(1) and section 9101(d), by striking "the District of Columbia" each place it appears and inserting "the Capital"; and

(B) in section 9102 by adding at the end the following:

"(d) Definition.—In this chapter, the term 'Capital' means the area serving as the seat of the Government of the United States, as described in section 1065(f) of the POPULIST Act.".

(5) Commemorative Works Act.—Chapter 89 of title 40, United States Code, is amended—

(A) in section 8902 by adding at the end the following:

"(c) Limiting application to Capital.—This chapter applies only with respect to commemorative works in the Capital and its environs.";

(B) in section 8902(a)(2) to read as follows:

"(2) Capital and its environs.—The term 'Capital and its environs' means—

"(A) the area serving as the seat of the Government of the United States, as described in section 1065(f) of the POPULIST Act; and

"(B) those lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled 'Commemorative Areas Washington, DC and Environs', numbered 869/86501 B, and dated June 24, 2003, that are located outside of the State of Washington, Douglass Commonwealth.";

(C) in section 8907(a), by striking "the District of Columbia" and inserting "the Capital and its environs";

(D) in sections 8901(2), 8901(4), 8902(a)(4), 8903(d), 8904(c), 8905(a), 8906(a), 8909(a), and 8909(b), by striking "the District of Columbia and its environs" each place it appears and inserting "the Capital and its environs"; and

(E) in section 8901(2), by striking "the urban fabric of the District of Columbia" and inserting "the urban fabric of the area serving as the seat of the Government of the United States, as described in section 1065(f) of the POPULIST Act".

(6) Army Corps of Engineers water supply.—Chapter 95 of title 40, United States Code, is amended by adding at the end the following:

"Sec. 9508. Applicability to Capital and State of Washington, Douglass Commonwealth

"(a) In general.—Effective upon the admission of the State of Washington, Douglass Commonwealth into the Union, any reference in this chapter to the District of Columbia shall be deemed to refer to the Capital or the State of Washington, Douglass Commonwealth, as the case may be.

"(b) Definition.—In this section, the term 'Capital' means the area serving as the seat of the Government of the United States, as described in section 1065(f) of the POPULIST Act.".

(7) Clerical amendment.—The table of sections for chapter 95 of title 40, United States Code, is amended by adding at the end the following:

"9508. Applicability to Capital and State of Washington, Douglass Commonwealth.".

(8) Location requirements.—The location of any person in the Capital or the State on the day after the date of the admission of the State into the Union shall be deemed to satisfy any requirement under any law in effect as of the day before the date of the admission of the State into the Union that the person be located in the District of Columbia, including section 72 of title 4, United States Code, and title 36, United States Code.

(9) Effective date.—This subsection and the amendments made by this subsection shall take effect on the date of the admission of the State into the Union.

(m) Statehood Transition Commission.—

(1) Establishment.—There is established the Statehood Transition Commission.

(2) Composition.—The Statehood Transition Commission shall be composed of 18 members as follows:

(A) 3 members appointed by the President.

(B) 2 members appointed by the Speaker of the House of Representatives.

(C) 2 members appointed by the Minority Leader of the House of Representatives.

(D) 2 members appointed by the Majority Leader of the Senate.

(E) 2 members appointed by the Minority Leader of the Senate.

(F) 3 members appointed by the Mayor.

(G) 3 members appointed by the Council.

(H) The Chief Financial Officer of the District of Columbia.

(3) Appointment date.—The appointments of the members of the Statehood Transition Commission shall be made not later than 90 days after the date of enactment of this section. If 1 or more appointments under paragraph (2) is not made by such date, the authority to make such appointment or appointments shall expire, and the number of members of the Statehood Transition Commission shall be reduced by the number equal to the number of appointments so not made.

(4) Term of service; vacancy.—Each member shall be appointed for the life of the Statehood Transition Commission. A vacancy in the Statehood Transition Commission shall be filled in the manner in which the original appointment was made.

(5) No compensation.—Members shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(6) Chair and Vice Chair.—The Chair and Vice Chair of the Statehood Transition Commission shall be elected by the members of the Statehood Transition Commission. The Chair shall be elected from among the members described in subparagraphs (A) through (E) of paragraph (2), and the Vice Chair shall be elected from among the members described in subparagraphs (F) and (G) of paragraph (2).

(7) Staff.—The Statehood Transition Commission shall have a Director appointed by the Chair. The Director may appoint and fix the pay of such additional personnel as the Director considers appropriate. The Director and staff may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, except that an individual so appointed may not receive pay in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(8) Experts and consultants.—The Statehood Transition Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(9) Duties.—The Statehood Transition Commission shall advise the President, Congress, the Mayor or, upon the admission of the State into the Union, the chief executive officer of the State, and the Council or, upon the admission of the State into the Union, the legislature of the State, concerning an orderly transition to statehood for the District of Columbia or the State, as the case may be, and to a reduced geographical size of the seat of the Government of the United States, including with respect to property, funding, programs, projects, and activities.

(10) Powers.—The Statehood Transition Commission may, for the purpose of carrying out sections 1065 through 1067, hold hearings, sit and act at such times and places, take testimony, and receive evidence as the Commission considers appropriate; may secure directly from any department or agency of the United States information necessary to carry out such sections; may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States; and, upon request, shall receive from the Administrator of General Services the administrative support services necessary to carry out its responsibilities.

(11) Initial meeting; quorum.—The Statehood Transition Commission shall meet at the call of the Chair and shall hold its first meeting not later than the earlier of 30 days after the date on which all members have been appointed or 90 days after the date of enactment of this section if the number of members is reduced under paragraph (3). A majority of the members shall constitute a quorum, but a lesser number may hold hearings.

(12) Reports.—The Statehood Transition Commission shall submit such reports as the Commission considers appropriate or as may be requested by the President, Congress, or the District of Columbia or, upon the admission of the State into the Union, the State.

(13) Termination.—The Statehood Transition Commission shall cease to exist 2 years after the date of the admission of the State into the Union.

(n) Effective date.—Except as otherwise provided in this section, this section and the amendments made by this section shall take effect upon the admission of the State into the Union.

SEC. 1067. PRESIDENTIAL ELECTIONS AND CAPITAL VOTING.

(a) Definitions.—In this section:

(1) Absent Capital voter.—The term "absent Capital voter" means, with respect to a covered State, a person who resides in the Capital and is qualified to vote in the covered State, or who would be qualified to vote in the covered State but for residing in the Capital, but only if the covered State is the last place in which the person was domiciled before residing in the Capital.

(2) Covered State.—The term "covered State" means each of the several States, including the State.

(b) Voting by absent Capital voters.—

(1) In general.—Each covered State shall—

(A) permit absent Capital voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office; and

(B) accept and process, with respect to any general, special, primary, or runoff election for Federal office, any otherwise valid voter registration application from an absent Capital voter, if the application is received by the appropriate covered State election official not less than 30 days before the election.

(2) Lifelong Capital residents.—For purposes of this section, a person who resides in the Capital and has never been domiciled in a covered State shall be treated as an absent Capital voter of the State.

(c) Recommendations to covered States.—To afford maximum access to the polls by absent Capital voters, it is the sense of Congress that covered States should—

(1) waive registration requirements for absent Capital voters who, by reason of residence in the Capital, do not have an opportunity to register;

(2) expedite processing of balloting materials with respect to such individuals; and

(3) assure that absentee ballots are mailed to such individuals at the earliest opportunity.

(d) Enforcement.—The Attorney General may bring a civil action in the appropriate district court of the United States for such declaratory or injunctive relief as may be necessary to carry out this section.

(e) Effect on certain other laws.—The exercise of any right under this section shall not affect, for purposes of a Federal tax, a State tax, or a local tax, the residence or domicile of a person exercising such right.

(f) Repeal of Office of District of Columbia Delegate.—

(1) In general.—Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91–405; sections 1–401 and 1–402, D.C. Official Code), and section 25a of title 2, United States Code, are repealed.

(2) Conforming amendments to District of Columbia Elections Code of 1955.—The District of Columbia Elections Code of 1955 is amended—

(A) in section 1 (sec. 1–1001.01, D.C. Official Code), by striking "the Delegate to the House of Representatives,";

(B) in section 2 (sec. 1–1001.02, D.C. Official Code)—

(i) by striking paragraph (6);

(ii) in paragraph (12), by striking "(except the Delegate to Congress for the District of Columbia)"; and

(iii) in paragraph (13), by striking "the Delegate to Congress for the District of Columbia,";

(C) in section 8 (sec. 1–1001.08, D.C. Official Code)—

(i) by striking "Delegate," in the heading; and

(ii) by striking "Delegate," each place it appears in subsections (d), (h)(1)(A), (h)(2), (i)(1), (j)(1), (j)(3), and (k)(3);

(D) in section 10 (sec. 1–1001.10, D.C. Official Code)—

(i) by striking subparagraph (A) of subsection (a)(3); and

(ii) in subsection (d)—

(I) by striking "Delegate," each place it appears in paragraph (1); and

(II) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(E) in section 11(a)(2) (sec. 1–1001.11(a)(2), D.C. Official Code), by striking "Delegate to the House of Representatives,";

(F) in section 15(b) (sec. 1–1001.15(b), D.C. Official Code), by striking "Delegate,"; and

(G) in section 17(a) (sec. 1–1001.17(a), D.C. Official Code), by striking "except the Delegate to the Congress from the District of Columbia".

