To strengthen transparency and accountability within the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

November 20, 2018

Mr. Ted Lieu of California (for himself, Mr. Cicilline, Ms. Eshoo, Mr. Gallego, and Ms. Sánchez) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To strengthen transparency and accountability within the Federal Government, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

3 (a) Short Title.—This Act may be cited as the “Restoring the Public Trust Act”.

4 (b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—NO PERSONAL ENRICHMENT FOR FEDERAL EMPLOYEES

Subtitle A—Stop Waste And Misuse by the President

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Reimbursal for costs of protection.

Subtitle B—Stop Waste And Misuse by Presidential Flyers Landing Yet Evading Rules and Standards

Sec. 111. Short title.
Sec. 112. Prohibition on use of funds for travel on private aircraft.

Subtitle C—E. Scott Pruitt Accountability for Government Officials

Sec. 121. Short title.
Sec. 122. Findings.
Sec. 123. Use of public office for private gain.

Subtitle D—Curb Objectionable Redirection of Resources and Unconstitutional Payments to Trump

Sec. 131. Short title.
Sec. 132. Findings.
Sec. 133. Sense of the Congress.
Sec. 134. Reports.
Sec. 135. Definitions.

Subtitle E—Relatives in Government Getting Employment Dishonorably

Sec. 141. Short title.
Sec. 142. Employment of relatives; restrictions.

Subtitle F—Determining if Regulatory Actions are in the Interest of the Nation or the Swamp

Sec. 151. Short title.
Sec. 152. Requiring greater transparency for regulatory conflicts of interest.
Sec. 153. ACUS study and report on regulatory conflicts of interest.
Sec. 154. Judicial review.
Sec. 155. Effective date.

TITLE II—ROOTING OUT CONFLICTS OF INTEREST

Subtitle A—Commonsense Legislation Ensuring Accountability by Reporting Access of Non-Cleared Employees to Secrets

Sec. 201. Short title.

Subtitle B—Divestiture of Certain Financial Interests of Federal Officers and Employees and Spouses

Sec. 211. Divestiture of certain financial interests of Federal officers and employees and spouses.
Subtitle C—Presidential Tax Transparency

Sec. 221. Short title.
Sec. 222. Disclosure of tax returns by Presidents and certain Presidential candidates.

Subtitle D—White House Open Data

Sec. 231. Short title.
Sec. 232. White House visitor log and employee information.

Subtitle E—Prohibitions on Making Certain Contracts with Federal Government or Receiving Federal Funds

Sec. 241. Prohibitions on making certain contracts with Federal Government or receiving Federal funds.

TITLE III—INCREASED OVERSIGHT AND STRENGTHENING AGENCIES RESPONSIBLE FOR ROOTING OUT CORRUPTION

Sec. 301. Congressional notification of change in status of Inspector General.
Sec. 302. Presidential explanation of failure to nominate an Inspector General.

TITLE I—NO PERSONAL ENRICHMENT FOR FEDERAL EMPLOYEES

Subtitle A—Stop Waste And Misuse by the President

SEC. 101. SHORT TITLE.

This subtitle may be cited as the “Stop Waste And Misuse by the President Act of 2018” or the “SWAMP Act of 2018”.

SEC. 102. FINDINGS.

The Congress finds as follows:

(1) Presidential travel to commercial entities owned in whole or in part by the President or First Family results in the American taxpayer effectively subsidizing the President’s businesses.
(2) Given current expenditures, President Trump is on track to spend more during his first year of office than all eight years of the Obama administration combined.

(3) It is unacceptable for the President to maintain an interest in traveling to properties in which he has a direct financial interest, as the U.S. Government is responsible for renting space for personnel in said private commercial entities.

(4) Every time the President travels to Mar-a-Lago, he necessarily promotes his private business interests via free press at the Government’s expense.

(5) The State Department’s recent promotion of Mar-a-Lago on its official website raises serious ethics concerns.

(6) As of April 14, 2017, President Trump has cost the U.S. taxpayer unprecedented amounts of money, including the following estimated costs:

(A) For trips to Mar-a-Lago:

(i) Total cost for security in Palm Beach: $3,700,000 (each trip).

(ii) Roundtrip flights from Joint Base Andrews, Maryland, to West Palm, Florida: $700,000.
(iii) Overtime for local law enforcement during Trump’s trips: $60,000/day.

(iv) Total golf cart rentals ordered by the Secret Service “for POTUS visit”: $35,185.

(v) Estimated loss of business due to airport closure: $30,000/weekend.

(B) For Trump Tower:

(i) Request for additional Secret Service funding to secure Trump Towers: $60,000,000.

(ii) New York Police Department security costs: $127,000–$146,000/day.

(iii) “Elevator services” ordered by the Secret Service: $64,000.

(iv) Air Force One flights to New York City: $180,000/hour.

(7) The proposed 2017 Federal spending bill includes reimbursements for millions of dollars spent by Florida and New York to protect the President and First Family, and facilitate their travel. While localities should be reimbursed, the taxpayer should not be responsible for said reimbursement.
SEC. 103. REIMBURSAL FOR COSTS OF PROTECTION.

