

September 25, 2020

**Statement of the Brennan Center in support of H.R. 8363, the Protecting Our Democracy Act**

The Brennan Center for Justice at NYU School of Law welcomes the introduction of [H.R. 8363](#), the Protecting Our Democracy Act. Building off of the ethics and rule of law provisions of [H.R. 1](#), the For the People Act, this bill is an important step towards reinforcing basic safeguards against presidential abuses, restoring checks and balances between the legislative and executive branches, strengthening government accountability, and protecting our elections. We are pleased to support this legislation.

Many provisions of the Protecting Our Democracy Act align with proposals championed by the Brennan Center's [National Task Force on Rule of Law & Democracy](#) — a group of former government officials that includes both Republicans and Democrats — which published a comprehensive [legislative agenda](#) to codify longstanding guardrails that ensure that government officials serve the public interest. The following Task Force proposals are reflected in the bill:

1. Codification of standards for communications between the White House and the Department of Justice
2. Transparency for controversial acts of clemency
3. Deterrence of self-pardons
4. Establishment of standards and procedures for enforcing the Emoluments Clauses
5. Closure of loopholes in the Federal Vacancies Reform Act to stop inappropriate appointments of acting officials
6. Protection for whistleblowers who report censorship of scientific research

The bill contains other important reforms for which the Brennan Center advocates, which include [amending](#) the National Emergencies Act to bolster Congress's role as a check against abuse and protecting our elections from [foreign interference](#).

Brennan Center Vice President for Democracy Wendy Weiser notes, “It is critical for Congress to restore the basic guardrails for our democracy and to prevent abuse of power. The Brennan Center’s bipartisan Task Force put forth a number of common-sense legislative solutions to do just that. We are pleased to see that the Protecting Our Democracy Act reflects the Task Force’s work in so many critical areas. This bill will help ensure the proper functioning of our democratic system of government and should be low-hanging fruit for the next Congress.”

Elizabeth Goitein, Co-Director of the Liberty and National Security Program at the Brennan Center, adds, “This important reform package would begin the necessary process of shoring up institutional checks against presidential overreach and abuse. It also would take significant steps toward restoring the proper balance of power between the president and Congress, particularly when it comes to the president’s exercise of emergency powers.”

We strongly urge the House of Representatives and the Senate to take up this important legislation and pass it into law.