(g) Capital electors for President and Vice President.—

(1) Amendment to title 3 definitions.—Section 21 of title 3, United States Code, is amended—

(A) in paragraph (2), by striking "the District of Columbia" and inserting "the Capital, solely for purposes of the appointment, ascertainment, transmission, and counting of electors of President and Vice President appointed by the Capital under section 23"; and

(B) in paragraph (3), by striking "(or, in the case of the District of Columbia, the Mayor of the District of Columbia)" and inserting "(or, in the case of the Capital, the Archivist of the United States)".

(2) Capital elector appointment.—Chapter 1 of title 3, United States Code, is amended by adding at the end the following:

"Sec. 23. Capital electors

"(a) Appointment by national popular vote.—For any election of President and Vice President taking place after the admission of the State of Washington, Douglass Commonwealth into the Union and before repeal of the twenty-third article of amendment to the Constitution of the United States, the electors of President and Vice President appointed by the Capital shall be appointed to the slate of electors pledged to the candidates for President and Vice President who receive the greatest number of valid votes cast nationwide for President and Vice President.

"(b) Filing of Capital slates.—Not later than 60 days before election day, a candidate for President who is qualified to appear on the ballot in enough States to be eligible to receive a majority of the electors appointed may file with the Archivist of the United States a slate of individuals eligible to serve as electors of President and Vice President for the Capital. A slate filed under this subsection shall include a number of individuals equal to the number of electors of President and Vice President to be appointed by the Capital under the twenty-third article of amendment to the Constitution of the United States.

"(c) Ascertainment.—Not later than 5 days before the time fixed for the meeting of electors under section 7, the Archivist of the United States shall determine the candidates for President and Vice President who received the greatest number of valid votes cast nationwide for President and Vice President, based on the certificates of ascertainment issued under section 5 and received by the Archivist as of that time and any certificate or Federal judicial determination that is conclusive under section 5, and shall ascertain the appointment of the Capital electors pledged to such candidates.

"(d) Certificate of ascertainment.—Not later than 5 days before the time fixed for the meeting of electors under section 7, the Archivist of the United States shall issue a certificate of ascertainment for the Capital electors that sets forth the names of the Capital electors appointed and the determination made under subsection (c). A certificate issued under this subsection shall have the same force and effect under this chapter as a certificate of ascertainment issued by the executive of a State under section 5, except that the certificate shall bear the seal of the National Archives

and Records Administration. The Archivist shall preserve such certificate as a public record in the same manner as a certificate received under section 5 is preserved under section 6 and shall transmit duplicate originals of such certificate to the Capital electors in the same manner and to the same extent as the executive of a State transmits duplicate-originals to electors under section 5.

"(e) Superseding certificates or judicial determinations.—If, before the time fixed for the meeting of electors under section 7, the Archivist receives a certificate or Federal judicial determination that is conclusive under section 5 and that would change the candidates who received the greatest number of valid votes cast nationwide for President and Vice President, the Archivist shall promptly issue and transmit a revised certificate of ascertainment for the Capital electors.

"(f) Capital defined.—In this section, the term 'Capital' means the area serving as the seat of the Government of the United States, as described in section 1065(f) of the POPULIST Act.".

(3) Clerical amendment.—The table of sections for chapter 1 of title 3, United States Code, is amended by adding at the end the following:

"23. Capital electors.".

(h) Effective date.—

(1) In general.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect upon the date of the admission of the State into the Union.

(2) Delegate repeal and election conforming amendments.—Subsection (f)(2), and the amendments made by subsection (f)(2), shall take effect on January 1, 2028. Subsection (f)(1) shall take effect at the conclusion of the 120th Congress.

SEC. 1068. SELF-DETERMINATION FOR PUERTO RICO.

(a) Definitions.—In this section:

(1) Approved status option.—The term "approved status option" means a status option that receives a majority of the valid votes cast in the initial plebiscite, after the ranked choice tabulation required under subsection (b), or in a runoff plebiscite conducted under subsection (b)(8).

(2) Continuing status option.—The term "continuing status option" means a status option that has not been eliminated under subsection (b).

(3) Elections Commission.—The term "Elections Commission" means the Puerto Rico State Elections Commission (Comisión Estatal de Elecciones de Puerto Rico in Spanish).

(4) Eligible voter.—The term "eligible voter" means a bona fide resident of Puerto Rico who is otherwise qualified to vote in general elections in Puerto Rico.

(5) Exhausted ballot.—The term "exhausted ballot" means a valid vote cast that does not contain a unique ranking for any continuing status option.

(6) Initial plebiscite.—The term "initial plebiscite" means the plebiscite required under subsection (b)(1).

(7) Majority.—The term "majority" means more than 50 percent.

(8) Runoff plebiscite.—The term "runoff plebiscite" means the plebiscite required under subsection (b)(8).

(9) State.—The term "State" means the State of Puerto Rico.

(10) Status option.—The term "status option" means independence, sovereignty in free association with the United States, or statehood.

(11) Valid vote cast.—The term "valid vote cast" means a ballot cast by an eligible voter in the initial plebiscite or a runoff plebiscite that contains at least 1 valid ranking or valid mark for a status option and is not otherwise invalid under this section, the laws of Puerto Rico, or other applicable Federal law.

(b) Plebiscite.—

(1) Initial plebiscite.—A plebiscite to resolve Puerto Rico's political status shall be held on July 11, 2027.

(2) Options.—The initial plebiscite shall offer eligible voters the opportunity to rank each of the following 3 status options:

(A) Independence.

(B) Sovereignty in free association with the United States.

(C) Statehood.

(3) Majority vote required.—Approval of a status option must be by a majority of the valid votes cast.

(4) First-choice tabulation.—The Elections Commission shall first tabulate the number of valid votes cast ranking each status option first.

(5) Majority on first-choice tabulation.—If a status option receives a majority of the valid votes cast in the first-choice tabulation, that status option shall be deemed the approved status option.

(6) First elimination and transfer.—If no status option receives a majority of the valid votes cast in the first-choice tabulation, the status option receiving the fewest first-choice rankings shall be eliminated, and each valid vote cast that ranks the eliminated status option first shall be transferred to the continuing status option ranked next on that ballot.

(7) Majority after first transfer.—

(A) Approval.—If a continuing status option receives a majority of the valid votes cast after the transfer required under paragraph (6), that status option shall be deemed the approved status option.

(B) Final majority-confirmation transfer.—If no continuing status option receives a majority of the valid votes cast after the transfer required under paragraph (6), the continuing status option receiving fewer votes after such transfer shall be eliminated, and each valid vote cast counting for the eliminated status option shall be transferred to the sole remaining status option if the ballot ranks the sole remaining status option.

(C) Approval after final majority-confirmation transfer.—If the sole remaining status option receives a majority of the valid votes cast after the transfer required under subparagraph (B), that status option shall be deemed the approved status option.

(D) No majority after final majority-confirmation transfer.—If the sole remaining status option does not receive a majority of the valid votes cast after the transfer required under subparagraph (B), no status option shall be deemed approved in the initial plebiscite, and a runoff plebiscite shall be held under paragraph (8).

(8) Runoff plebiscite.—

(A) In general.—If no status option is approved under paragraph (5) or (7), a runoff plebiscite shall be held on September 12, 2027.

(B) Options.—The runoff plebiscite shall offer eligible voters a choice of the 2 status options that remained after the elimination and transfer required under paragraph (6).

(C) Approval.—The status option receiving a majority of the valid votes cast in the runoff plebiscite shall be deemed the approved status option.

(D) No majority.—If no status option receives a majority of the valid votes cast in the runoff plebiscite, no status option shall be deemed approved.

(9) Ties and tabulation rules.—The Elections Commission shall resolve tie votes, skipped rankings, duplicate rankings, overvotes, undervotes, and other tabulation issues consistent with regulations adopted by the Elections Commission, the laws of Puerto Rico, and this section, except that no rule may exclude an exhausted ballot from the number of valid votes cast after the ballot becomes exhausted.

(c) Ballot language.—

(1) Instructions.—The ballot for the initial plebiscite shall include the following instructions: "Rank the status options in your order of preference. Mark 1 for your first choice, 2 for your second choice, and 3 for your third choice. Ranking all 3 options gives your ballot the greatest opportunity to count if a preferred option is eliminated. A ballot that ranks no status option shall not be counted. A ballot shall count for the highest-ranked continuing status option that is ranked uniquely. If the highest-ranked continuing ranking on a ballot is assigned to more than 1 continuing status option, the ballot shall not count for any status option in that round or any later round.".

(2) Independence.—The ballot shall present the status option of independence as follows:

(A) Puerto Rico is a sovereign nation that has full authority and responsibility over its territory and population under a constitution of its own adoption which shall be the supreme law of the nation.

(B) Puerto Rico is vested with full powers and responsibilities consistent with the rights and responsibilities that devolve upon a sovereign nation under international law, including its own fiscal and monetary policy, immigration, trade, and the conduct in its own name and right of relations with other nations and international organizations.

(C) Puerto Rico has full authority and responsibility over its citizenship and immigration laws, and birth in Puerto Rico or relationship to persons with statutory United States citizenship by birth in the former territory shall cease to be a basis for United States nationality or citizenship, except that persons who have such United States citizenship have a right to retain United States nationality and citizenship for life, by entitlement or election as provided by Federal law.

(D) Puerto Rico will no longer be a possession of the United States for purposes of the Internal Revenue Code. In general, United States citizens and United States businesses in the nation of Puerto Rico will be subject to United States Federal tax laws, as is the case with any other United States citizen or United States business abroad, and to Puerto Rican tax laws. Puerto Rico's status as an independent, sovereign nation will be the controlling factor in the taxation of Puerto Rican taxpayers.