In the case of a person whom the United States Secret Service is authorized to protect under paragraph (1) or (2) of section 3056(a) of title 18, United States Code, if that person, while traveling for official business or for personal purposes, stays in a hotel or other establishment providing daily-rate accommodation in which that person has an ownership or financial interest, that person shall reimburse to the Treasury—

(1) any amount expended by the United States Secret Service for the provision of such protection; and

(2) any amount expended for other costs incurred by the Government pertaining to that stay.

Subtitle B—Stop Waste And Misuse by Presidential Flyers Landing Yet Evading Rules and Standards

SEC. 111. SHORT TITLE.

This subtitle may be cited as the “Stop Waste And Misuse by Presidential Flyers Landing Yet Evading Rules and Standards Act” or the “SWAMP FLYERS Act”.

SEC. 112. PROHIBITION ON USE OF FUNDS FOR TRAVEL ON PRIVATE AIRCRAFT.

(a) IN GENERAL.—Beginning on the date of the enactment of this Act, no Federal funds appropriated or oth-
erwise made available in any fiscal year may be used to pay the travel expenses of any senior political appointee for travel on official business on a non-commercial, private, or chartered flight.

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply—

(1) if no commercial flight was available for the travel in question, consistent with subsection (c); or

(2) to any travel on aircraft owned or leased by the Government.

(c) CERTIFICATION.—

(1) IN GENERAL.—Any senior political appointee who travels on a non-commercial, private, or chartered flight under the exception provided in subsection (b)(1) shall, not later than 30 days after the date of such travel, submit a written statement to Congress certifying that no commercial flight was available.

(2) PENALTY.—Any statement submitted under paragraph (1) shall be considered a statement for purposes of applying section 1001 of title 18, United States Code.

(d) DEFINITION OF SENIOR POLITICAL APPOINTEE.—In this subtitle, the term “senior political appointee” means any individual occupying—
(1) a position listed under the Executive Schedule (subchapter II of chapter 53 of title 5, United States Code);

(2) a Senior Executive Service position that is not a career appointee as defined under section 3132(a)(4) of such title; or

(3) a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations.

Subtitle C—E. Scott Pruitt Accountability for Government Officials

SEC. 121. SHORT TITLE.

This subtitle may be cited as the “E. Scott Pruitt Accountability for Government Officials Act of 2018”.

SEC. 122. FINDINGS.

Congress finds the following:

(1) During his time as Administrator of the Environmental Protection Agency, Scott Pruitt faced more than 12 separate ethics investigations including by the Environmental Protection Agency Inspector General, the Committee on Oversight and Government Reform of the House of Representatives, the Executive Office of the President, the Govern-
(2) On October 2, 2017, the Department of the Interior’s Inspector General confirmed they were investigating Secretary Ryan Zinke’s taxpayer-funded flights, including $12,375 on a chartered flight from Las Vegas to Montana where he spoke to a hockey team that is owned by one of Secretary Zinke’s largest political donors.

(3) On March 14, 2018, CNN reported that Secretary of Housing and Urban Development Ben Carson knew about a dining set worth $31,000 that was ordered for Carson’s office, knowledge of which he had previously denied.

(4) On March 20, 2018, it was publicly reported that Scott Pruitt secured a sub-market lease for a Washington, DC, condominium owned by the wife of a lobbyist who represented clients with matters pending before the Environmental Protection Agency, and told the Washington Examiner that he was “dumbfounded that that’s controversial”.

(5) On April 4, 2018, the New York Times reported that Scott Pruitt used a loophole in the Safe Water Drinking Act to give raises to his aides that had been explicitly denied by the White House.
(6) On April 16, 2018, the Washington Post reported that Scott Pruitt had spent nearly $3,000,000 of taxpayer funds on security and travel since taking office in February 2017.

(7) On April 26, 2018, Politico reported that Scott Pruitt spent over $105,000 of taxpayer funds on first-class flights, citing since-debunked threats to his personal security.

(8) On June 5, 2018, the Washington Post reported that Scott Pruitt used official channels to pressure Chick-fil-A Chief Executive Officer Dan Cathy into securing a restaurant franchise for his wife.

(9) On June 6, 2018, the Washington Post reported that Scott Pruitt forced aides to help him secure a used “Trump Home Luxury Plush Euro Pillow Top”.

(10) On June 8, 2018, the Washington Post reported that Scott Pruitt forced his security detail to help him acquire high-end hand lotion and to pick up his dry cleaning.

(11) On July 2, 2018, the Washington Post reported that Scott Pruitt recruited a staff member to help his wife find a job, the salary for which he stipulated should be no less than $200,000.
(12) On July 5, 2018, Scott Pruitt resigned amid myriad scandals and massive public pressure.

(13) On July 13, 2018, Forbes reported on Wilbur Ross’ massive conflicts of interest, including having taken meetings with a trade association whose members included a car manufacturer whose investors included Ross himself. The same report noted that Wilbur Ross took meetings with companies whose investors included his wife.

(14) On July 13, 2018, The New York Times reported that Tom Price repeatedly violated government travel rules, wasting at least $314,000 of taxpayer funds by using chartered jets and military air travel instead of commercially available flights.

SEC. 123. USE OF PUBLIC OFFICE FOR PRIVATE GAIN.

