

116TH CONGRESS  
2D SESSION

# H. R. 7076

To ensure ethical and accountable use of COVID–19 relief funds, to prevent corruption and bias in the disbursement and supervision of those funds, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2020

Ms. JAYAPAL (for herself, Mr. SARBANES, Ms. CLARKE of New York, Ms. NORTON, Mr. GRJALVA, Mr. ROSE of New York, Mr. DESAULNIER, Mr. CICILLINE, Ms. WILD, and Mr. PAPPAS) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committees on the Judiciary, Financial Services, Education and Labor, Small Business, House Administration, Intelligence (Permanent Select), Armed Services, Foreign Affairs, 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 ensure ethical and accountable use of COVID–19 relief funds, to prevent corruption and bias in the disbursement and supervision of those funds, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Coronavirus Oversight  
3 and Recovery Ethics Act of 2020” or the “CORE Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act—

6 (1) the term “abuse of authority” means an ar-  
7 bitrary and capricious exercise of authority by a con-  
8 tracting officer or employee that adversely affects  
9 the rights of any individual, or that results in per-  
10 sonal gain or advantage to the officer or employee  
11 or to preferred other individuals;

12 (2) the term “CARES Act” means the CARES  
13 Act (Public Law 116–136);

14 (3) the term “Coronavirus pandemic-related  
15 program, project, or activity”—

16 (A) means a program, project, or activity  
17 of the executive branch of the Federal Govern-  
18 ment authorized under or carried out using  
19 amounts made available under an Act to re-  
20 spond to or to provide aid or assistance to ad-  
21 dress, relief from, or funding to address the  
22 outbreak of COVID–19 that is enacted before,  
23 on, or after the date of enactment of this Act;  
24 and

25 (B) includes any program, project, or ac-  
26 tivity of the executive branch of the Federal

1 Government authorized under or carried out  
2 using amounts made available under—

3 (i) the Paycheck Protection Program  
4 and Health Care Enhancement Act (Public  
5 Law 116–139), or an amendment made by  
6 that Act;

7 (ii) the CARES Act, or an amend-  
8 ment made by that Act;

9 (iii) the Families First Coronavirus  
10 Response Act (Public Law 116–127), or an  
11 amendment made by that Act; or

12 (iv) the Coronavirus Preparedness and  
13 Response Supplemental Appropriations  
14 Act, 2020 (Public Law 116–123), or an  
15 amendment made by that Act;

16 (4) the term “covered contract” means a con-  
17 tract that—

18 (A) has a value of more than \$150,000;

19 and

20 (B) relates to the administration or execu-  
21 tion of authorities under a Coronavirus pan-  
22 demic-related program, project, or activity;

23 (5) the term “covered contractor” means a pri-  
24 vate sector contractor (at any tier) or advisor pro-

1       viding goods, property, or services under a covered  
2       contract;

3               (6) the term “covered funds” means any con-  
4       tract, subcontract, grant, subgrant, loan, loan guar-  
5       antee, or other payment for which—

6                       (A) the Federal Government provides any  
7       portion of the funds or property that is pro-  
8       vided, requested, or demanded; and

9                       (B) any portion of the funds are appro-  
10      priated or otherwise made available under or to  
11      carry out a Coronavirus pandemic-related pro-  
12      gram, project, or activity;

13               (7) the term “designated agency ethics official”  
14      has the meaning given that term under section 109  
15      of the Ethics in Government Act of 1978 (5 U.S.C.  
16      App.);

17               (8) the term “Director” means the Director of  
18      the Office of Government Ethics;

19               (9) the term “employee”—

20                       (A) except as provided under subparagraph  
21      (B), means an individual performing services on  
22      behalf of an employer, including any individual  
23      working for an employer under a contract with  
24      such employer (including a contractor, subcon-  
25      tractor, or agent of an employer); and

1 (B) does not include any Federal employee  
2 or member of the uniformed services (as that  
3 term is defined in section 101(a)(5) of title 10,  
4 United States Code);

