

116TH CONGRESS  
1ST SESSION

# H. R. 1028

To reform certain ethics rules of the Federal Government, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2019

Ms. SPEIER introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committees on House Administration, 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

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## A BILL

To reform certain ethics rules of the Federal Government,  
and for other purposes.

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 Integrity,  
5 Governance, Honesty, and Transparency Act of 2019” or  
6 the “RIGHT Act of 2019”.

1 **SEC. 2. AMENDMENTS TO THE ETHICS IN GOVERNMENT**  
2 **ACT OF 1978.**

3 (a) REFERENCES.—Except as otherwise expressly  
4 provided, whenever in this section an amendment or repeal  
5 is expressed in terms of an amendment to, or repeal of,  
6 a section or other provision, the reference shall be consid-  
7 ered to be made to a section or other provision of the Eth-  
8 ics in Government Act of 1978 (5 U.S.C. App 101 et seq.).

9 (b) DISCLOSURE OF TAX RETURNS OF CANDIDATES  
10 FOR THE OFFICE OF PRESIDENT AND VICE PRESI-  
11 DENT.—

12 (1) IN GENERAL.—Section 102 is amended by  
13 adding at the end the following:

14 “(j)(1) Any report filed pursuant to section 101(c)  
15 by an individual who is a candidate for the office of Presi-  
16 dent or Vice President shall include the individual’s return  
17 of Federal income tax for the taxable year ending in or  
18 with the applicable calendar year covered by such report  
19 and such returns for the previous nineteen taxable years.

20 “(2) If any person covered by paragraph (1) files the  
21 return for such taxable year with the Internal Revenue  
22 Service after the due date for such report, such return  
23 shall be submitted (in the same manner as such a report)  
24 not later than 30 days after such return was so filed.

25 “(3)(A) The Secretary of the Treasury, in consulta-  
26 tion with the Director of the Office of Government Ethics,

1 may issue regulations authorizing the redaction of per-  
2 sonal information as the Secretary deems necessary to pre-  
3 vent identity theft or physical danger from disclosure of  
4 tax returns required under subsection (a).

5 “(B) Any redaction made in accordance with the reg-  
6 ulations issued under subparagraph (A) shall be the sole  
7 and exclusive responsibility of the individual who filed the  
8 return, except that the Director may order the filer to re-  
9 move any redaction the Director determines to be unau-  
10 thorized.”

11 (2) DISCLOSURE PERMITTED.—Section 6103(i)  
12 of the Internal Revenue Code of 1986 is amended by  
13 adding at the end the following new paragraph:

14 “(9) DISCLOSURE OF TAX RETURNS UNDER  
15 THE ETHICS IN GOVERNMENT ACT OF 1978.—The  
16 Director of the Office of Government Ethics may  
17 publically disclose returns described in section 102(j)  
18 of the Ethics in Government Act of 1978 (Public  
19 Law 95–521; 5 U.S.C. App. 102(j)) to the extent  
20 such returns are required to be made available pur-  
21 suant to such section.”

22 (3) APPLICATION.—The amendment made by—  
23 (A) paragraph (1) shall apply to any indi-  
24 vidual who becomes a candidate for the office,  
25 or assumes the office, of President or Vice

1           President, after the date of enactment of this  
2           Act; and

3                   (B) paragraph (2) shall apply to disclo-  
4           sures made after the date of the enactment of  
5           this Act.

6           (c) DISCLOSURE OF DONATIONS TO LEGAL DEFENSE  
7   FUNDS.—Section 102 is further amended by adding at the  
8   end the following:

9           “(k)(1) Except as provided in paragraphs (2) and  
10   (3), each report filed pursuant to section 101 (d) and (e)  
11   shall include the following information regarding each con-  
12   tribution or reimbursement made, during the preceding  
13   calendar year, by any source for the purpose of paying  
14   on behalf of the reporting individual, or for the purpose  
15   of reimbursing the reporting individual or any other per-  
16   son for the payment of, a fee for legal services or a related  
17   expense incurred at the time when the reporting individual  
18   was an officer or employee of the Federal Government:

19                   “(A) The identity of the source of the contribu-  
20   tion or reimbursement, including:

21                           “(i) a trust or other financial arrangement;

22                           “(ii) a person who made the contribution  
23   or reimbursement on behalf of another; or

24                           “(iii) any other source.