(a) IN GENERAL.—Chapter 93 of title 18, United States Code, is amended by adding at the end the following:

“§ 1925. Use of public office for private gain

“(a) USE FOR PRIVATE GAIN.—Whoever, being a covered Federal officer or employee, uses his public office for—

“(1) his own private gain;

“(2) the endorsement of any product, service or enterprise; or
“(3) the private gain of a friend, relative, or a person with whom the covered Federal officer or employee is affiliated in a nongovernmental capacity, including a nonprofit organization of which the covered Federal officer or employee is an officer or member, and a person with whom the employee has or seeks employment or business relations, shall be fined under this title, imprisoned not more than one year, or in the case of a willful violation, not more than 5 years, or both.

“(b) Coercion.—Whoever, being a covered Federal officer or employee, uses or permits the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to a friend, relative, or person with whom the covered Federal officer or employee is affiliated in a nongovernmental capacity, shall be fined under this title, imprisoned not more than one year, or in the case of a willful violation, not more than 5 years, or both.

“(c) Covered Federal Officer or Employee.—For purposes of this section, the term ‘covered Federal officer or employee’ means any of the following officers or employees of the Federal Government:
“(1) Assistant to the President for National Security Affairs.

“(2) Assistant to the President and Chief of Staff.

“(3) Assistant to the President and Deputy Chief of Staff.

“(4) Assistant to the President and Deputy Chief of Staff for Communications (or Director of Communications).

“(5) Assistant to the President and Press Secretary.

“(6) Senior Advisor to the President.

“(7) Assistant to the President and Staff Secretary.

“(8) Assistant to the President for Homeland Security and Counterterrorism.

“(9) Assistant to the President and Counselor to the President.

“(10) Director of the National Economic Council.

“(11) Director of the Domestic Policy Council.

“(12) Assistant to the President and Chief of Staff or Deputy Chief of Staff to the Vice President.

“(13) Special Assistant to the President and Director of Communications for the Vice President.
“(14) Press Secretary to the Vice President.
“(15) Senior Advisor to the Vice President.
“(16) Deputy Assistant to the President and National Security Advisor or Deputy National Security Advisor to the Vice President.
“(17) Deputy Assistant to the President and Counselor to the Vice President.
“(18) Assistant to the President and White House Counsel.
“(19) Director of the Office of Management and Budget.
“(20) Any officer or employee whose appointment is made by the President by and with the advice and consent of the Senate.”.

(b) Clerical Amendment.—The table of sections for chapter 93 of title 18, United States Code, is amended by inserting after the item related to section 1924 the following:

“1925. Use of public office for private gain.”.
Subtitle D—Curb Objectionable Redirection of Resources and Unconstitutional Payments to Trump

SEC. 131. SHORT TITLE.
This subtitle may be cited as the “Curb Objectionable Redirection of Resources and Unconstitutional Payments to Trump Act” or the “CORRUPT Act”.

SEC. 132. FINDINGS.
Congress finds the following:

(1) Kleptocracy is a tool used by autocratic leaders, including Vladimir Putin, to exploit state resources; it involves the operation of sophisticated networks for the purpose of self-enrichment.

(2) Unlike prior presidents, President Trump has refused to sell his business interests or divest himself of assets that present potential conflicts of interest.

(3) Article I of the Constitution states that “no Person holding any office of profit or trust under them, shall, without the consent of the Congress, accept any present, emolument, office, or title, of any kind whatever, from any King, Prince, or foreign State”.

(4) Foreign governments and foreign-held companies have already shifted business to the President’s companies in order to curry favor with the Administration.

(5) According to reports, the Trump International Hotel has generated at least $19,700,000 in income for the President between September 2016 and April 2017.

(6) The National Security Council and State Department have allegedly used taxpayers’ money to pay for staff to stay at Trump hotels and resorts, thereby benefitting the President.

SEC. 133. SENSE OF THE CONGRESS.

It is the sense of Congress that—

(1) kleptocrats such as Vladimir Putin pose a threat to United States national security by undermining financial and Government institutions;

(2) the United States must take all steps necessary to defend itself against kleptocratic practices;

and

(3) Federal funds should not be expended in a manner that enriches the President or any of his close relatives or associates.
SEC. 134. REPORTS.

(a) AGENCY REPORT.—Not later than 90 days after the date of the enactment of this Act, the head of each agency shall submit to the Office of Government Ethics a report on the amount expended by that agency in fiscal year 2018 at, or any payments made to, any covered property and shall include—

(1) any hotel stay using per diem or other funds; or

(2) the rental of any conference room or meeting facility.

(b) OFFICE OF GOVERNMENT ETHICS REPORT.—Not later than 120 days after the date of the enactment of this Act, the Office of Government Ethics shall submit to Congress a comprehensive report on funds expended by any agency at, or any payments made to, a covered property in fiscal year 2018.

(c) ANNUAL REPORT.—At the end of the next fiscal year following the date of the enactment of this Act, and at the end of each fiscal year thereafter, the Director of the Office of Management and Budget shall submit to Congress a report on the direct and indirect ways that funds appropriated to agencies have benefitted a covered property, including—
(1) funds expended by any agency at, or any payments made to, a covered property in the previous fiscal year;

(2) regulatory actions in the previous fiscal year with a beneficial impact on a covered property; and

(3) indirect expenditures with vendors conducting more than $1,000,000 in business with a covered individual or with the owners of a covered property in the previous fiscal year.