5 (10) the term “ethics and conflicts of interest  
6 regulations” means the regulations issued by the Di-  
7 rector under subsection (b) of section 3, in accord-  
8 ance with the requirements under section 3;

9 (11) the term “non-Federal employer”—

10 (A) means any employer—

11 (i) with respect to covered funds—

12 (I) the contractor, subcontractor,  
13 grantee, subgrantee, or recipient, as  
14 the case may be, if the contractor,  
15 subcontractor, grantee, subgrantee, or  
16 recipient is an employer; and

17 (II) any professional membership  
18 organization, certification or other  
19 professional body, any agent or li-  
20 censee of the Federal Government, or  
21 any person acting directly or indi-  
22 rectly in the interest of an employer  
23 receiving covered funds; or

24 (ii) with respect to covered funds re-  
25 ceived by a State or local government, the

1 State or local government receiving the  
2 funds and any contractor or subcontractor  
3 of the State or local government; and

4 (B) does not mean any department, agen-  
5 cy, or other entity of the Federal Government;

6 (12) the term “reprisal”, for purposes of sec-  
7 tion 11, means an action (or, as applicable, inaction)  
8 that is discharging, demoting, blacklisting, or acting  
9 or failing to take an action in a manner prejudicial  
10 against, or otherwise discriminating against in any  
11 way (including in the hiring process and including  
12 by the threat of any such action or inaction) an em-  
13 ployee, former employee, or individual seeking em-  
14 ployment as described in section 11(a)(1) for engag-  
15 ing in, being perceived as engaging in, or preparing  
16 to engage in the disclosure of information as de-  
17 scribed in such section;

18 (13) the term “senior executive” means an indi-  
19 vidual—

20 (A) employed by a private employer; and

21 (B) who—

22 (i) receives annual compensation from  
23 the private employer in an amount that is  
24 more than \$1,000,000;

1 (ii) has direct authority over more  
2 than 1 percent of the funds provided under  
3 a Coronavirus pandemic-related program,  
4 project, or activity; or

5 (iii) for an employee of a private em-  
6 ployer for which the annual average rev-  
7 enue for the period of 2017, 2018, and  
8 2019 is not less than \$1,000,000,000, is 1  
9 of the 100 most highly compensated execu-  
10 tives of the private employer; and

11 (14) the term “State or local government”  
12 means—

13 (A) the government of each of the several  
14 States, the District of Columbia, the Common-  
15 wealth of Puerto Rico, Guam, American Samoa,  
16 the Virgin Islands, the Commonwealth of the  
17 Northern Mariana Islands, or any other terri-  
18 tory or possession of the United States; or

19 (B) the government of any political sub-  
20 division of a government listed in subparagraph

21 (A).

22 **SEC. 3. ETHICS AND CONFLICTS OF INTEREST.**

23 (a) PURPOSE.—The purpose of this section is to set  
24 forth standards to address and prevent conflicts of interest  
25 or abuses of authority that may arise in connection with

1 the administration and execution of the authorities under  
2 a Coronavirus pandemic-related program, project, or activ-  
3 ity, including under the CARES Act.

4 (b) STANDARDS REQUIRED.—The Director shall  
5 issue regulations necessary to address and prevent con-  
6 flicts of interest or abuses of authority that may arise in  
7 connection with the administration or execution of the au-  
8 thorities under a Coronavirus pandemic-related program,  
9 project, or activity, including—

10 (1) conflicts arising in the selection or hiring of  
11 covered contractors or advisors, including contrac-  
12 tors, banks, and other private sector entities involved  
13 in the administration of programs or services au-  
14 thorized under paragraph (36) of section 7(a) of the  
15 Small Business Act (15 U.S.C. 636(a)) or under  
16 section 4003 of the CARES Act;

17 (2) the management, administration, or dis-  
18 tribution of funds, grants, loans, loan guarantees, or  
19 other investments under a Coronavirus pandemic-re-  
20 lated program, project, or activity;

21 (3) post-employment restrictions on Federal of-  
22 ficers and employees;

23 (4) any exercise of authority by Federal officers  
24 and employees that adversely affects the rights of



1 any person, or that results in personal gain or ad-  
2 vantage to the officer or employee; and

3 (5) any other potential conflict of interest or  
4 abuse of authority, as the Director determines nec-  
5 essary or appropriate in the public interest.

