

116TH CONGRESS  
1ST SESSION

# H. R. 391

To provide transparency regarding waivers granted to individuals from the ethics requirements of Executive Order 13770 or any subsequent similar order, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2019

Mr. LYNCH (for himself and Mr. CUMMINGS) introduced the following bill;  
which was referred to the Committee on Oversight and Reform

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## A BILL

To provide transparency regarding waivers granted to individuals from the ethics requirements of Executive Order 13770 or any subsequent similar order, 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 “White House Ethics  
5 Transparency Act of 2019”.

1 **SEC. 2. PROCEDURE FOR WAIVERS AND AUTHORIZATIONS**  
2 **RELATING TO ETHICS REQUIREMENTS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-  
4 sion of law, not later than 30 days after an officer or em-  
5 ployee issues or approves a waiver or authorization pursu-  
6 ant to section 3 of Executive Order 13770 (82 Fed. Reg.  
7 9333), or any subsequent similar order, such officer or  
8 employee shall—

9 (1) transmit a written copy of such waiver or  
10 authorization to the Director of the Office of Gov-  
11 ernment Ethics; and

12 (2) make a written copy of such waiver or au-  
13 thorization available to the public on the website of  
14 the employing agency of the covered employee.

15 (b) RETROACTIVE APPLICATION.—In the case of a  
16 waiver or authorization described in subsection (a) issued  
17 during the period beginning on January 20, 2017, and  
18 ending on the date of enactment of this Act, the issuing  
19 officer or employee of such waiver or authorization shall  
20 comply with the requirements of paragraphs (1) and (2)  
21 of such subsection not later than 30 days after the date  
22 of enactment of this Act.

23 (c) OFFICE OF GOVERNMENT ETHICS PUBLIC AVAIL-  
24 ABILITY.—Not later than 14 days after receiving a written  
25 copy of a waiver or authorization under subsection (a)(1),  
26 the Director of the Office of Government Ethics shall

1 make such waiver or authorization available to the public  
2 on the website of the Office of Government Ethics.

3 (d) DEFINITION OF COVERED EMPLOYEE.—In this  
4 section, the term “covered employee”—

5 (1) means a full-time, non-career Presidential  
6 or Vice Presidential appointee, non-career appointee  
7 in the Senior Executive Service (or other SES-type  
8 system), or an appointee to a position that has been  
9 excepted from the competitive service by reason of  
10 being of a confidential or policymaking character  
11 (Schedule C and other positions excepted under com-  
12 parable criteria) in an executive agency; and

13 (2) does not include any individual appointed as  
14 a member of the Senior Foreign Service or solely as  
15 a uniformed service commissioned officer.

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