SEC. 135. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term “agency”—

(A) has the meaning given the term—

(i) “Executive agency” under section 105 of title 5, United States Code; and

(ii) “military department” under section 102 of title 5, United States Code; and

(B) means—

(i) any other establishment in the executive branch (including the Executive Office of the President, the United States Postal Service, and the Postal Regulatory Commission);
(ii) an office, agency, or other establishment in the legislative branch; and

(iii) an office, agency, or other establishment in the judicial branch.

(2) Covered Individual.—The term “covered individual” means—

(A) the President;

(B) a relative of the President; and

(C) with respect to an agency that is an Executive department, the head of the Executive department.

(3) Covered Property.—The term “covered property” means—

(A) any property controlled by the Trump Organization; or

(B) an organization or business controlled by or associated with a covered person (including any known shell company), any member of the President’s family, or any employee of the Trump Organization.

(4) Executive Department.—The term “Executive department” has the meaning given the term in section 101 of title 5, United States Code.
Subtitle E—Relatives In Government Getting Employment Dishonorably

SEC. 141. SHORT TITLE.

This subtitle may be cited as the “Relatives In Government Getting Employment Dishonorably Act” or the “RIGGED Act”.

SEC. 142. EMPLOYMENT OF RELATIVES; RESTRICTIONS.

(a) In General.—Section 3110 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A) by inserting “, including the White House Office and the Executive Office of the President” after “Executive agency”; 

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and 

(C) by inserting after paragraph (1) the following:

“(2) ‘civilian position’ means any existing or newly created position in an agency, including a position acting in a professional or official capacity as a consultant or advisor, regardless of whether such position is voluntary, gratuitous, or authorized by law to be compensated;”;}
(2) in subsection (b), by striking “A public official may not” and inserting “Notwithstanding any other provision of law, a public official may not”; and

(3) in subsection (c)—

(A) by inserting “shall be removed immediately and” after “in violation of this section”; and

(B) by striking “as pay” and inserting “as salary or expenses”.

(b) Application of Prohibited Personnel Practices.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by inserting “, including the White House Office,” after “Executive agency”.

Subtitle F—Determining if Regulatory Actions are in the Interest of the Nation or the Swamp

SEC. 151. SHORT TITLE.

This subtitle may be cited as the “Determining if Regulatory Actions are in the Interest of the Nation or the Swamp Act of 2018” or the “DRAIN the Swamp Act of 2018”.

•HR 7167 IH
SEC. 152. REQUIRING GREATER TRANSPARENCY FOR REGULATORY CONFLICTS OF INTEREST.

(a) In General.—Part I of title 5, United States Code, is amended by inserting after chapter 6, the following new chapter:

“CHAPTER 6A—PUBLICATION OF INFORMATION RELATING TO REGULATORY CONFLICTS OF INTEREST

§ 621. Definitions

“In this chapter:

“(1) AGENCY; RULE; RULE MAKING.—The terms ‘agency’, ‘rule’, and ‘rule making’ have the meanings given those terms in section 551.

“(2) MAJOR RULE.—The term ‘major rule’ has the meaning given that term in section 804.

“(3) REGULATORY CONFLICT OF INTEREST.—The term ‘regulatory conflict of interest’ means a major rule that has a substantial pecuniary benefit to a covered person.

“(4) COVERED PERSON.—The term ‘covered person’ means the President, senior advisors to the President, including special advisors that do not receive an official salary, the head of the agency issuing the rule, the Director of the Office of Man-
agement and Budget, the Administrator of the Office of Information and Regulatory Affairs, or any individual who serves on a Regulatory Reform Task Force established by section 3 of Executive Order 13777.

“§ 622. Agency submission to Comptroller General

“(a) REGULATORY CONFLICTS OF INTEREST.—Not later than September 30 of each fiscal year, the head of each agency shall submit to the Comptroller General of the United States in such a manner as the Comptroller General may reasonably require, for each major rule that the agency proposes or finalizes during that fiscal year, an assessment and quantification of any regulatory conflict of interest pertaining to that major rule.

“(b) EXCEPTION.—Nothing in this chapter shall apply to any rule that an agency for good cause finds (and incorporates the finding and a brief statement of each reason therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

“(c) MAJOR RULES.—Before a major rule may take effect, the head of the agency promulgating such rule shall submit to the Comptroller General and publish in the Federal Register the report required pursuant to subsection (a).”
(b) **Clerical Amendment.**—The table of chapters for part I of title 5, United States Code, is amended by inserting after the item relating to chapter 6, the following new item:

“6A. Publication of Information Relating to Regulatory Conflicts of Interest ............................................................................. 621”.

**SEC. 153. ACUS Study and Report on Regulatory Conflicts of Interest.**

(a) **In General.**—The Administrative Conference of the United States shall conduct a study on—

(1) compliance by agencies with this subtitle and the amendments made by this subtitle; and

(2) effective measures to minimize regulatory conflicts of interest (as that term is defined in section 621(3) of title 5, United States Code, as added by section 152(a)).

(b) **Report.**—Not later than 1 year after the date of the enactment of this Act, the Administrative Conference of the United States shall submit to Congress a report that contains the findings of the study conducted under subsection (a).