(E) The Constitution and laws of the United States no longer apply in Puerto Rico and United States sovereignty in Puerto Rico is ended.

(3) Sovereignty in free association with the United States.—The ballot shall present the status option of sovereignty in free association with the United States as follows:

(A) Puerto Rico is a sovereign nation that has full authority and responsibility over its territory and population under a constitution of its own adoption which shall be the supreme law of the nation.

(B) Puerto Rico is vested with full powers and responsibilities consistent with the rights and responsibilities that devolve upon a sovereign nation under international law, including its own fiscal and monetary policy, immigration, trade, and the conduct in its own name and right of relations with other nations and international organizations, except as otherwise provided for in the Articles of Free Association to be negotiated by Puerto Rico and the United States.

(C) Puerto Rico has full authority and responsibility over its citizenship and immigration laws, and persons who have United States citizenship have a right to retain United States nationality and citizenship for life by entitlement or election as provided by Federal law.

(D) Birth in Puerto Rico shall cease to be a basis for United States nationality or citizenship. Individuals born in Puerto Rico to at least 1 parent who is a citizen of the United States shall be United States citizens at birth, consistent with the immigration laws of the United States, for the duration of the first agreement of the Articles of Free Association.

(E) Puerto Rico enters into Articles of Free Association with the United States, with such devolution and reservation of governmental functions and other bilateral arrangements as may be agreed to by both Parties under the Articles, which shall be terminable at will by either the United States or Puerto Rico at any time.

(F) Puerto Rico will no longer be a possession of the United States for purposes of the Internal Revenue Code. In general, United States citizens and United States businesses in the nation of Puerto Rico will be subject to United States Federal tax laws, as is the case with any other United States citizen or United States business abroad, and to Puerto Rican tax laws. Puerto Rico's status as an independent, sovereign nation will be the controlling factor in the taxation of Puerto Rican taxpayers. In addition, Puerto Rico will enter into an agreement with the United States to provide for Sovereignty in Free Association between the 2 nations. This agreement may modify the otherwise applicable tax rules, subject to negotiation and ratification by the 2 nations.

(G) The Constitution of the United States no longer applies in Puerto Rico, the laws of the United States no longer apply in Puerto Rico except as otherwise provided in the Articles of Free Association, and United States sovereignty in Puerto Rico is ended.

(H) All matters pertaining to the government-to-government relationship between Puerto Rico and the United States, which may include foreign affairs, trade, finance, taxation, currency, economic assistance, security and defense, dispute resolution, and termination, shall be provided for in the Articles of Free Association.

(4) Statehood.—The ballot shall present the status option of statehood as follows:

(A) The State of Puerto Rico is admitted into the Union on an equal footing with the other States in all respects whatever and is a part of the permanent union of the United States of America, subject to the United States Constitution, with powers not prohibited by the Constitution to the States and reserved to the State of Puerto Rico or to its residents.

(B) The residents of Puerto Rico are fully self-governing with their rights secured under the United States Constitution, which shall be fully applicable in Puerto Rico and which, with the laws and treaties of the United States, is the supreme law and has the same force and effect in Puerto Rico as in the other States of the Union.

(C) United States citizenship of those born in Puerto Rico is recognized, protected, and secured under the United States Constitution in the same way such citizenship is for all United States citizens born in the other States.

(D) Puerto Rico will no longer be a possession of the United States for purposes of the Internal Revenue Code. Instead, the State of Puerto Rico will become a State on equal footing with each of the current 50 States in the United States of America. Individuals and businesses resident in the State of Puerto Rico will be subject to United States Federal tax laws as well as applicable State tax laws.

(5) Runoff ballot language.—A ballot for a runoff plebiscite shall omit the status option eliminated under subsection (b)(6), shall present the 2 remaining status options using the descriptions required under paragraphs (2), (3), and (4), as applicable, and shall include instructions requiring each eligible voter to mark 1 status option.

(d) Implementation, results, and jurisdiction.—

(1) Implementation of plebiscites.—The initial plebiscite and any runoff plebiscite required under this section shall be implemented by the Elections Commission, consistent with the laws of Puerto Rico and Federal law.

(2) Results.—The Elections Commission shall inform the President, the President pro tempore of the Senate, the Speaker of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives of—

(A) the results of the initial plebiscite not later than 30 calendar days after the initial plebiscite is held; and

(B) the results of the runoff plebiscite, if held, not later than 30 calendar days after the runoff plebiscite is held.

(3) Public reporting.—The Elections Commission shall publish—

(A) the results of the initial plebiscite in a format that reports first-choice rankings, each elimination, each transfer, exhausted ballots, valid votes cast, and whether any status option received a majority of the valid votes cast; and

(B) if a runoff plebiscite is held, the results of the runoff plebiscite in a format that reports the votes cast for each status option, valid votes cast, and whether a status option received a majority of the valid votes cast.

(4) Jurisdiction of district court.—The United States District Court for the District of Puerto Rico shall have original and exclusive jurisdiction of any civil action alleging a dispute or controversy pertaining to electoral processes conducted under this section.

(e) Bilingual voter educational materials and ballots.—All voter educational materials and ballots used to carry out this section shall be made available in English and Spanish.

(f) Nonpartisan voter education campaign.—

(1) In general.—The Elections Commission shall carry out a nonpartisan voter education campaign through traditional paid media and social media, and make available at all voting locations voter education materials related to the plebiscites authorized under this section consistent with approval by the Attorney General under subsection (g).

(2) Voter education materials.—At a minimum, the voter education materials shall address for each status option—

(A) international representation;

(B) citizenship and immigration;

(C) access and treatment under Federal law and programs;

(D) the legal effect of each approved status option under subsections (j), (k), and (l); and

(E) the ranked choice voting process.

(g) Oversight.—

(1) Submission of materials.—Not later than March 1, 2027, the Elections Commission shall submit the ballot design, ballot instructions, and voter education material for the plebiscites authorized under this section to the Attorney General for review, and the Elections Commission shall make not more than 1 initial submission of the ballot design, ballot instructions, and voter education materials to the Attorney General for review.

(2) Effect of failure to comply.—If the Attorney General fails to comply with paragraph (3) within the 45-day period, the ballot design, ballot instructions, and voter education materials shall be considered approved.

(3) Review.—Not later than 45 days after receiving the ballot design, ballot instructions, and voter education materials under paragraph (1), the Attorney General shall review the ballot design and voter education materials to ensure consistency with this section and to ensure that the 3 status options are represented fairly, especially in the event that any of the 3 status options are not represented on the Elections Commission by a member of a political party that supports such option, and shall—

(A) return the materials to the Elections Commission with comments and instructions for changes; or

(B) before the expiration of the 45-day period, inform the Elections Commission that no instructions or requests for changes shall be made under subparagraph (A), but that the Attorney General reserves the right to submit instructions for changes in accordance with this section if additional information comes to the attention of the Attorney General during the remainder of the 45-day period.

(4) Revision.—Not later than 45 days after receiving comments and instructions for changes from the Attorney General under paragraph (3), the Elections Commission shall revise the materials submitted under paragraph (1) as requested by the Attorney General and may resubmit the revised materials to the Attorney General solely to demonstrate compliance with the comments and instructions. A resubmission under this paragraph shall not be treated as an initial submission under paragraph (1).

(5) Election observers.—To ensure transparency and confidence in the electoral process, the Elections Commission shall invite national and international election observers to be present during the initial plebiscite vote and during the runoff plebiscite vote, if held.

(h) Funds for voter education and plebiscites.—

(1) Authorization of appropriations.—There is authorized to be appropriated such sums as necessary for the Elections Commission to carry out a nonpartisan voter education campaign, the initial plebiscite, and, if necessary, the runoff plebiscite under this section.

(2) Existing funds.—Notwithstanding any provision of Public Law 113–76, funds made available under such Act to carry out a plebiscite on Puerto Rico's status shall be made available to carry out this section.

(i) Constitutional convention.—

(1) Election of delegates.—The legislature of Puerto Rico shall provide for the election of delegates to a constitutional convention on July 11, 2027, to propose amendments to, revisions of, or a replacement for the Constitution of Puerto Rico for use under the approved status option.

(2) Eligible voters.—All eligible voters may vote in the election of delegates to the constitutional convention.

(3) General applicability of electoral law.—The laws of Puerto Rico relating to the electoral process shall apply to the election of delegates under this subsection.

(4) Initial meeting.—Not later than 30 days after the election of delegates under paragraph (1), the elected delegates shall meet at such time and place as the legislature of Puerto Rico shall determine.

(5) Character of constitution.—Any constitution, amendment, or revision proposed under this subsection shall be republican in form and shall guarantee the protection of fundamental human rights, including—

(A) due process and equal protection under the law;

(B) freedom of speech, press, assembly, association, and religion;

(C) the civil rights of the accused;

(D) any other economic, social, and cultural civil rights that the constitutional convention deems appropriate and necessary; and

(E) provisions to ensure that no individual born in Puerto Rico shall be stateless at birth.

(6) Submission; ratification.—Any constitution, amendment, or revision proposed under this subsection shall be submitted to eligible voters for ratification or rejection in a special election held in the manner prescribed by the legislature of Puerto Rico.

(7) Majority vote required.—A constitution, amendment, or revision submitted under paragraph (6) shall be deemed ratified if approved by a majority of the valid votes cast on the question.

(8) Effect of failure to ratify.—Failure to ratify a constitution, amendment, or revision under this subsection shall not delay or prevent admission of the State under subsection (l).