6 (c) TIMING.—

7 (1) IN GENERAL.—As soon as practicable after  
8 the date of enactment of this Act, but in any event  
9 not later than 60 days after such date of enactment,  
10 the Director shall issue the ethics and conflicts of in-  
11 terest regulations.

12 (2) WAIVER TO ENSURE COMPLIANCE WITH  
13 TIMING.—To the extent compliance with the require-  
14 ments under subchapter II of chapter 5 of title 5,  
15 United States Code, would prevent the Director  
16 from complying with the timeframe specified under  
17 paragraph (1) for issuance of the ethics and con-  
18 flicts of interest regulations, such subchapter shall  
19 not apply to the issuance of the ethics and conflicts  
20 of interest regulations.

21 (d) SCOPE.—The ethics and conflicts of interest regu-  
22 lations shall address actual and potential conflicts of inter-  
23 est, or circumstances that give rise to the appearance of  
24 a conflict of interest to a reasonable person, including—

1           (1) any actual or potential personal conflict of  
2 interest, including any personal, business, or finan-  
3 cial interest of any individual involved in the admin-  
4 istration or execution of the authorities under a  
5 Coronavirus pandemic-related program, project, or  
6 activity or such an interest of a spouse, child, par-  
7 ent, sibling, son-in-law, or daughter-in-law of such  
8 an individual; and

9           (2) any actual or potential conflict of interest of  
10 a covered contractor, including any political activity  
11 that creates the appearance of a conflict of interest  
12 to a reasonable person, or any situation in which a  
13 covered contractor has an interest or relationship  
14 that could cause a reasonable person with knowledge  
15 of the relevant facts to question the objectivity, im-  
16 partiality, or judgment of the covered contractor to  
17 perform under a covered contract or to represent the  
18 Federal Government.

19 (e) CONTRACTORS AND ADVISORS.—

20           (1) COMPLIANCE PROGRAM.—The ethics and  
21 conflicts of interest regulations shall require—

22                   (A) a covered contractor to maintain a  
23 compliance program reasonably designed to de-  
24 tect and prevent violations of Federal law, in-

1 including Federal securities laws, and conflicts of  
2 interest; and

3 (B) that such a compliance program—

4 (i) include plans to mitigate any con-  
5 flict of interest, including any personal  
6 conflict of interest of any individual per-  
7 forming duties under a covered contract;

8 (ii) allow for the Director or the des-  
9 ignated agency ethics official for the appli-  
10 cable Federal agency to disapprove any  
11 plan described in clause (i) that is insuffi-  
12 cient;

13 (iii) be posted by the covered con-  
14 tractor on the public website of the covered  
15 contractor; and

16 (iv) be provided to the Director or to  
17 the designated agency ethics official for the  
18 applicable Federal agency.

19 (2) INFORMATION REQUIRED.—The ethics and  
20 conflicts of interest regulations shall require a cov-  
21 ered contractor to provide to the Director or the des-  
22 ignated agency ethics official for the applicable Fed-  
23 eral agency, upon request or through a process spec-  
24 ified in the ethics and conflicts of interest regula-

1 tions, sufficient information to evaluate any conflict  
2 of interest, which may include—

3 (A) the relationship of the covered con-  
4 tractor to any other involved contractors or ad-  
5 visors;

6 (B) information concerning all other busi-  
7 ness or financial interests of the covered con-  
8 tractor, the proposed subcontractors of the cov-  
9 ered contractor, or entities related to the cov-  
10 ered contractor (including any parent company  
11 or subsidiary of a covered contractor, any entity  
12 holding more than a 5 percent equity interest in  
13 the covered contractor, and any entity in which  
14 the covered contractor holds more than a 5 per-  
15 cent equity interest);