**SEC. 154. Judicial Review.**

(a) **Agency Statements on Regulatory Conflicts of Interest.**—

(1) **In General.**—Compliance or noncompliance by any agency with the provisions of chapter
6A of title 5, United States Code, as added by section 152(a), shall be subject to judicial review only in accordance with this section.

(2) Limited review of agency compliance or noncompliance.—

(A) In general.—Agency compliance or noncompliance with the provisions of chapter 6A of title 5, United States Code, as added by section 152(a), shall be subject to judicial review only under section 706(1) of title 5, United States Code, and only as provided under subparagraph (B).

(B) Failure to prepare written statement.—If an agency fails to prepare the written statement (including the preparation of the estimates, analyses, statements, or descriptions) under such chapter, a court may compel the agency to prepare such written statement.

(3) Review of agency rules.—In any judicial review under any other Federal law of an agency rule for which a written statement is required under such chapter 6A, the inadequacy or failure to prepare such statement shall not be used as a basis for staying, enjoining, invalidating or otherwise affecting such agency rule.
(4) **Certain information as part of record.**—Any information generated under such chapter 6A that is part of the rule making record for judicial review under the provisions of any other Federal law may be considered as part of the record for judicial review conducted under such other provisions of Federal law.

(5) **Application of other Federal law.**—For any petition under paragraph (2) the provisions of such other Federal law shall control all other matters, such as exhaustion of administrative remedies, the time for and manner of seeking review and venue, except that if such other Federal law does not provide a limitation on the time for filing a petition for judicial review that is less than 1 year, such limitation shall be 1 year after a final rule is promulgated by the appropriate agency.

(b) **Judicial review and rule of construction.**—Except as provided in subsection (a)—

(1) any information submitted under this section shall not be subject to judicial review; and

(2) no provision of this subtitle shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action.
SEC. 155. EFFECTIVE DATE.
This subtitle shall take effect beginning on the date of the enactment of this Act and shall apply to any agency rule for which a general notice of proposed rule making is made on or after such date.

TITLE II—ROOTING OUT CONFLICTS OF INTEREST
Subtitle A—Commonsense Legislation Ensuring Accountability by Reporting Access of Non-Cleared Employees to Secrets
SEC. 201. SHORT TITLE.
This subtitle may be cited as the “Commonsense Legislation Ensuring Accountability by Reporting Access of Non-Cleared Employees to Secrets Act” or the “CLEARANCES Act”.

SEC. 202. REPORT ON SECURITY CLEARANCES FOR INDIVIDUALS WORKING IN THE WHITE HOUSE AND EXECUTIVE OFFICE OF THE PRESIDENT.
(a) In General.—Subpart I of part III of title 5, United States Code, is amended by adding after section 10106 the following:

“CHAPTER 102—SECURITY CLEARANCES

“Sec. 10201. Report on individuals working in the White House and Executive Office of the President.”
§ 10201. Report on individuals working in the White House and Executive Office of the President

(a) In General.—Not later than 3 months after the date of the enactment of this section and every 3 months thereafter, the President shall submit a report to the appropriate congressional committees on security clearance information on any individual working in the White House or the Executive Office of the President, including—

“(1) the President’s staff or any other individual in the White House or Office whose function is to advise or assist the President; and

“(2) any individual who is detailed from the Government, a university, a think tank, or the private sector to the White House or the Office.

(b) Report Requirements.—A report submitted under subsection (a) shall include the following:

“(1) The name and position of any individual working in the White House or the Office and who holds a security clearance.

“(2) With respect to any detailee, the entity or agency from which the individual was detailed from.

“(3) With respect to any clearance listed pursuant to paragraph (1)—
“(A) whether the clearance is temporary or permanent and level of the clearance;

“(B) the date the background investigation was initiated and the date of adjudication (if any); and

“(C) the date of any interim reports or notifications from the investigating agency.

“(4) The name and position of any individual working in the White House or the Office who was granted a security clearance by the President or other authorizing personnel despite an unfavorable recommendation from the White House Security Office or an agency, and the date the decision was made to grant the clearance.

“(5) The name and position of any individual not contained in any list above whom the President has provided access to classified information, the date the information was so provided, and the level of classification of the information.

“(6) The name and position of any individual working in the White House or Office—

“(A) whose security clearance has been revoked or suspended and the date of such revocation or suspension; or
“(B) who held an interim security clearance for a period longer than one year, and a justification from the White House Counsel as to why it is in the national security interest of the United States to keep the employee in the position without a permanent security clearance.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘appropriate congressional committees’ means—

“(A) the Permanent Select Committee on Intelligence and the Committees on Oversight and Government Reform and the Judiciary of the House of Representatives; and

“(B) the Select Committee on Intelligence and the Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate; and

“(2) the term ‘Office’ means the Executive Office of the President.”.

(b) CLERICAL AMENDMENT.—The table of chapters for such title is amended by adding after the item relating to chapter 101 the following:

“102. Security Clearances .................................................................10201”.

•HR 7167 IH
Subtitle B—Divestiture of Certain Financial Interests of Federal Officers and Employees and Spouses

SEC. 211. DIVESTITURE OF CERTAIN FINANCIAL INTERESTS OF FEDERAL OFFICERS AND EMPLOYEES AND SPOUSES.

