

115TH CONGRESS
2D SESSION

S. 3154

To ensure Members of Congress have access to Federal facilities in order to exercise their Constitutional oversight responsibilities.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2018

Mr. WYDEN (for himself, Mr. SANDERS, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure Members of Congress have access to Federal facilities in order to exercise their Constitutional oversight responsibilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring Oversight
5 for Members of Congress Act”.

6 **SEC. 2. RESTORING OVERSIGHT THROUGH ACCESS TO FED-**
7 **ERAL FACILITIES FOR MEMBERS.**

8 (a) DEFINITIONS.—In this section—

1 (1) the term “committee of jurisdiction”, with
2 respect to a Federal facility, means the committee of
3 the Senate or the House of Representatives with ju-
4 risdiction of the activities carried out at the Federal
5 facility;

6 (2) the term “Federal facility”—

7 (A) means a facility, or portion of a facil-
8 ity, that is owned or controlled by the Federal
9 Government; and

10 (B) includes—

11 (i) a facility, or portion of a facility,
12 used by the Federal Government under a
13 contract or lease; and

14 (ii) a facility, or portion of a facility,
15 at which operations are carried out under
16 the authority of the Federal Government
17 granted under a contract or other agree-
18 ment with the Federal Government; and

19 (3) the term “Member of Congress”—

20 (A) has the meaning given that term under
21 section 2106 of title 5, United States Code; and

22 (B) does not include the Vice President.

23 (b) ACCESS TO FACILITIES.—Subject to subsection

24 (c)(4), the head of the agency that controls access to a
25 Federal facility, or the manager of the Federal facility,

1 shall provide a Member of Congress seeking access to the
2 Federal facility with immediate access to the Federal facil-
3 ity.

4 (c) RESTRICTIONS OF ACCESS FOR NATIONAL SECUR-
5 RITY REASONS.—

6 (1) IN GENERAL.—If the head of an agency
7 wishes to restrict the access of Members of Congress
8 to a Federal facility for national security reasons,
9 the head of the agency shall submit to the committee
10 of jurisdiction of each House of Congress a report
11 explaining the articulable national security damage
12 that would result from providing access to the Fed-
13 eral facility to a Member of Congress.

14 (2) NEGOTIATED PROTOCOLS.—If the head of
15 an agency submits a report under paragraph (1)
16 with respect to a Federal facility, the committees of
17 jurisdiction shall seek to negotiate with the head of
18 the agency protocols under which all Members of
19 Congress may access the Federal facility.

20 (3) REPORT SEEKING TO LIMIT ACCESS.—If the
21 head of an agency determines that the agency does
22 not believe protocols can be established under which
23 all Members of Congress may access the Federal fa-
24 cility, the head of the agency shall submit to the
25 committee of jurisdiction of each House of Congress

1 a report explaining the national security reasons
2 that such protocols cannot be established.

3 (4) LIMIT ON ACCESS.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), for a Federal facility with
6 respect to which the head of an agency submits
7 a report under paragraph (3), with the approval
8 of the Chairman and Ranking Member of the
9 committee of jurisdiction of each House of Con-
10 gress, access to the Federal facility may be lim-
11 ited for national security reasons to Members of
12 Congress who are members of a committee of
13 jurisdiction.

14 (B) CERTAIN OVERSEAS FACILITIES.—For
15 a Federal facility that is located outside the
16 United States and presents exceptional physical
17 security concerns with respect to which the
18 head of an agency submits a report under para-
19 graph (3), with the approval of the Chairman
20 and Ranking Member of the committee of juris-
21 diction of each House of Congress, the Federal
22 facility may be restricted for national security
23 reasons from all access by Members of Con-
24 gress.

25 (5) ACCESS TO FACILITIES.—

1 (A) PROTOCOLS.—If the head of an agency
2 and the committees of jurisdiction negotiate
3 protocols under paragraph (2) with respect to a
4 Federal facility, the head of the agency that
5 controls access to a Federal facility, or the
6 manager of the Federal facility, shall provide a
7 Member of Congress seeking access to the Fed-
8 eral facility with immediate access to the Fed-
9 eral facility in accordance with such protocols.

10 (B) DISAPPROVAL.—If the Chairman and
11 Ranking Member of the committee of jurisdic-
12 tion of each House of Congress do not approve
13 restricting access to a Federal facility under
14 subparagraph (A) or (B) of paragraph (4), the
15 head of the agency that controls access to a
16 Federal facility, or the manager of the Federal
17 facility, shall provide a Member of Congress
18 seeking access to the Federal facility with im-
19 mediate access to the Federal facility in accord-
20 ance with subsection (b).

21 (6) NONDELEGATION.—The duties and authori-
22 ties of the head of an agency under paragraphs (1)
23 through (4) may not be delegated.

24 (d) CONTRACTS.—The head of each agency shall en-
25 sure that any contract, lease, or other agreement with a

1 non-Federal individual or entity relating to a Federal facil-
2 ity that is entered into or modified after the date of enact-
3 ment of this Act includes a requirement to provide access
4 to Members of Congress in accordance with this Act.

5 (e) PENALTIES.—Any person who violates this Act,
6 including the head of an agency, any officer or employee
7 to whom duties under this Act are delegated, and any indi-
8 vidual or entity entering a contract or lease with the Fed-
9 eral Government relating to a Federal facility, shall be
10 fined under title 18, United States Code, imprisoned for
11 not more than 1 year, or both.

12 (f) FINDINGS.—A Member of Congress may enter a
13 statement into the Congressional Record detailing the
14 findings of the Member of Congress based on accessing
15 a Federal facility.

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