16 (C) a description of all of the conflicts of  
17 interest and potential conflicts of interest of the  
18 covered contractor;

19 (D) a detailed written plan to mitigate all  
20 of the conflicts of interest and potential con-  
21 flicts of interest of the covered contractor, along  
22 with supporting documents; and

23 (E) any other information or documenta-  
24 tion about the covered contractor, the proposed  
25 subcontractors of the covered contractor, or en-

1           tities related to the covered contractor that the  
2           Director or the designated agency ethics official  
3           for the applicable Federal agency may request.

4           (3) TERMS OF CONTRACT OR AGREEMENT.—

5                 (A) IN GENERAL.—On and after the effec-  
6           tive date of the ethics and conflicts of interest  
7           regulations, the Federal Government may not  
8           enter into (or renew) a covered contract, unless  
9           the covered contract includes enforceable terms  
10          and conditions to enforce the ethics and con-  
11          flicts of interest regulations.

12                 (B) EXISTING CONTRACTS.—With respect  
13          to a covered contract entered into before the ef-  
14          fective date of the ethics and conflicts of inter-  
15          est regulations, the head of the Federal agency  
16          that entered into the covered contract and the  
17          contracting officers of the Federal agency shall  
18          make efforts, to the maximum extent prac-  
19          ticable and as part of the first amendment or  
20          modification to the contract after such effective  
21          date, to update the covered contract to include  
22          and enforce the ethics and conflicts of interest  
23          regulations.

24                 (4) WRITTEN CERTIFICATION.—The ethics and  
25          conflicts of interest regulations—

1 (A) shall require a covered contractor to  
2 submit, under penalty of perjury, to the Direc-  
3 tor or the designated agency ethics official for  
4 the applicable Federal agency a written certifi-  
5 cation—

6 (i) certifying that no conflicts of inter-  
7 est exists (and that individuals performing  
8 services under the covered contract have no  
9 personal conflicts of interest); or

10 (ii) explaining in detail—

11 (I) the extent to which the cov-  
12 ered contractor can certify and de-  
13 scribe the actions the covered con-  
14 tractor has taken and plans to take to  
15 mitigate any conflict of interest; and

16 (II) the timeframe for implemen-  
17 tation for the actions described in  
18 subclause (I); and

19 (B) may specify the frequency with which  
20 a covered contractor shall submit a written cer-  
21 tification described in subparagraph (A).

22 (5) RETENTION OF INFORMATION.—The ethics  
23 and conflicts of interest regulations shall require  
24 covered contractors to—

1 (A) retain the information needed to com-  
2 ply with this section, including the written cer-  
3 tifications required by this section, for a speci-  
4 fied period of time; and

5 (B) make such information available to the  
6 Director or the designated agency ethics official  
7 for the applicable Federal agency upon request.

8 (6) CONCURRENT ACTIVITIES.—The ethics and  
9 conflicts of interest regulations may restrict certain  
10 market activities by a covered contractor that are  
11 likely to cause impermissible conflicts of interest.

12 (7) RULE OF CONSTRUCTION REGARDING PRO-  
13 CUREMENT INTEGRITY ACT.—Nothing in this section  
14 shall be construed to modify the application of chap-  
15 ter 21 of title 41, United States Code, to covered  
16 contracts or to covered contractors.