1           “(B) The identity of each person who provided  
2           the source with cash or a thing of value to be ap-  
3           plied in support of the contribution or reimburse-  
4           ment.

5           “(C) The value of the contribution or reim-  
6           bursement.

7           “(D) The date of the contribution or reimburse-  
8           ment.

9           “(E) If the contribution or reimbursement was  
10          a thing of value other than cash, a brief description  
11          of the thing of value.

12          “(2) The disclosure requirement pursuant to para-  
13          graph (1) shall apply only to contributions and reimburse-  
14          ments aggregating more than the minimal value as estab-  
15          lished by section 7342(a)(5) of title 5, United States Code,  
16          or \$250, whichever is greater, made during the preceding  
17          calendar year.

18          “(3) The disclosure requirement pursuant to para-  
19          graph (1) shall not apply to—

20                 “(A) a contribution or reimbursement from a  
21                 relative of the reporting individual, unless the rel-  
22                 ative received, or has an arrangement to receive,  
23                 cash or a thing of value to be applied in support of  
24                 the contribution or reimbursement;

1           “(B) a contribution or reimbursement made in  
2           connection with a fee for legal services or an expense  
3           that is unrelated to the reporting individual’s em-  
4           ployment; or

5           “(C) a reduction or waiver of a fee for legal  
6           services by the provider of the services, unless the  
7           provider has received, or has an arrangement to re-  
8           ceive, cash or a thing of value to be applied in sup-  
9           port of the reduction or waiver.

10          “(4) Nothing in paragraph (3) shall be construed to  
11          relieve a reporting individual of the disclosure requirement  
12          set forth at subsection (a)(2).”.

13          (d) INCREASE IN PENALTY FOR FAILURE TO FILE  
14          OR FILING FALSE REPORTS.—Section 104(a)(1) is  
15          amended by striking “\$50,000” and inserting  
16          “\$200,000”.

17          (e) CLARIFICATION OF APPLICATION TO ENTIRE EX-  
18          ECUTIVE BRANCH.—Title IV is amended—

19                 (1) in section 401, by adding at the end the fol-  
20                 lowing:

21                 “(d) In this title, the term ‘executive agency’ has the  
22                 meaning given that term in section 105 of title 5, United  
23                 States Code, and includes the United States Postal Serv-  
24                 ice, the Postal Regulatory Commission, the Executive Of-

1 fice of the President, the Office of the Vice President, and  
2 the White House.”; and

3 (2) in section 402(a), by striking “, as defined  
4 in section 105 of title 5, United States Code.”.

5 (f) RESPONSIBILITY OF THE DIRECTOR REGARDING  
6 GIFTS.—Section 402(b) is amended—

7 (1) in paragraph (14), by striking “and” at the  
8 end;

9 (2) in paragraph (15), by striking the period  
10 and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(16) make rules, after consultation with the  
13 Attorney General, for the requirements pertaining to  
14 acceptance of gifts by executive branch employees  
15 and procedures for compliance with such require-  
16 ments.”.

17 (g) AUTHORITY REGARDING REGULATIONS.—Sec-  
18 tion 402 is amended—

19 (1) in subsection (a), by striking “, in consulta-  
20 tion with the Office of Personnel Management,”;  
21 and

22 (2) in subsection (b)—

23 (A) in paragraphs (1), (2), and (12), by  
24 striking “and the Office of Personnel Manage-  
25 ment” in each instance; and

1 (B) in paragraph (15), by striking “in con-  
2 sultation with the Office of Personnel Manage-  
3 ment,”.

4 (h) LIMITATION ON LEGAL DEFENSE FUNDS.—

5 (1) LEGAL DEFENSE FUNDS.—

6 (A) Not later than 180 days after the date  
7 of the enactment of this Act, the Director of  
8 the Office of Government Ethics shall issue  
9 final regulations regarding the acceptance by  
10 any officer or employee of the executive branch  
11 (not including the President or Vice President)  
12 of reimbursement for, or payment of, legal fees  
13 incurred in connection with the employee’s serv-  
14 ice in the executive branch or in connection  
15 with the employee’s participation in, assistance  
16 to, or association with, a presidential campaign  
17 or president-elect transition team.