(j) Effect of approval of independence.—

(1) Recognition of result.—If independence is the approved status option, Congress recognizes the result as the freely expressed choice of eligible voters for Puerto Rico to become an independent sovereign nation.

(2) Implementation through separate legislation.—Approval of independence under this section shall not itself alter the sovereignty, nationality, citizenship, tax, benefit, defense, property, judicial, or other legal status of Puerto Rico, any person, any property, any claim, any case, any program, or any obligation. Congress shall carry out the approved status option of independence only through separate legislation.

(3) Presidential proposal.—Not later than 180 days after certification of the result under subsection (d), the President shall submit to Congress proposed implementing legislation to carry out the approved status option of independence. Such legislation shall be consistent with the approved description in subsection (c)(2) and include—

(A) consideration of any constitution, amendment, or revision ratified under subsection (i);

(B) a review process for Federal law with respect to Puerto Rico;

(C) the establishment of a Joint Transition Committee to expedite the transition; and

(D) a timeline for withdrawal of United States control of Puerto Rico.

(k) Effect of approval of sovereignty in free association with the United States.—

(1) Recognition of result.—If sovereignty in free association with the United States is the approved status option, Congress recognizes the result as the freely expressed choice of eligible voters for Puerto Rico to become a sovereign nation in free association with the United States.

(2) Implementation through separate legislation.—Approval of sovereignty in free association with the United States under this section shall not itself alter the sovereignty, nationality, citizenship, tax, benefit, defense, property, judicial, or other legal status of Puerto Rico, any person, any property, any claim, any case, any program, or any obligation. Congress shall carry out the approved status option of sovereignty in free association with the United States only through separate legislation.

(3) Presidential negotiations and proposal.—Not later than 180 days after certification of the result under subsection (d), the President shall submit to Congress proposed implementing legislation to carry out the approved status option of sovereignty in free association with the United States. Such legislation shall be consistent with the approved description in subsection (c)(3) and include—

(A) consideration of any constitution, amendment, or revision ratified under subsection (i);

(B) the establishment of a Bilateral Negotiating Committee to develop Articles of Free Association;

(C) a review process for Federal law with respect to Puerto Rico;

(D) the establishment of a Joint Transition Committee to expedite the transition; and

(E) a timeline for withdrawal of United States control of Puerto Rico.

(l) Effect of approval of statehood.—If statehood is the approved status option, the admission of the State into the Union shall proceed as follows—

(1) Presidential proclamation and admission into the Union.—

(A) Presidential proclamation; date of admission.—Upon receipt of the Elections Commission's certification that statehood is the approved status option, the President shall issue a proclamation declaring that Puerto Rico shall be admitted as a State of the Union on July 1, 2028.

(B) Submission of proclamation.—The President shall cause such proclamation to be submitted to the Governor of Puerto Rico, the legislature of Puerto Rico, the President pro tempore of the Senate, the Speaker of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives.

(C) Admission into the Union.—Subject to this section, on July 1, 2028, the territory of Puerto Rico shall be a State of the United States of America and as such admitted into the Union on an equal footing with the other States in all respects. Upon admission, Puerto Rico shall be known as the State of Puerto Rico.

(D) Incorporation.—Puerto Rico shall remain unincorporated until its admission as a State of the Union under this paragraph.

(2) Conforming amendments to existing law.—

(A) Review.—Not later than 30 days after the certification of a plebiscite result under this section in favor of statehood, the President shall initiate a review of Federal law with respect to Puerto Rico, including those regarding—

(i) taxation of persons and businesses;

(ii) health care;

(iii) housing;

(iv) transportation;

(v) education; and

(vi) entitlement programs.

(B) Recommendations.—Not later than December 15, 2027, the President shall submit any recommendations to Congress for changes to Federal law identified during such review, as the President deems appropriate.

(3) Territory and boundaries.—The State shall consist of all of the islands, together with their appurtenant reefs, seafloor, submerged lands, and territorial waters in the seaward boundary, presently under the jurisdiction of the territory of Puerto Rico.

(4) Constitution.—

(A) Constitution of State.—The Constitution of the State shall always be republican in form and shall not be repugnant to the Constitution of the United States or the principles of the Declaration of Independence.

(B) Ratification.—The Constitution of the territory of Puerto Rico, as approved by Public Law 82–447 and subsequently amended as of the date of enactment of this Act, is found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is accepted, ratified, and confirmed as the State Constitution.

(C) State may amend.—Any amendment or revision ratified under subsection (i) shall be deemed accepted, ratified, and confirmed as part of the Constitution of the State if the amendment or revision is republican in form and not repugnant to the Constitution of the United States or the principles of the Declaration of Independence.

(5) Elections of Senators and Representatives, certification, and legal disputes.—

(A) Elections of Senators and Representatives.—The first Senators and Representatives from the State shall be elected at the regular election for Federal office held on November 7, 2028. Not later than January 15, 2028, the Governor of Puerto Rico shall issue a declaration that shall designate and announce the dates and other requirements for primary and general elections under applicable Federal and local law for such representation, including primaries to be held on June 4, 2028, and the general election to be held on November 7, 2028.

(B) Resident Commissioner.—The office of Resident Commissioner of Puerto Rico shall cease to exist at the conclusion of the 120th Congress.

(C) Senators and Representatives.—

(i) In general.—Upon admission into the Union, the State shall be entitled to Senators and Representatives, except that the first Senators and Representatives elected under this paragraph shall be seated in the 121st Congress and shall be entitled, upon taking office, to all the rights and privileges of Senators and Representatives of the other States in Congress.

(ii) First election of Senators.—In the first election of Senators, the 2 senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. Nothing in this section shall impair the privilege of the Senate to determine the class and term to which each of the Senators elected shall be assigned, except that the Senators shall not be in the same class.

(iii) First election of Representatives.—

(I) In general.—In the first election of Representatives, and subsequent elections until the next census-based reapportionment, the State shall be entitled to 5 Representatives. Such Representatives shall be a permanent increase in the number of Representatives under section 2 of title 2, United States Code.

(II) Initial congressional districting.—Not later than January 15, 2028, Puerto Rico shall enact a congressional districting plan for election of Representatives. The plan may be enacted or adopted before admission and shall take effect upon admission of the State.

(III) Districting rules.—The congressional districting plan shall—

(aa) comply with any applicable Federal law, except that sections 3 through 5 of title 2, United States Code, shall not apply with respect to the plan until the taking effect of the first apportionment under section 2a of such title after the admission of Puerto Rico as a State;

(bb) consist of contiguous, single-member districts that are as nearly equal in population as practicable; and

(cc) preserve political subdivisions and communities of interest to the extent practicable.

(IV) If Puerto Rico fails to enact or adopt a congressional districting plan by January 15, 2028, the United States District Court for the District of Puerto Rico shall order or adopt a plan not later than March 1, 2028.

(iv) Presidential electors.—For purposes of chapter 1 of title 3, United States Code, the State shall appoint electors for President and Vice President in the 2028 election and each subsequent election in the same manner as each other State.

(D) Certification of results.—The Elections Commission shall certify the results of primary and general elections for representation in the Senate and the House of Representatives to the Governor. Not later than 10 days after the date of each certification, the Governor shall declare the results of the primary and general elections and transmit the results of each election to the President, the President pro tempore of the Senate, and the Speaker of the House of Representatives.

(E) Jurisdiction of district court.—The United States District Court for the District of Puerto Rico shall have original and exclusive jurisdiction of any civil action alleging a dispute or controversy pertaining to electoral processes conducted under this paragraph.

(6) State title to land and property.—

(A) State title.—The State and its political subdivisions and dependencies shall have and retain title to all property, real and personal, held by the territory of Puerto Rico and its political subdivisions and dependencies on the date of the admission of Puerto Rico into the Union.

(B) Federal title.—Any lands and other properties that, as of the date of admission of Puerto Rico into the Union, are set aside pursuant to law for the use of the United States under any—

(i) Act of Congress;

(ii) Executive order;

(iii) proclamation of the President; or

(iv) proclamation of the Governor of the territory of Puerto Rico;

shall remain the property of the United States.

(C) Continental shelf.—The State shall have the exclusive right to explore, exploit, lease, possess, and use all seabed, natural, and mineral resources lying within 3 marine leagues from its shore, as granted under section 8 of the Act of March 2, 1917 (48 U.S.C. 749; 39 Stat. 954). All other rights of sovereignty with respect to the continental shelf and waters shall belong to the United States, except those already vested in Puerto Rico.

(7) Continuity of laws, government, and obligations.—Upon the admission of the State into the Union:

(A) Continuity of laws.—All of the territorial laws in force in Puerto Rico on the day before the date of admission of the State into the Union not inconsistent with this section or the Constitution of the State shall be and continue in force and effect throughout the State, until amended, modified, or repealed by the State. All of the laws of the United States shall have the same force and effect within the State as in the other several States.

(B) Continuity of government.—The individuals holding legislative, executive, and judicial offices of Puerto Rico shall continue to discharge the duties of their respective offices when Puerto Rico becomes a State of the Union in, under, or by authority of the government of the State, as provided by the constitution and laws of the State.

(C) Continuity of obligations.—All contracts, obligations, liabilities, debts, and claims of the territory of Puerto Rico and its instrumentalities at the moment of admission shall continue in full force and effect as the contracts, obligations, liabilities, debts, and claims of the State and its instrumentalities when Puerto Rico becomes a State of the Union.

(D) Use and enjoyment of property.—All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the State or its political subdivisions pursuant to this section, or reserving the right to alter, amend, or repeal laws relating thereto, shall cease to be effective.