17 (f) INDIVIDUAL CONFLICTS OF INTEREST.—

18 (1) PERSONAL OR FINANCIAL CONFLICTS OF  
19 INTEREST.—The ethics and conflicts of interest reg-  
20 ulations shall ensure that any individual (including  
21 any officer or employee of the executive branch of  
22 the Federal Government) who participates personally  
23 and substantially in the administration or execution  
24 of any Coronavirus pandemic-related program,  
25 project, or activity, through, for example, decision,

1 approval, disapproval, recommendation, or the ren-  
2 dering of advice, has no personal or financial conflict  
3 of interest (including a situation that would cause a  
4 reasonable person with knowledge of the relevant  
5 facts to question the objectivity, impartiality, or  
6 judgment of the individual in such performance, or  
7 the ability of the individual to represent the interests  
8 of the Federal Government), unless mitigation meas-  
9 ures have addressed the conflict to the satisfaction  
10 of the Director or the designated agency ethics offi-  
11 cial for the applicable Federal agency, or the conflict  
12 is waived in accordance with waiver rules.

13 (2) INFORMATION REQUIRED.—

14 (A) IN GENERAL.—The ethics and conflicts  
15 of interest regulations may require certain offi-  
16 cers or employees of the Federal Government to  
17 submit, in writing, information about their per-  
18 sonal, business, and financial relationships, and  
19 such relationships of their spouses and depend-  
20 ent children, that would cause a reasonable per-  
21 son with knowledge of the relevant facts to  
22 question the objectivity, impartiality, or judg-  
23 ment of the officer or employee or the ability of  
24 the officer or employee to represent the inter-  
25 ests of the Federal Government.



1 (B) MINIMIZATION OF DUPLICATION.—To  
2 the extent practicable, the ethics and conflicts  
3 of interest regulations should ensure that the  
4 submission of information under subparagraph  
5 (A) does duplicate the financial disclosures re-  
6 quired under the Ethics in Government Act of  
7 1978 (5 U.S.C. App.).

8 (C) DISCLOSURE.—The ethics and con-  
9 flicts of interest regulations shall provide for  
10 appropriate and reasonable public disclosure of  
11 any information submitted under subparagraph  
12 (A).

13 (3) DISQUALIFICATION.—

14 (A) IN GENERAL.—The ethics and conflicts  
15 of interest regulations shall specify cir-  
16 cumstances in which an officer or employee of  
17 the Federal Government with an actual or po-  
18 tential personal conflict of interest is disquali-  
19 fied from performing work as part of the ad-  
20 ministration or execution of any Coronavirus  
21 pandemic-related program, project, or activity  
22 unless mitigation measures have addressed the  
23 conflict to the satisfaction of the Director or the  
24 designated agency ethics official for the applica-  
25 ble Federal agency.

1 (B) WAIVER.—The ethics and conflicts of  
2 interest regulations may establish a process by  
3 which individuals may seek a waiver of disquali-  
4 fication from the Director or the designated  
5 agency ethics official for the applicable Federal  
6 agency if it is clear from the totality of the cir-  
7 cumstances that a waiver is in the interest of  
8 the Federal Government.

9 (g) GIFTS.—

10 (1) IN GENERAL.—The ethics and conflicts of  
11 interest regulations shall restrict officers and em-  
12 ployees of the Federal Government and covered con-  
13 tractors involved in the administration or execution  
14 of the authorities under a Coronavirus pandemic-re-  
15 lated program, project, or activity and covered con-  
16 tractors from accepting or soliciting favors, gifts, or  
17 other items of significant monetary value from any  
18 individual or entity seeking official action from the  
19 Federal Government in connection with the adminis-  
20 tration or execution of the authorities under a  
21 Coronavirus pandemic-related program, project, or  
22 activity.

23 (2) RULE OF CONSTRUCTION REGARDING EX-  
24 ISTING GIFT LIMITATIONS.—Nothing in this sub-  
25 section shall be construed to modify the application

1 of subpart B of part 2635 of title 5, Code of Federal  
2 Regulations (relating to gifts from outside sources).

3 (h) IMPROPER USE.—

4 (1) IN GENERAL.—The ethics and conflicts of  
5 interest regulations shall restrict the improper use of  
6 property of the United States for the benefit of any  
7 individual or entity other than the United States in  
8 the administration or execution of the authorities  
9 under a Coronavirus pandemic-related program,  
10 project, or activity.