(a) DEFINITIONS.—In this section—

(1) the term “covered significant business interest”—

(A) means any financial interest of a covered officer or employee in a corporation, company, association, firm, partnership, proprietorship, or any other business entity of which the covered officer or employee is—

(i) a trustee;

(ii) a partner;

(iii) an officer;

(iv) a director; or

(v) a shareholder who holds more than 10 percent of any class of equity securities;

and

(B) does not include any financial interest consisting of obligations issued by the Treasury, diversified mutual funds that qualify for a regu-
latory exemption, or residential property that is not held for the production of rental or other income;

(2) the terms “conflict-free holding” and “qualified blind trust” have the meanings given those terms in sections 102(f)(3) and 102(f)(8), respectively, of the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(3) the term “covered officer or employee” means—

(A) any individual occupying a position—

(i) listed under the Executive Schedule (subchapter II of chapter 53 of title 5, United States Code);

(ii) in the Senior Executive Service as a nonecareer appointee (as that term is defined in section 3132(a) if such title); and

(iii) of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations; or

(iv) in the executive branch whose appointment is made by the President, by and with the advice and consent of the Senate; and
(B) any individual occupying any of the following positions:

(i) Assistant to the President for National Security Affairs.

(ii) Assistant to the President and Chief of Staff.

(iii) Assistant to the President and Deputy Chief of Staff.

(iv) Assistant to the President and Deputy Chief of Staff for Communications (or Director of Communications).

(v) Assistant to the President and Press Secretary.

(vi) Senior Advisor to the President.

(vii) Assistant to the President and Staff Secretary.

(viii) Assistant to the President for Homeland Security and Counterterrorism.

(ix) Assistant to the President and Counselor to the President.

(x) Director of the National Economic Council.

(xi) Director of the Domestic Policy Council.
(xii) Assistant to the President and Chief of Staff or Deputy Chief of Staff to the Vice President.

(xiii) Special Assistant to the President and Director of Communications for the Vice President.

(xiv) Press Secretary to the Vice President.

(xv) Senior Advisor to the Vice President.

(xvi) Deputy Assistant to the President and National Security Advisor or Deputy National Security Advisor to the Vice President.

(xvii) Deputy Assistant to the President and Counselor to the Vice President.

(xviii) Assistant to the President and White House Counsel.

(b) DIVESTITURE OF COVERED SIGNIFICANT BUSINESS INTEREST.—

(1) IN GENERAL.—A covered officer or employee or the spouse of any such an officer or employee shall divest of any covered significant business interest by transferring such interest to a qualified blind trust.
(2) Trustee duties.—Within a reasonable period of time after the date a covered significant business interest is transferred to a qualified blind trust under paragraph (1), the trustee of the qualified blind trust shall—

(A) sell the interest; and

(B) use the proceeds of the sale of the interest to purchase conflict-free holdings.

(e) Enforcement.—The Attorney General, the attorney general of any State, or any person aggrieved by any violation of subsection (b) may seek declaratory or injunctive relief in a court of competent jurisdiction if there is probable cause to believe that a covered officer or employee or the spouse of such an officer or employee has not complied with such subsection.

Subtitle C—Presidential Tax Transparency

SEC. 221. SHORT TITLE.

This subtitle may be cited as the “Presidential Tax Transparency Act”.

SEC. 222. DISCLOSURE OF TAX RETURNS BY PRESIDENTS AND CERTAIN PRESIDENTIAL CANDIDATES.

(a) In general.—Title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting after section 102 the following:
“SEC. 102A. DISCLOSURE OF TAX RETURNS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘covered candidate’ means an individual—

“(A) required to file a report under section 101(c); and

“(B) who is nominated by a major party as a candidate for the office of President;

“(2) the term ‘covered individual’ means—

“(A) a President required to file a report under subsection (a) or (d) of section 101; and

“(B) an individual who occupies the office of the President required to file a report under section 101(e);

“(3) the term ‘major party’ has the meaning given the term in section 9002 of the Internal Revenue Code of 1986; and

“(4) the term ‘income tax return’ means, with respect to any covered candidate or covered individual, any return (within the meaning of section 6103(b) of the Internal Revenue Code of 1986) related to Federal income taxes, but does not include—

“(A) information returns issued to persons other than such covered candidate or covered individual; and
“(B) declarations of estimated tax.

“(b) DISCLOSURE.—

“(1) COVERED INDIVIDUALS.—

“(A) IN GENERAL.—In addition to the in-
formation described in subsections (a) and (b)
of section 102, a covered individual shall in-
clude in each report required to be filed under
this title a copy of the income tax returns of the
covered individual for the 3 most recent taxable
years for which a return has been filed with the
Internal Revenue Service as of the date on
which the report is filed.

“(B) FAILURE TO DISCLOSE.—If an in-
come tax return is not disclosed under subpara-
graph (A), the Director of the Office of Govern-
ment Ethics shall submit to the Secretary of
the Treasury a request that the Secretary of
the Treasury provide the Director of the Office
of Government Ethics with a copy of the in-
come tax return.

“(C) PUBLICLY AVAILABLE.—Each income
tax return submitted under this paragraph shall
be filed with the Director of the Office of Gov-
ernment Ethics and made publicly available in
the same manner as the information described in subsections (a) and (b) of section 102.