(8) Termination of Puerto Rico Oversight, Management, and Economic Stability Act.—Upon the admission of the State into the Union, the Puerto Rico Oversight, Management, and Economic Stability Act (48 U.S.C. 2101 et seq.) shall no longer apply to the State, the Financial Oversight and Management Board established under section 101 of that Act (48 U.S.C. 2121) shall terminate, and any property, records, funds, contracts, rights, duties, or obligations of the Financial Oversight and Management Board shall transfer to the State, except as otherwise provided by Federal law.

(9) Judicial pronouncements.—

(A) Pending.—No writ, action, indictment, cause, or proceeding pending in any court of the territory of Puerto Rico shall abate by reason of the admission of the State into the Union, but shall proceed within such appropriate State courts as shall be established under the Constitution of the State, or shall continue in the United States District Court for the District of Puerto Rico, as the nature of the case may require.

(B) Not yet pending.—All civil causes of action and all criminal offenses that shall have arisen or been committed before the admission of the State, but as to which no writ, action, indictment, or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the

District of Puerto Rico in like manner, to the same extent, and with like right of appellate review, as if such State had been created and such State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of the State shall effect no change in the procedural or substantive laws governing causes of action and criminal offenses which shall have arisen or been committed, and any such criminal offenses as shall have been committed against the laws of the territory of Puerto Rico shall be tried and punished by the appropriate courts of the State, and any such criminal offenses as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Puerto Rico.

(C) Appeals.—Parties shall have the same rights of judicial review of final decisions of the United States District Court for the District of Puerto Rico or the Supreme Court of Puerto Rico, in any case finally decided prior to the admission of the State into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission. The United States Court of Appeals for the First Circuit and the Supreme Court of the United States shall have the same jurisdiction in such cases as by law provided prior to the admission of the State into the Union. Any mandate issued subsequent to the admission of the State shall be to the United States District Court for the District of Puerto Rico or a court of the State, as appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Puerto Rico and of the Supreme Court of Puerto Rico, in any case pending at the time of admission of the State into the Union, and the United States Court of Appeals for the First Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of the State into the Union.

Subtitle G—Complaints.gov

SEC. 1071. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds the following:

(1) People in the United States regularly experience harm from corporations, platforms, and institutions and often have no clear or functional way to seek help, report wrongdoing, or obtain accountability.

(2) Federal, State, and local governments maintain numerous complaint intake systems, but those systems are fragmented, inconsistent, difficult to navigate, and largely invisible to the public.

(3) Complaints submitted to government entities are critical early warning signals of market failures, abusive practices, regulatory blind spots, and systemic risk.

(4) The Consumer Financial Protection Bureau's consumer complaint system demonstrates that centralized intake, clear routing, structured responses, and public transparency can materially improve outcomes for people and regulators alike.

(5) Many complaint systems function as dead ends, providing no feedback, no visibility, and no assurance that complaints are reviewed or acted upon.

(6) The absence of shared infrastructure undermines public trust in government, weakens enforcement capacity, and allows repeat harms to persist unchecked.

(7) The public has already invested in the expertise and authority of regulators at all levels of government, but lacks the connective infrastructure necessary to make those resources accessible and effective.

(b) Purpose.—The purpose of this subtitle is to establish a modern, people-centered accountability infrastructure that—

(1) ensures there is no wrong door for submitting complaints to government;

(2) routes complaints efficiently to the appropriate agencies and authorities;

(3) improves transparency, coordination, and responsiveness across jurisdictions;

(4) preserves the authority and identity of existing agencies; and

(5) restores public confidence that government can hear, track, and act on the concerns of the people.

SEC. 1072. DEFINITIONS.

(a) Definitions.—In this subtitle—

(1) Administrator.—The term "Administrator" means the Administrator of General Services.

(2) Complaint.—The term "complaint" means a communication submitted by a member of the public alleging harm, seeking assistance, or reporting a problem related to a product, service, practice, or conduct of a type subject to governmental oversight or regulation.

(3) Participating agency.—The term "participating agency" means any Federal, State, Tribal, or local agency, office, or authority that elects to integrate with Complaints.gov pursuant to section 1077(c).

(4) Participating business.—The term "participating business" means any private entity that uses Complaints.gov to receive, review, or respond to complaints transmitted through the platform.

(5) Personally identifiable information.—The term "personally identifiable information" has the meaning given that term in section 208 of the E-Government Act of 2002 (44 U.S.C. 3501 note).

SEC. 1073. ESTABLISHMENT AND OPERATION OF COMPLAINTS.GOV.

(a) Establishment.—

(1) In general.—There is established Complaints.gov, a government-wide digital service to facilitate the intake, routing, tracking, and analysis of complaints submitted by members of the public.

(2) Administration.—The Administrator of General Services, acting through appropriate government-wide technology services, shall be responsible for the development, operation, and maintenance of Complaints.gov.

(3) Infrastructure only.—Complaints.gov shall not function as an independent regulatory agency, but as shared public infrastructure intended to improve access, coordination, and transparency for the people of the United States.

(b) Core functions.—Complaints.gov shall provide shared infrastructure to support the intake, routing, tracking, and analysis of complaints submitted by members of the public and shall—

(1) provide a simple, plain language mechanism for submitting complaints;

(2) route complaints to the appropriate participating agency or authority based on subject matter, jurisdiction, or other relevant factors;

(3) enable complainants to track the status of their complaints and receive updates regarding receipt, routing, and closure, subject to applicable law and agency discretion;

(4) maintain a public complaint database containing redacted complaint data, including complaint narratives where consent has been provided, searchable by company, issue, geography, and outcome;

(5) provide secure, lightweight tools to assist participating agencies in reviewing complaints, collaborating across jurisdictions, identifying trends, and detecting patterns of harm;

(6) provide structured mechanisms through which participating businesses may receive and respond to complaints transmitted through the platform, subject to applicable law and agency oversight; and

(7) operate in a manner that preserves the branding, authority, and public-facing identity of participating agencies.

(c) Limits of authority.—

(1) No displacement of authority.—Nothing in this subtitle shall be construed to alter, expand, transfer, or limit the statutory authority, discretion, or enforcement responsibilities of any Federal, State, Tribal, or local agency.

(2) No adjudicatory function.—Complaints.gov shall not adjudicate complaints, determine liability, serve as an enforcement mechanism, or create substantive legal rights or obligations.

(3) No mandate to participate.—Nothing in this subtitle shall be construed to require any agency or business to participate in Complaints.gov.

(4) No action required.—Nothing in this subtitle shall be construed to require any agency to take enforcement action, respond to a complaint in a particular manner, or disclose nonpublic or confidential information.

(d) Handling of complaints.—

(1) No exhaustion requirement.—Nothing in this subtitle shall be construed to require a person to—

(A) submit a complaint through Complaints.gov before pursuing any other administrative or judicial remedy; or

(B) pursue any other administrative or judicial remedy before submitting a complaint through Complaints.gov.

(2) No limitation on rights.—Nothing in this subtitle shall be construed to limit or preempt any right, remedy, or protection provided under Federal, State, Tribal, or local law.

(3) No private right of action.—Nothing in this subtitle shall be construed to create a private right of action.

SEC. 1074. PHASED IMPLEMENTATION.

(a) In general.—Complaints.gov shall be developed and deployed through a phased implementation approach designed to deliver immediate public benefit while enabling gradual integration with existing systems.

(1) Phase 1; routing.—The Administrator shall establish a routing capability that directs complainants to the appropriate participating agency using existing complaint intake systems not later than April 1, 2027.

(2) Phase 2; interoperability.—The Administrator shall establish secure application programming interfaces that enable participating agencies to connect existing complaint systems to Complaints.gov while preserving agency branding, forms, and workflows not later than February 15, 2028.

(3) Phase 3; reference implementation.—The Administrator shall develop Complaints.gov as a full reference implementation capable of end-to-end complaint intake, routing, tracking, and analysis not later than January 1, 2029.

(4) Sequencing and concurrency.—The Administrator may begin, operate, and expand subsequent phases before the completion of prior phases and may operate multiple phases concurrently to ensure continuity and flexibility.

(5) Technical coordination.—The Administrator shall coordinate technical assistance and support for participating agencies, with priority given to under-resourced agencies and jurisdictions, including through shared services, cooperative agreements, reimbursable support, grants, or other forms of integration assistance, as appropriate.

SEC. 1075. DATA PROTECTION, PRIVACY, AND SECURITY.

(a) In general.—The Administrator shall ensure that Complaints.gov is designed and operated in a manner that protects privacy, safeguards data, and limits the collection, use, retention, or disclosure of information to what is reasonably necessary to carry out this subtitle.

(b) Data protection.—In carrying out this subtitle, the Administrator shall—

(1) redact personally identifiable information and other sensitive data prior to public disclosure;

(2) minimize the collection and retention of personally identifiable information consistent with applicable law;

(3) implement administrative, technical, and physical safeguards to protect complaint data against unauthorized access, use, or disclosure; and

(4) establish data retention and deletion policies consistent with privacy, security, and transparency obligations.

(c) Consent.—Complaint narratives shall be included in the public complaint database only with the affirmative consent of the complainant.

(d) Access controls.—Access to nonpublic complaint data shall be limited to the Administrator, participating agencies, participating businesses with respect to complaints routed to such businesses, and other users expressly authorized by law, rule, or written data-sharing agreement, in each case only for purposes consistent with this subtitle and subject to privacy, security, audit, and use restrictions established by the Administrator.