11 (2) RULE OF CONSTRUCTION REGARDING EX-  
12 ISTING USE OF INFORMATION LIMITATIONS.—Noth-  
13 ing in this subsection shall be construed to modify  
14 the application of section 2635.703 of title 5, Code  
15 of Federal Regulations (relating to use of nonpublic  
16 information).

17 (i) PROMISES AND PLEDGES.—

18 (1) IN GENERAL.—The ethics and conflicts of  
19 interest regulations shall restrict officers and em-  
20 ployees of the Federal Government involved in the  
21 administration or execution of the authorities under  
22 a Coronavirus pandemic-related program, project, or  
23 activity and covered contractors from making any  
24 unauthorized promise or commitment on behalf of  
25 the United States in the administration or execution

1 of the authorities under a Coronavirus pandemic-re-  
2 lated program, project, or activity.

3 (2) RULE OF CONSTRUCTION REGARDING  
4 ANTIDEFICIENCY ACT.—Nothing in this subsection  
5 shall be construed to modify the application of sec-  
6 tion 1341 of title 31, United States Code (relating  
7 to limitations on expending and obligating amounts).

8 (j) POST-EMPLOYMENT RESTRICTIONS.—The ethics  
9 and conflicts of interest regulations—

10 (1) shall establish post-employment restrictions  
11 (in addition to the restrictions in effect under sec-  
12 tion 207 of title 18, United States Code) applicable  
13 to officers and employees of the Federal Government  
14 involved in the administration or execution of the  
15 authorities under a Coronavirus pandemic-related  
16 program, project, or activity necessary to ensure eth-  
17 ical administration of the Coronavirus pandemic-re-  
18 lated program, project, or activity, which shall, at a  
19 minimum, prohibit such an officer or employee of an  
20 executive agency from engaging in lobbying activities  
21 with respect to the executive agency during the 5-  
22 year period beginning on the date of separation from  
23 service with the executive agency; and

24 (2) may include restrictions on officers and em-  
25 ployees of the Federal Government involved in the

1 administration or execution of the authorities under  
2 a Coronavirus pandemic-related program, project, or  
3 activity seeking, negotiating, discussing, or accepting  
4 employment or compensation from any private sector  
5 entity with respect to which the officer or employee  
6 personally or substantially participated in (through  
7 decision, approval, disapproval, recommendation) the  
8 provision of funds, grants, loans, loan guarantees, or  
9 other investments under the Coronavirus pandemic-  
10 related program, project, or activity.

11 (k) COMMUNICATIONS WITH GOVERNMENT EMPLOY-  
12 EES.—The ethics and conflicts of interest regulations shall  
13 prohibit, during the course of any process for selecting a  
14 covered contractor (including any process using non-com-  
15 petitive procedures), an entity participating in the process  
16 or a representative of the entity from—

17 (1) directly or indirectly making any offer or  
18 promise of future employment or business oppor-  
19 tunity to, or engaging directly or indirectly in any  
20 discussion of future employment or business oppor-  
21 tunity with, any officer or employee of the Federal  
22 Government with personal or direct responsibility for  
23 that procurement;

24 (2) offering, giving, or promising to offer or  
25 give, directly or indirectly, any money, gratuity, or

1 other thing of value to any officer or employee of the  
2 Federal Government, except as otherwise permitted  
3 by law; or

4 (3) soliciting or obtaining from any officer or  
5 employee of the Federal Government, directly or in-  
6 directly, any information that is not public and was  
7 prepared for use by the United States for the pur-  
8 pose of evaluating an offer, quotation, or response to  
9 enter into an arrangement with the United States.

10 (l) LAWS APPLIED.—

11 (1) IN GENERAL.—Nothing in this section shall  
12 be construed to modify that any individual who acts  
13 for or on behalf of the United States in the adminis-  
14 tration and execution of the authorities under a  
15 Coronavirus pandemic-related program, project, or  
16 activity—

17 (A) shall comply with sections 201 and  
18 208 of title 18, United States Code; and

19 (B) may be subject to criminal penalties  
20 for violating such sections.