18 (B) Such regulations shall prohibit any ex-  
19 ecutive branch officer or employee covered by  
20 subparagraph (A) from receiving any reim-  
21 bursement or payment of fees as described in  
22 such subparagraph, except that the regulations  
23 may authorize, to the extent otherwise per-  
24 mitted by applicable law and regulation (includ-  
25 ing regulations under paragraph (16) of section



1           402(b) of the Ethics in Government Act of  
2           1978, as added by subsection (f)(3)), such a re-  
3           imbursement or payment by a relative of the of-  
4           ficer or employee or by a legal expense fund ap-  
5           proved (in writing) by the Director that—

6                   (i) exists solely to reimburse or pay  
7                   the legal fees of one individual and owes  
8                   that individual an exclusive fiduciary duty,  
9                   with all unused funds going to charity;

10                   (ii) makes comprehensive disclosure,  
11                   as defined by the Director and including  
12                   the disclosures required under section  
13                   102(f) of the Ethics in Government Act of  
14                   1978 (as added by subsection (c)), of all  
15                   receipts and distributions by the fund; and

16                   (iii) complies with all procedural and  
17                   substantive requirements the Director  
18                   deems necessary for the protection of the  
19                   public's trust in Government and to pre-  
20                   vent the appearance of impropriety.

21 **SEC. 3. AMENDMENTS TO TITLE 5, UNITED STATES CODE.**

22           (a) ASSESSMENT OF PENALTIES FOR VIOLATING  
23 ANTI-NEPOTISM STATUTE.—Section 3110 of title 5,  
24 United States Code, is amended as follows:

1           (1) In subsection (a)(1)(A), by inserting before  
2           the semicolon the following: “, including the White  
3           House and the Executive Office of the President”.

4           (2) By adding at the end the following:

5           “(f)(1) Any individual who knowingly is appointed or  
6           employed in violation of this section, and the public official  
7           who is a relative of such individual and who appoints, em-  
8           ploys, or advocated for appointment or employment (as  
9           the case may be) of such individual, shall each be subject  
10          to a fine of \$1,000 for each day the individual is so ap-  
11          pointed or employed, except that—

12           “(A) in the case of a career employee, the max-  
13          imum penalty shall not exceed the employee’s pay  
14          for the period of the violation; and

15           “(B) in the case of a noncareer employee, there  
16          shall be no limit on the liability under this sub-  
17          section.

18          “(2) Any individual who is employed in violation of  
19          this section shall not be eligible for access to classified in-  
20          formation.”.

21          (b) HATCH ACT AMENDMENTS.—

22           (1) IN GENERAL.—Section 7326 of title 5,  
23          United States Code, is amended—

24           (A) by striking “An employee” and insert-  
25          ing “(a) An employee”; and

1 (B) by adding at the end the following:

2 “(b)(1) If the Office of Special Counsel determines  
3 that an employee of the White House or the Executive  
4 Office of the President has violated section 7323 or 7324,  
5 the Special Counsel shall submit a report to the President.  
6 The report shall include the recommended disciplinary ac-  
7 tion to be taken against the employee.

8 “(2)(A) On the date a report is received under para-  
9 graph (1), the President shall—

10 “(i) carry out the proposed disciplinary action  
11 contained in that report against the applicable em-  
12 ployee; or

13 “(ii) decline to carry out the proposed action.

14 “(B) If the President declines to carry out the pro-  
15 posed action pursuant to subparagraph (A)(ii), not later  
16 than 30 days after receiving the report the President shall  
17 submit (in writing) notification to the Special Counsel and  
18 the chair and ranking member of the Committee on Over-  
19 sight and Reform of the House of Representatives and the  
20 Committee on Homeland Security and Governmental Af-  
21 fairs of the Senate, including a detailed explanation of why  
22 the action was not taken.