(e) Prohibited uses.—Complaint data collected or processed through Complaints.gov may not be used for any purpose unrelated to this subtitle, and shall be subject to the privacy, data protection, government surveillance, artificial intelligence, and procurement safeguards established under subtitles B and C of this title, including sections 1024, 1033, 1034, and 1035.

(f) Rule of construction.—Nothing in this section shall be construed to limit any stronger privacy protections provided under other Federal, State, Tribal, or local laws.

SEC. 1076. PUBLIC TRANSPARENCY AND REPORTING.

(a) Public complaint database.—The Administrator shall maintain a publicly available, searchable complaint database containing redacted complaint data collected through Complaints.gov, which data shall—

(1) be searchable and aggregable by company, issue, geography, and time period;

(2) include complaint narratives where affirmative consent has been provided;

(3) include routing destination, complaint status, closure category, response timeliness, and participating business responses;

(4) be presented with appropriate context and disclaimers to reduce the risk of misinterpretation or misuse;

(5) exclude confidential supervisory information, trade secrets, and information protected from disclosure under law; and

(6) reflect consistent data standards to the extent practicable to enable cross-agency comparison and analysis.

(b) Public reporting.—Not later than January 1, 2028, and annually thereafter, the Administrator shall publish a public report that—

(1) analyzes complaint trends, recurring harms, and systemic risks across markets and jurisdictions;

(2) identifies emerging patterns of harm and potential regulatory blind spots; and

(3) normalizes metrics to provide context regarding complaint volume relative to market size, activity level, or other relevant factors.

SEC. 1077. PARTICIPATION BY AGENCIES.

(a) Baseline routing.—Complaints.gov shall route complaints to the appropriate Federal, State, Tribal, or local agency based on subject matter and jurisdiction, regardless of whether such agency elects to integrate its complaint systems with Complaints.gov.

(b) Voluntary integration.—Except for baseline routing under subsection (a), integration with Complaints.gov by any Federal, State, Tribal, or local agency shall be voluntary, and nothing in this subtitle shall be construed to require any agency to investigate, resolve, respond to, or take enforcement action with respect to any individual complaint.

(c) Levels of integration.—A participating agency shall elect 1 of the following levels of integration:

(1) Standardized receipt, under which Complaints.gov transmits complaints to the agency in a standardized, machine-readable format and the agency may, but is not required to, transmit status updates or responses through Complaints.gov.

(2) Partial integration, under which the agency connects 1 or more complaint systems to Complaints.gov through application programming interfaces while retaining its own public-facing intake systems, workflows, and branding.

(3) Full integration, under which the agency uses Complaints.gov for end-to-end complaint intake, tracking, and management.

(d) Preservation of authority.—Routing of complaints or integration with Complaints.gov shall not be construed to diminish, transfer, or supersede the statutory authority or discretion of any agency.

(e) Preservation of identity.—For participating agencies, Complaints.gov shall operate in a manner that preserves the name, branding, and public-facing identity of each such agency.

(f) Use of data.—A participating agency may use complaint data obtained through Complaints.gov for consumer assistance, oversight, investigation, enforcement, policy development, and trend analysis consistent with applicable law.

SEC. 1078. PARTICIPATION BY BUSINESSES.

(a) No mandate.—Nothing in this subtitle shall be construed to require a business to participate in Complaints.gov or to respond to a complaint in a particular manner absent an independent legal obligation.

(b) Participation voluntary.—A participating business—

(1) may use complaint information received through Complaints.gov to—

(A) address consumer issues;

(B) improve products or services; or

(C) enhance compliance with applicable law; or

(2) may utilize mechanisms provided by Complaints.gov to receive and respond to complaints transmitted through the platform.

(c) Retaliation prohibited.—

(1) In general.—A participating business may not use complaint information received through Complaints.gov to take a materially adverse action against a complainant.

(2) Legitimate business actions.—This subsection shall not prohibit a participating business from refusing service, collecting a debt, protecting safety or security, or taking any other lawful action supported by legitimate, nonretaliatory grounds which may have been taken in the absence of the complaint.

(3) Enforcement.—

(A) In general.—A violation of this subsection shall be treated as a violation of a rule defining an unfair, deceptive, or abusive act or practice prescribed under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a).

(B) Enforcement by Commission.—The Federal Trade Commission shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subsection.

(C) FTC-exempt entities.—Notwithstanding sections 4 and 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 44; 15 U.S.C. 45(a)(2)), the Commission may enforce this subsection against any participating business solely with respect to conduct arising from the use of complaint information received through Complaints.gov.

(D) Savings clause.—Nothing in this paragraph shall be construed to expand the jurisdiction of the Commission over a participating business for any purpose other than enforcement of this subsection.

(d) No admission of liability.—Submission of a response to a complaint through Complaints.gov shall not, by itself, be construed as an admission of liability or wrongdoing.

SEC. 1079. FUNDING AND TECHNICAL STEWARDSHIP.

(a) Funding.—Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Administrator $76,000,000 to carry out this subtitle, to remain available until September 30, 2029. In addition to amounts appropriated under this subsection, the Administrator is authorized to seek and use amounts made available through the Technology Modernization Fund, subject to the requirements and approval processes applicable to such Fund.

(b) Technology stewardship.—In carrying out this subtitle, the Administrator shall leverage existing government-wide technology services, shared platforms, and best practices to—

(1) reduce duplication, increase reliability, and accelerate deployment; and

(2) reduce long-term costs by enabling the retirement or consolidation of legacy complaint systems, where appropriate and with the consent of participating agencies.

(c) Reporting on expenditures.—The Administrator shall make publicly available high-level information regarding expenditures and cost savings associated with Complaints.gov, consistent with applicable law.

Subtitle H—Truce on Wedge Issues

SEC. 1081. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds the following:

(1) On the 21st century political battlefield, 2 of the most polarizing issues are guns and abortion. Political parties use them as wedge issues, dividing Americans by stoking fears that the other party will take away access to one of these things.

(2) Proponents of restricting access to guns and abortion are a minority of the American people. According to Gallup polls in 2021, just 19 percent of Americans support making all abortion illegal, and 80 percent oppose a handgun ban.

(3) Proponents of restricting access to guns and abortion share a common goal of wanting to prevent needless deaths. Other provisions of this legislative package will reduce the demand for abortion as well as gun deaths, which are mostly suicides.

(4) When *Roe v. Wade* was reversed, Congress' failure to set abortion policy for the last 5 decades had national consequences. Antique legislative provisions such as the Comstock Act came back into relevance, and States adopted sharply divergent rules around abortion access that fragmented national policy.

(5) By declaring a truce on these issues for a period of time, where all sides both give and gain concessions, the United States can better focus on addressing the root causes of needless deaths.

(b) Purpose.—The purpose of this subtitle is to promote domestic tranquility by establishing a truce on the issues of guns and abortion and removing certain inflammatory legislative proposals from consideration for 10 years.

SEC. 1082. CODIFICATION OF THE HYDE AMENDMENT.

(a) In general.—Title 1 of the United States Code is amended by adding at the end the following new chapter:

"CHAPTER 4—ABORTION ACCESS AND FEDERAL FUNDING

"SEC. 301. Definitions.

"SEC. 302. Limitations on Federal funding.

"Sec. 301. Definitions.

"In this chapter:

"(1) Abortion.—The term 'abortion' means a procedure, treatment, drug, device, or other care intended to terminate a pregnancy. The term does not include—

"(A) treatment for an ectopic pregnancy;

"(B) treatment for miscarriage;

"(C) removal of a dead fetus; or

"(D) a procedure, treatment, drug, device, or other care intended to increase the probability of a live birth or preserve the life or health of the fetus.

"(2) Health benefits coverage.—The term 'health benefits coverage' means a package of health care items or services for which payment or reimbursement is provided under a health plan, health insurance coverage, health benefits program, managed care arrangement, contract, or other arrangement.

"(3) Lethal fetal abnormality.—The term 'lethal fetal abnormality' means a physical or genetic condition in a fetus that, in the appropriate medical judgment of the attending health care practitioner, makes it improbable that the infant would survive until the infant's first birthday.

"(4) Physical health exception.—The term 'physical health exception' means a circumstance in which, in the appropriate medical judgment of the attending health care practitioner, an abortion is reasonably necessary to protect the life or physical health of the expectant mother.

"(5) Reserved.

"(6) Qualifying criminal act.—

"(A) In general.—The term 'qualifying criminal act' means any nonconsensual criminal act involving sexual conduct.

"(B) Reliance and documentation.—For purposes of this chapter, an attending health care practitioner may rely in good faith on a statement by the expectant mother that the pregnancy resulted from a qualifying criminal act, and such statement shall be sufficient to

establish that the pregnancy so resulted. No report to law enforcement, criminal charge or prosecution, third-party corroboration, or participation by the expectant mother in any reporting process may be required as a condition of access to, payment for, or health benefits coverage of an abortion under this chapter.

"(7) Reserved.

"(8) State.—The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, each other territory or possession of the United States, and any political subdivision of any of the foregoing.

"Sec. 302. Limitations on Federal funding.

"(a) Prohibition on Federal funding for abortions.—No funds authorized or appropriated by Federal law, and none of the funds in any trust fund to which funds are authorized or appropriated by Federal law, shall be expended for any abortion, except as provided in subsection (c).

"(b) Health benefits coverage.—No funds authorized or appropriated by Federal law, and none of the funds in any trust fund to which funds are authorized or appropriated by Federal law, shall be expended for health benefits coverage that includes coverage of abortion, except as provided in subsection (c).