“(D) REDACTION OF CERTAIN INFORMATION.—Before making any income tax return submitted under this paragraph available to the public, the Director of the Office of Government Ethics shall redact such information as the Director of the Office of Government Ethics, in consultation with the Secretary of the Treasury (or a delegate of the Secretary), determines appropriate.

“(2) CANDIDATES.—

“(A) IN GENERAL.—Not later than 15 days after the date on which a covered candidate is nominated, the covered candidate shall amend the report filed by the covered candidate under section 101(c) with the Federal Election Commission to include a copy of the income tax returns of the covered candidate for the 3 most recent taxable years for which a return has been filed with the Internal Revenue Service.

“(B) FAILURE TO DISCLOSE.—If an income tax return is not disclosed under subparagraph (A) the Federal Election Commission shall submit to the Secretary of the Treasury a
request that the Secretary of the Treasury pro-
vide the Federal Election Commission with the 
income tax return.

“(C) PUBLICLY AVAILABLE.—Each income 
tax return submitted under this paragraph shall 
be filed with the Federal Election Commission 
and made publicly available in the same manner 
as the information described in section 102(b).

“(D) REDACTION OF CERTAIN INFORMA-
tion.—Before making any income tax return 
submitted under this paragraph available to the 
public, the Federal Election Commission shall 
redact such information as the Federal Election 
Commission, in consultation with the Secretary 
of the Treasury (or a delegate of the Secretary) 
and the Director of the Office of Government 
Ethics, determines appropriate.

“(3) SPECIAL RULE FOR SITTING PRESI-
dENTS.—Not later than 30 days after the date of 
the enactment of this section, the President shall 
submit to the Director of the Office of Government 
Ethics a copy of the income tax returns described in 
paragraph (1)(A).”; and

(2) in section 104—

(A) in subsection (a)—
(i) in paragraph (1), in the first sentence, by inserting “or any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file an income tax return that such individual is required to disclose pursuant to section 102A” before the period; and

(ii) in paragraph (2)(A)—

(I) in clause (i), by inserting “or falsify any income tax return that such person is required to disclose under section 102A” before the semicolon; and

(II) in clause (ii), by inserting “or fail to file any income tax return that such person is required to disclose under section 102A” before the period;

(B) in subsection (b), in the first sentence by inserting “or willfully failed to file or has willfully falsified an income tax return required to be disclosed under section 102A” before the period;

(C) in subsection (c), by inserting “or failing to file or falsifying an income tax return re-
required to be disclosed under section 102A” before the period; and

(D) in subsection (d)(1)—

(i) in the matter preceding subparagraph (A), by inserting “or files an income tax return required to be disclosed under section 102A” after “title”; and

(ii) in subparagraph (A), by inserting “or such income tax return, as applicable,” after “report”.

(b) Authority To Disclose Information.—

(1) In General.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(23) Disclosure of Return Information of Presidents and Certain Presidential Candidates.—

“(A) Disclosure of Returns of Presidents.—

“(i) In General.—The Secretary shall, upon written request from the Director of the Office of Government Ethics pursuant to section 102A(b)(1)(B) of the Ethics in Government Act of 1978, provide to officers and employees of the Office of
Government Ethics a copy of any income
tax return of the President which is re-
quired to be filed under section 102A of
such Act.

“(ii) Disclosure to Public.—The
Director of the Office of Government Eth-
ics may disclose to the public the income
tax return of any President which is re-
quired to be filed with the Director pursuant
to section 102A of the Ethics in Gov-

“(B) Disclosure of Returns of Cer-
tain Candidates for President.—

“(i) In General.—The Secretary
shall, upon written request from the Chair-
man of the Federal Election Commission
pursuant to section 102A(b)(2)(B) of the
Ethics in Government Act of 1978, provide
to officers and employees of the Federal
Election Commission copies of the applica-
table returns of any person who has been
ominated as a candidate of a major party
(as defined in section 9002(a)) for the of-
office of President.
“(ii) Disclosure to public.—The Federal Election Commission may disclose to the public applicable returns of any person who has been nominated as a candidate of a major party (as defined in section 9002(6)) for the office of President and which is required to be filed with the Commission pursuant to section 102A of the Ethics in Government Act.

“(C) Applicable returns.—For purposes of this paragraph, the term ‘applicable returns’ means, with respect to any candidate for the office of President, income tax returns for the 3 most recent taxable years for which a return has been filed as of the date of the nomination.”.

(2) Conforming amendments.—Section 6103(p)(4) of such Code, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking “or (22)” and inserting “(22), or (23)” each place it appears.
Subtitle D—White House Open Data

SEC. 231. SHORT TITLE.
This subtitle may be cited as the “White House Open Data Act”.

SEC. 232. WHITE HOUSE VISITOR LOG AND EMPLOYEE INFORMATION.

(a) REQUIREMENT TO PUBLISH.—Except as provided in subsection (b), not later than 90 days after the date of the enactment of this Act, the Executive Office of the President shall make available on a publicly available website in an easily searchable and downloadable format the following information:

(1) Visitor records for any location where the President or Vice President regularly conducts official business, which shall—

(A) include the name of each visitor, the name of each individual with whom the visitor met, and the purpose of the visit; and

(B) shall be updated every 30 days.

(2) The annual salary of each White House employee, which shall be updated quarterly.

