To amend the Ethics in Government Act of 1978 to require the disclosure of certain tax returns by Presidents and certain candidates for the office of the President, and for other purposes.

IN THE SENATE OF THE UNITED STATES
JANUARY 4, 2017
Mr. Wyden (for himself, Ms. Baldwin, Mr. Bennet, Mr. Cardin, Mrs. Feinstein, Mr. Kaine, Mr. Merkley, Mr. Murphy, Ms. Stabenow, Mr. Udall, and Ms. Warren) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL
To amend the Ethics in Government Act of 1978 to require the disclosure of certain tax returns by Presidents and certain candidates for the office of the President, and for other purposes.

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “Presidential Tax Transparency Act”.


SEC. 2. 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) re-
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 information described in subsections (a) and (b) of section 102, a covered individual shall include 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 have been filed with the Internal Revenue Service as of the date on which the report is filed.

“(B) FAILURE TO DISCLOSE.—If an income tax return is not disclosed under subparagraph (A), the Director of the Office of Government 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 income tax return.
“(C) Publicly Available.—Each income tax return submitted under this paragraph shall be filed with the Director of the Office of Government 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 provide 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 information.—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 presidents.—Not later than 30 days after the date of 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 para-
graph (1)(A).”; and

(2) in section 104—

(A) in subsection (a)—

(i) in paragraph (1), in the first sen-
tence, by inserting “or any individual who
knowingly and willfully falsifies or who
knowingly and willfully fails to file an in-
come tax return that such individual is re-
quired 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 semi-
colon; and

(II) in clause (ii), by inserting
“or fail to file any income tax return
that such person is required to dis-
closed 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 fail-
ning to file or falsifying an income tax return re-
quired to be disclosed under section 102A” be-
fore the period; and

(D) in subsection (d)(1)—

(i) in the matter preceding subpara-
graph (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 Inter-

nal 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 CANDI-
DATES.—

“(A) DISCLOSURE OF RETURNS OF PRESI-
DENTS.—

“(i) IN GENERAL.—The Secretary
shall, upon written request from the Direc-
tor 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 required to be filed under section 102A of such Act.

“(ii) Disclosure to Public.—The Director of the Office of Government Ethics may disclose to the public the income tax return of any President which is required to be filed with the Director pursuant to section 102A of the Ethics in Government Act of 1978.

“(B) Disclosure of Returns of Certain Candidates for President.—

“(i) In General.—The Secretary shall, upon written request from the Chairman 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 applicable returns of any person who has been
nominated as a candidate of a major party (as defined in section 9002(a)) for the 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.

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