"(c) Exceptions.—The limitations established in subsections (a) and (b) shall not apply to an abortion, or to health benefits coverage to the extent such coverage provides for an abortion—

"(1) if a physical health exception applies;

"(2) if the pregnancy resulted from rape, incest, or another qualifying criminal act; or

"(3) if a lethal fetal abnormality has been diagnosed.

"(d) State and local funding not prohibited.—Nothing in this section shall be construed to prohibit a State or political subdivision of a State from expending funds that are not Federal funds and are not derived from Federal funds for an abortion or for health benefits coverage that includes coverage of abortion.".

(b) Clerical amendment.—The table of chapters for title 1, United States Code, is amended by adding at the end the following new item:

"4. Abortion Access and Federal Funding.....301".

SEC. 1083. AMENDING THE COMSTOCK ACT.

(a) Federal officers aiding importation.—Section 552 of title 18, United States Code, is amended by striking "or means for procuring abortion,".

(b) Nonmailable matter.—Section 1461 of title 18, United States Code, is amended—

(1) in the first unnumbered paragraph to read as follows:

"Every obscene, lewd, lascivious, indecent, filthy or vile article, matter, thing, device, or substance is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier."; and

(2) by striking the second through seventh unnumbered paragraphs.

(c) Importation or transportation.—Section 1462 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph by striking "section 230(e)(2)" and inserting "section 230(f)(2)"; and

(2) by striking "(c) any drug, medicine, article, or thing designed, adapted, or intended for producing abortion, or for any indecent or immoral use; or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of such mentioned articles, matters, or things may be obtained or made; or".

(d) Tariff Act of 1930.—Section 305(a) of the Tariff Act of 1930 (19 U.S.C. 1305(a)) is amended—

(1) by striking "or any drug or medicine or any article whatever for causing unlawful abortion,"; and

(2) by striking "That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subdivision: Provided further,".

SEC. 1084. RATIFICATION OF FDA REMS AUTHORITY ON MIFEPRISTONE.

(a) Definitions.—In this section:

(1) Medication-abortion regimen.—The term "medication abortion regimen" means the use of mifepristone, misoprostol, or both, pursuant to a valid prescription and applicable requirements of the Federal Food, Drug, and Cosmetic Act, for medical termination of pregnancy or pregnancy related care.

(2) Mifepristone.—The term "mifepristone" means Mifeprex, mifepristone tablets, 200 milligrams, or any approved generic equivalent, when used for medical termination of pregnancy through 10 weeks gestation or pregnancy related care.

(b) Ratification.—Congress ratifies, approves, and confirms the approval, labeling, Risk Evaluation and Mitigation Strategy, prescriber certification requirements, pharmacy certification requirements, patient agreement requirements, medication guide, dispensing requirements, and related protocols for mifepristone, as in effect on April 30, 2026.

(c) Statutory floor.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall ensure that any approval, labeling, Risk Evaluation and Mitigation Strategy, prescriber certification requirement, pharmacy certification requirement, patient agreement requirement, medication guide, dispensing requirement, or related protocol for mifepristone is not more restrictive than the approval, labeling, Risk Evaluation and Mitigation

Strategy, requirement, guide, or protocol described in subsection (b), unless Congress expressly authorizes such restriction after the date of enactment of this Act.

(d) Minimum access requirements.—The protections under subsections (b) and (c) include, at a minimum, requirements that mifepristone—

(1) shall not be subject to an in-person consultation, in-person prescribing, or in-person dispensing requirement;

(2) may be prescribed by a certified prescriber after telehealth or other lawful remote clinical consultation, subject to applicable Federal requirements governing prescribing and patient safety;

(3) may be dispensed by or under the supervision of a certified prescriber or by a certified pharmacy on a prescription issued by a certified prescriber; and

(4) may be dispensed by a certified pharmacy to a patient in person, by mail, or by other lawful delivery service.

(e) Protection of medication abortion regimen.—A State may not prohibit, restrict, penalize, or otherwise treat as unlawful the prescribing, dispensing, mailing, delivery, receipt, possession, or use of a medication abortion regimen.

(f) Preservation of less restrictive access.—Nothing in this section shall be construed to prohibit the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, from removing, reducing, simplifying, or making less restrictive any approval condition, labeling requirement, Risk Evaluation and Mitigation Strategy, certification requirement, patient agreement requirement, medication guide, dispensing requirement, or related protocol for mifepristone.

(g) Safety authority.—Nothing in this section shall be construed to prevent the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, from requiring adverse event reporting, manufacturing controls, labeling updates, medication guide updates, drug interaction warnings, contraindication warnings, or other drug-specific patient safety measures, if such measures do not impose a restriction prohibited under subsection (c), (d), or (e).

(h) Rule of construction.—Nothing in this section shall be construed to authorize the sale, dispensing, mailing, delivery, receipt, possession, or use of mifepristone, misoprostol, or any medication abortion regimen except pursuant to a valid prescription and applicable requirements of the Federal Food, Drug, and Cosmetic Act.

SEC. 1085. ESTABLISHING A 12-WEEK FLOOR FOR ABORTION ACCESS.

(a) Definitions.—Section 301 of title 1, United States Code, as added by section 1082 of this Act, is amended—

(1) by striking paragraph (5) and inserting the following:

"(5) Probable gestational age.—The term 'probable gestational age' means the gestational age that the fetus will probably have when the abortion is planned to be performed, as determined in the reasonable medical judgment of the attending health care practitioner.";

(2) by striking paragraph (7) and inserting the following:

"(7) Reasonable window of opportunity to make an informed decision.—The term 'reasonable window of opportunity to make an informed decision' means a period of not less than 7 days after the expectant mother first has actual knowledge of the pregnancy, provided that a choice to terminate the pregnancy should then be exercised within 3 business days."; and

(3) by adding at the end the following:

"(9) Undue burden.—The term 'undue burden' means a burden, including an unnecessary health regulation, that has the purpose or effect of placing a substantial obstacle in the path of an expectant mother seeking to obtain an abortion.".

(b) National floor for abortion access.—Chapter 4 of title 1, United States Code, as added by section 1082 of this Act, is amended by adding at the end the following:

"Sec. 303. National floor for abortion access.

"(a) Protection for contraception.—A State shall not prohibit an individual from obtaining or using contraceptives or contraceptive care.

"(b) Protection before 12 weeks.—A State shall not prohibit or impose an undue burden on the ability of an expectant mother to obtain an abortion if the probable gestational age is not more than 12 weeks.

"(c) Exceptions after 12 weeks.—A State may regulate abortion after the probable gestational age exceeds 12 weeks, except that a State shall not prohibit an abortion—

"(1) if a physical health exception applies;

"(2) if the pregnancy resulted from a qualifying criminal act and—

"(A) the probable gestational age is not more than 20 weeks; or

"(B) the expectant mother has not had a reasonable window of opportunity to make an informed decision; or

"(3) if a lethal fetal abnormality has been diagnosed.

"(d) Health and safety regulations.—A State may enact regulations to further the health or safety of an expectant mother seeking an abortion if such regulations are consistent with this section.

"(e) Post-procedure reporting.—A State may require post-procedure reporting by the attending health care practitioner only if the reporting does not delay care for, require participation by, or impose any penalty on the expectant mother.

"(f) Conscience protections.—Nothing in this section shall be construed to have any effect on laws regarding conscience protection.

"(g) Enforcement.—The Attorney General of the United States or any person adversely affected by a State law, regulation, policy, or practice in contravention of this section may seek declaratory or injunctive relief in a Federal district court or State court. In any action or proceeding under this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.".

(c) Conforming amendment.—The table of sections for chapter 4 of title 1, United States Code, is amended by adding at the end the following new item:

"SEC. 303. National floor for abortion access.".

SEC. 1086. CLOSING THE BUMP STOCK LOOPHOLE.

(a) In general.—Section 5845 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a) by striking "and (8) a destructive device" and inserting "(8) a destructive device; and (9) a bump stock"; and

(2) by adding at the end the following new subsections:

"(n) Bump stock.—The term 'bump stock' means any of the following:

"(1) Any manual, power driven, or electronic device that is designed such that when the device is attached to a semiautomatic weapon, the device eliminates the need for the operator of a semiautomatic weapon to make a separate movement for each individual function of the trigger and—

"(A) materially increases the rate of fire of the semiautomatic weapon, or

"(B) approximates the action or rate of fire of a machinegun.

"(2) Any part or combination of parts that is designed and functions to eliminate the need for the operator of a semiautomatic weapon to make a separate movement for each individual function of the trigger and—

"(A) materially increases the rate of fire of a semiautomatic weapon, or

"(B) approximates the action or rate of fire of a machinegun.

"(3) Any semiautomatic weapon that has been modified in any way that eliminates the need for the operator of the semiautomatic weapon to make a separate movement for each individual function of the trigger and—

"(A) materially increases the rate of fire of the semiautomatic weapon, or

"(B) approximates the action or rate of fire of a machinegun.

"(o) Semiautomatic weapon.—The term 'semiautomatic weapon' means any repeating weapon that—

"(1) utilizes a portion of the energy of a firing cartridge or shell to extract the fired cartridge case or shell casing and chamber the next round, and

"(2) requires a separate function of the trigger to fire each cartridge or shell.".

(b) Amendments to title 18, United States Code.—

(1) Section 921(a) of title 18, United States Code, is amended—

(A) in paragraph (3) by inserting "bump stock," before "firearm muffler";

(B) by inserting after paragraph (30) the following new paragraph—

"(31) The term 'bump stock' has the meaning given such term in section 5845(n) of the National Firearms Act (26 U.S.C. 5845(n)).".