(3) The most recent financial disclosure statement for each White House employee filed pursuant

(b) EXCEPTIONS.—Except as provided in subsection (c)(3), the requirement described in subsection (a) does not apply to any visitor record that relates to—

(1) the social security number, taxpayer identification number, birth date, home address, or personal phone number of an individual, the name of an individual who is less than 18 years old, or a financial account number;

(2) a law enforcement concern;

(3) a national security threat;

(4) the personal safety of an employee of the Executive Office of the President; or

(5) personal visits that do not involve any official or political business.

(c) RECORDS WITHHELD.—With respect to a visitor record excepted under subsection (b), the Executive Office of the President shall—

(1) disclose the number of records withheld every 30 days;

(2) post any such excepted record on the website described under subsection (a) if the Executive Office of the President determines that the
record is no longer subject to an exception described in subsection (b); and

(3) notwithstanding subsection (b), post any reasonably segregable portion that is not covered by an exception described in subsection (b) of any such excepted record on the website described under subsection (a).

Subtitle E—Prohibitions on Making Certain Contracts with Federal Government or receiving Federal funds

SEC. 241. PROHIBITIONS ON MAKING CERTAIN CONTRACTS WITH FEDERAL GOVERNMENT OR RECEIVING FEDERAL FUNDS.

(a) Contracts With Federal Government.—

(1) Prohibition.—The following may not enter into or benefit from a contract or agreement with the Federal Government, or any part thereof:

(A) The President.

(B) The Vice President.

(C) An immediate family member of the President.

(D) An immediate family member of the Vice President.

(E) A covered significant business interest.
(2) EXCEPTION.—Paragraph (1) does not apply to the following:

(A) A contract or agreement with the Federal Government entered into or negotiated before or after the period in which the President or the Vice President, as applicable, serves in office.

(B) A contract for employment with the Federal Government or a contract for service in the Armed Forces, or any benefits provided under such employment or service.

(b) RECEIPT OF FEDERAL FUNDS.—

(1) PROHIBITION.—Except as provided in paragraph (2), the Federal Government may not obligate or expend Federal funds with the President, the Vice President, or a covered significant business interest.

(2) EXCEPTIONS.—

(A) ENTITLEMENTS.—The Federal Government may obligate or expend Federal funds with the President or the Vice President is entitled to by law for discharging an official duty, including annual salary.

(B) OBLIGATIONS.—Paragraph (1) does not apply to Federal funds obligated or expended before or after the period in which the
President or the Vice President, as applicable, serves in office.

(c) RULE OF CONSTRUCTION.—Nothing in this Act may be construed to limit any payment to the President, the Vice President, an immediate family member of the President or Vice President, or covered significant business interest of any Federal benefit for which the President, the Vice President, an immediate family member of the President or Vice President, or covered significant business interest would otherwise be eligible.

(d) DEFINITIONS.—In this section:

(1) CONTRACT OR AGREEMENT WITH FEDERAL GOVERNMENT.—The term “contract or agreement with the Federal Government” means a procurement contract or grant, a land use contract, or a lease created, funded, or controlled by the Federal Government, respectively.

(2) COVERED SIGNIFICANT BUSINESS INTEREST.—The term “covered significant business interest” means any corporation, company, association, firm, partnership, proprietorship, or any other business entity of which the President, the Vice President, an immediate family member of the President, or an immediate family member of the Vice President is—
(A) a trustee;
(B) a partner;
(C) an officer;
(D) a director; or
(E) a shareholder who holds more than 10 percent of any class of equity securities.

(3) IMMEDIATE FAMILY MEMBER.—The term “immediate family member” means a spouse, parent, sibling, child, or dependent relative.

(e) APPLICATION.—

(1) CONTRACT OR AGREEMENT WITH FEDERAL GOVERNMENT.—The prohibition under subsection (a)(1) applies to contracts or agreements with the Federal Government entered into, revised, or renewed after the date of the enactment of this Act.

(2) FEDERAL FUNDS.—The prohibition under subsection (a)(2) applies to Federal funds obligated after the date of the enactment of this Act.
TITLE III—INCREASED OVERSIGHT AND STRENGTHENING AGENCIES RESPONSIBLE FOR ROOTING OUT CORRUPTION

SEC. 301. CONGRESSIONAL NOTIFICATION OF CHANGE IN STATUS OF INSPECTOR GENERAL.

(a) Change in Status of Inspector General of Offices.—Section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

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

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

(3) by inserting “, change in status,” after “before the removal”.


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

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

(3) by inserting “, change in status,” after “before the removal”.

•HR 7167 IH
(c) **Effective Date.**—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

**SEC. 302. PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL.**

(a) **In General.**—Subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after section 3349d the following new section:

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

“If the President fails to make a formal nomination for a vacant Inspector General position within the period beginning on the date on which the vacancy occurred and ending on the day that is 210 days after that date, the President shall communicate, within 30 days after the end of such period, to Congress in writing —

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

“(2) a target date for making a formal nomination.”.
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(b) **Clerical Amendment.**—The table of sections for chapter 33 of title 5, United States Code, is amended by inserting after the item relating to 3349d the following new item:

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“3349e. Presidential explanation of failure to nominate an Inspector General.”.
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(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any vacancy first occurring on or after that date.