23 “(C) The Special Counsel shall publish the notifica-  
24 tion received under subparagraph (B) on the Office’s pub-  
25 lic Internet website”.

1           (2) APPLICATION.—The amendments made by  
2 paragraph (1) shall apply to any violation of section  
3 7323 or 7324 of title 5, United States Code, by an  
4 employee of the White House or the Executive Office  
5 of the President occurring after the date of enact-  
6 ment of this Act.

7 **SEC. 4. DISCLOSURE OF TRAVEL BY SENIOR FEDERAL OF-**  
8 **FICIALS.**

9           (a) REGULATIONS.—Not later than 30 days after the  
10 date of enactment of this Act, the Administrator of Gen-  
11 eral Services shall promulgate regulations to modify the  
12 requirements of section 301–70.907 of title 41, Code of  
13 Federal Regulations, to require that the report required  
14 under such section—

15                 (1) be submitted on a quarterly basis; and

16                 (2) include, with respect to any instance of  
17 travel of a senior Federal official or non-Federal  
18 traveler—

19                         (A) an explanation of the decision to use a  
20 Government aircraft and the type of aircraft  
21 used; and

22                         (B) the estimated cost to the Government.

23           (b) PUBLICATION.—The Administrator shall publish  
24 any report submitted under such section on the General  
25 Services Administration’s public Internet website.

1 **SEC. 5. LIMITATION ON AVAILABILITY OF FUNDS FOR EX-**  
2 **PENSES INCURRED AT PROPERTY OWNED BY**  
3 **FEDERAL EMPLOYEES.**

4 (a) IN GENERAL.—In fiscal year 2018 and each fiscal  
5 year thereafter, no Federal funds may be obligated or ex-  
6 pended to pay for an expense incurred at a property owned  
7 or operated by any covered individual or an immediate  
8 family member of such individual if the payment of the  
9 expense would result in a net financial benefit for such  
10 individual or an immediate family member of such indi-  
11 vidual, or any trust or organization in which the individual  
12 or the immediate family member has a financial interest.

13 (b) DEFINITIONS.—In this section—

14 (1) the term “covered individual” means—

15 (A) the President;

16 (B) the Vice President; and

17 (C) any Federal employee;

18 (2) the term “Federal employee” has the mean-  
19 ing given the term “employee” in section 2105 of  
20 title 5, United States Code, and includes any officer  
21 or employee of the United States Postal Service, the  
22 Postal Regulatory Commission, the Executive Office  
23 of the President, or the White House; and

24 (3) the term “immediate family member”, with  
25 respect to a covered individual, means—

26 (A) the spouse of such individual; or

1 (B) any adult or minor child of such indi-  
2 vidual.

3 **SEC. 6. PROHIBITION ON DONATIONS BY GOVERNMENT**  
4 **CONTRACTORS TO INAUGURAL COMMITTEES.**

5 Section 317 of the Federal Election Campaign Act  
6 of 1971 (52 U.S.C. 30119) is amended—

7 (1) by amending the heading to read as follows:

8 “CONTRIBUTIONS AND OTHER DONATIONS BY GOV-  
9 ERNMENT CONTRACTORS”;

10 (2) in subsection (a)—

11 (A) in paragraph (1), by inserting “, or di-  
12 rectly or indirectly to make a donation of  
13 money or other thing of value, or to promise ex-  
14 pressly or impliedly to make any such donation  
15 to an Inaugural Committee” after “political  
16 purpose or use”; and

17 (B) in paragraph (2), by inserting “or do-  
18 nation” after “contribution”; and

19 (3) by adding at the end the following new sub-  
20 section:

21 “(d) For purposes of this section, the term ‘Inaugural  
22 Committee’ has the meaning given it by section 501 of  
23 title 36, United States Code.”.

1 **SEC. 7. DISCLOSURE OF AND PROHIBITION ON CERTAIN**  
2 **DONATIONS TO INAUGURAL COMMITTEE.**

3 Section 510(c) of title 36, United States Code is  
4 amended by striking the period at the end and inserting  
5 “or from a government contractor (as described in section  
6 317(a)(1) of such Act (52 U.S.C. 30119(a)(1)).”.

○