(2) Section 922 of title 18, United States Code, is amended—

(A) in each of subsections (a)(4) and (b)(4), by inserting "bump stock," before "machinegun";

(B) in subsection (o)(2)(A) by striking the word "or" at the end;

(C) in subsection (o)(2)(B) by striking the period at the end and inserting "; or"; and

(D) by inserting after subsection (o)(2)(B) the following new subparagraph:

"(C) the otherwise lawful possession of a bump stock that, on or before March 1, 2027, is registered to the possessor in accordance with section 5841 of the Internal Revenue Code of 1986.".

(c) Effective date.—

(1) In general.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Application to possession on date of enactment.—Notwithstanding paragraph (1), any person on the date of the enactment of this Act possessing a bump stock as defined in section 5845(n) of the Internal Revenue Code of 1986 (as amended by this Act) shall, not later than March 1, 2027, register such bump stock in accordance with section 5841 of the Internal Revenue Code of 1986 and include with such registration the information required under section 5841(a) of such Code. Such registration shall become a part of the National Firearms Registration and Transfer Record required to be maintained by such section. The prohibition on possession of an unregistered firearm under section 5861 of such Code shall not apply to a bump stock described in this Act until March 1, 2027.

SEC. 1087. UNIVERSAL BACKGROUND CHECKS ON FIREARMS TRANSFERS.

(a) In general.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(aa) (1) (A) It shall be unlawful for any person who is not a licensed importer, licensed manufacturer, or licensed dealer to transfer a firearm to any other person who is not so licensed, unless a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (t).

"(B) Upon taking possession of a firearm under subparagraph (A), a licensee shall comply with all requirements of this chapter as if the licensee were transferring the firearm from the inventory of the licensee to the unlicensed transferee.

"(C) If a transfer of a firearm described in subparagraph (A) will not be completed for any reason after a licensee takes possession of the firearm (including because the transfer of the firearm to, or receipt of the firearm by, the transferee would violate this chapter), the return of the firearm to the transferor by the licensee shall not constitute the transfer of a firearm for purposes of this chapter.

"(2) Paragraph (1) shall not apply to—

"(A) a law enforcement agency or any law enforcement officer, armed private security professional, or member of the armed forces, to the extent the officer, professional, or member is acting within the course and scope of employment and official duties;

"(B) a transfer or exchange (which, for purposes of this subsection, means an in-kind transfer of a firearm of the same type or value) that is a loan or bona fide gift between spouses, between domestic partners, between parents and their children, including step-parents and their step-children, between siblings, between aunts or uncles and their nieces or nephews, or between grandparents and their grandchildren, if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under State or Federal law;

"(C) a transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of another person;

"(D) a temporary transfer that is necessary to prevent imminent death or great bodily harm, including harm to self, family, household members, or others, if the possession by the transferee lasts only as long as immediately necessary to prevent the imminent death or great bodily harm, including the harm of domestic violence, dating partner violence, sexual assault, stalking, and domestic abuse;

"(E) a transfer that is approved by the Attorney General under section 5812 of the Internal Revenue Code of 1986; or

"(F) a temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under State or Federal law, and the transfer takes place and the transferee's possession of the firearm is exclusively—

"(i) at a shooting range or in a shooting gallery or other area designated for the purpose of target shooting;

"(ii) while reasonably necessary for the purposes of hunting, trapping, pest control on a farm or ranch, or fishing, if the transferor—

"(I) has no reason to believe that the transferee intends to use the firearm in a place where it is illegal; and

"(II) has reason to believe that the transferee will comply with all licensing and permit requirements for such hunting, trapping, pest control on a farm or ranch, or fishing; or

"(iii) while in the presence of the transferor.

"(3) It shall be unlawful for a licensed importer, licensed manufacturer, or licensed dealer to transfer possession of, or title to, a firearm to another person who is not so licensed unless the importer, manufacturer, or dealer has provided such other person with a notice of the prohibition under paragraph (1), and such other person has certified that such other person has been provided with this notice on a form prescribed by the Attorney General.

"(4) The Attorney General shall make available to any person licensed under this chapter both Spanish and English versions of the form required for the conduct of a background check under subsection (t) and this subsection, and the notice and form required under paragraph (3) of this subsection.

"(5) (A) Notwithstanding any other provision of this chapter, the Attorney General may implement this subsection with regulations, including interim final rules. An interim final rule issued under this paragraph may take effect upon publication in the Federal Register, shall have the force and effect of law, and may be issued without regard to section 553 of title 5, United States Code. The Attorney General shall provide a public comment period of not less than 60 days after publication of any interim final rule issued under this paragraph and, if an interim final rule is issued, shall issue final rules not later than 180 days after the date on which the interim final rule is issued.

"(B) Regulations promulgated under this paragraph may not include any provision requiring licensees to facilitate transfers in accordance with paragraph (1).

"(C) Regulations promulgated under this paragraph may not include any provision requiring persons not licensed under this chapter to keep records of background checks or firearms transfers.

"(D) Regulations promulgated under this paragraph may not include any provision placing a cap on the fee licensees may charge to facilitate transfers in accordance with paragraph (1).

"(E) Regulations promulgated under this paragraph shall include, in the case of a background check conducted by the national instant criminal background check system in response to a contact from a licensed importer, licensed manufacturer, or licensed dealer, which background check indicates that the receipt of a firearm by a person would violate subsection (g)(5), a requirement that the system notify U.S. Immigration and Customs Enforcement.".

(b) Penalty.—Section 924(a)(5) of title 18, United States Code, is amended by striking "or (t)" and inserting ", (t), or (aa)".

(c) Rule of construction.—Nothing in this section, or any amendment made by this section, shall be construed to—

(1) authorize the establishment, directly or indirectly, of a national firearms registry; or

(2) interfere with the authority of a State, under section 927 of title 18, United States Code, to enact a law on the same subject matter as this section.

(d) Effective date.—This section and the amendments made by this section shall take effect on January 1, 2027.

SEC. 1088. 10-YEAR PROHIBITION ON CERTAIN WEDGE ISSUE LEGISLATION.

(a) Definitions.—In this section:

(1) Covered legislation.—The term "covered legislation" means a covered measure in the form of a bill or joint resolution.

(2) Covered measure.—The term "covered measure" means a bill, joint resolution, amendment, motion, or conference report that would—

(A) amend, repeal, supersede, or otherwise impair—

(i) chapter 4 of title 1, United States Code, as added by section 1082;

(ii) section 1084 or 1085; or

(iii) any amendment made by section 1083;

(B) establish a new prohibition on, or material restriction of, access to abortion, medication abortion, abortion-related material, contraception, miscarriage management, ectopic pregnancy treatment, or emergency pregnancy-related care as protected by Federal law immediately following enactment of this Act;

(C) amend, repeal, supersede, or otherwise impair—

(i) section 1086 or 1087;

(ii) subsection (aa) of section 922 of title 18, United States Code, as added by section 1087; or

(iii) any amendment made by section 1086 or 1087; or

(D) establish a new prohibition on, or material restriction of, the manufacture, sale, transfer, receipt, ownership, or possession of a firearm, as defined in section 921(a)(3) of title 18, United States Code, by, to, or with respect to a person who is not prohibited from possessing a firearm under Federal law immediately following enactment of this Act.

(3) Member of Congress.—The term "Member of Congress" means a Senator, Representative in Congress, Delegate, or Resident Commissioner.

(b) Criminal offense.—A Member of Congress who knowingly introduces, sponsors, or cosponsors covered legislation commits a Class C misdemeanor.

(c) Point of order.—It shall not be in order in the House of Representatives or the Senate to consider a covered measure.

(d) Internal discipline.—A Member of Congress who knowingly introduces, sponsors, or cosponsors covered legislation engages in disorderly behavior for purposes of Article I, Section 5, Clause 2 of the Constitution of the United States and may be punished by the House of Representatives or the Senate, as applicable, in the manner and to the extent determined by that House.

(e) No inquiry into motive.—

(1) Criminal and disciplinary proceedings.—No prosecution or disciplinary proceeding under this section shall require proof of the motive, purpose, viewpoint, or legislative intent of any Member of Congress. A prosecution under subsection (b) or disciplinary proceeding under subsection (d) shall be determined solely by whether the legislation is covered legislation and whether the Member knowingly introduced, sponsored, or cosponsored such legislation.

(2) Points of order.—No point of order under this section shall require proof of the motive, purpose, viewpoint, or legislative intent of any Member of Congress. A point of order under subsection (c) shall be determined solely by whether the measure is a covered measure.

(f) Exercise of rulemaking and disciplinary power.—Subsections (c) and (d) are enacted pursuant to Article I, Section 5, Clause 2 of the Constitution of the United States—

(1) as an exercise of the rulemaking and disciplinary power of the House of Representatives and the Senate, respectively, and as such shall be considered as part of the rules of each House, respectively, and shall supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the Constitutional right of either House to change the rules or discipline its Members, so far as relating to the procedure or Members of that House, in the same manner and to the same extent as in the case of any other rule or disciplinary power of that House.

(g) Construction and severability.—If subsection (b), or the application of subsection (b) to any person or circumstance, is held to be invalid or unenforceable, the remaining provisions of this section, including subsections (c), (d), (e), (f), and (h), and the application of such provisions to any other person or circumstance, shall not be affected.

(h) Sunset.—This section is repealed at 12:01 a.m. on October 30, 2036.