21 (2) FALSE STATEMENTS.—Nothing in this sec-  
22 tion shall be construed to modify the application of  
23 section 1001 of title 18, United States Code, (relat-  
24 ing to the making of any false or fraudulent state-  
25 ment to a Federal officer) to any information or cer-

1 tification submitted to the United States by an indi-  
2 vidual or entity under the ethics and conflicts of in-  
3 terest regulations.

4 (3) CRIMINAL REFERRAL AND REPORTING.—If  
5 the Director or a designated agency ethics official  
6 receives information indicating that any individual or  
7 entity has violated any provision of title 18, United  
8 States Code, or another provision of criminal law  
9 (including any provision involving fraud, conflict of  
10 interest, bribery, or gratuity violations under title  
11 18, United States Code) or violated sections 3729  
12 through 3733 of title 31, United States Code, (com-  
13 monly known as the “False Claims Act”) in the ad-  
14 ministration or execution of the authorities under a  
15 Coronavirus pandemic-related program, project, or  
16 activity, the Director or designated agency ethics of-  
17 ficial shall refer the alleged violation to the Attorney  
18 General and report the alleged violation to the Spe-  
19 cial Inspector General for Pandemic Relief, the Con-  
20 gressional Oversight Commission, and the Pandemic  
21 Response Accountability Committee.

22 (m) CONFLICTS OF INTEREST ENFORCEMENT.—

23 (1) PENALTIES.—The ethics and conflicts of in-  
24 terest regulations shall provide that—

1 (A) if an officer or employee of the Federal  
2 Government violates a requirement under the  
3 ethics and conflicts of interest regulations, the  
4 Director may take necessary and appropriate  
5 action authorized under section 402 of the Eth-  
6 ics in Government Act of 1978 (5 U.S.C. App.);  
7 and

8 (B) if a covered contractor violates a re-  
9 quirement under the ethics and conflicts of in-  
10 terest regulations, the Director may impose or  
11 pursue sanctions, which may include—

12 (i) termination of the covered con-  
13 tract;

14 (ii) debarment of the covered con-  
15 tractor for Federal Government con-  
16 tracting or otherwise disqualifying the cov-  
17 ered contractor from receiving Federal con-  
18 tracts;

19 (iii) requiring the covered contractor  
20 to remove 1 or more employees of the cov-  
21 ered contractor from the performance of  
22 the covered contract;

23 (iv) requiring the covered contractor  
24 to terminate a subcontract;



1 (v) suspension of payments under the  
2 covered contract until the covered con-  
3 tractor has taken appropriate remedial ac-  
4 tion;

5 (vi) loss of award fee, consistent with  
6 the award fee plan, for the performance  
7 period during which the Director deter-  
8 mines the covered contractor violated the  
9 requirement;

10 (vii) declining to exercise available op-  
11 tions under the covered contract; or

12 (viii) the imposition or recommenda-  
13 tion of any other remedy available under  
14 the terms of the covered contract or an-  
15 other provision of law.

16 (2) REPORTING TO OTHER OVERSIGHT ENTI-  
17 TIES.—The ethics and conflicts of interest regula-  
18 tions shall require the Director and a designated  
19 agency ethics official to report any violation of a re-  
20 quirement under the ethics and conflicts of interest  
21 regulations and any action taken by the Director re-  
22 lating to the violation to the Special Inspector Gen-  
23 eral for Pandemic Recovery, the Congressional Over-  
24 sight Commission, and the Pandemic Response Ac-  
25 countability Committee.

1           (n) WAIVERS.—The ethics and conflicts of interest  
2 regulations may establish a process under which a require-  
3 ment under the ethics and conflicts of interest regulations  
4 may be waived if it is clear from the totality of the cir-  
5 cumstances that a waiver is in the interest of the Federal  
6 Government.

7           (o) FUNDING.—There is appropriated to the Director  
8 for the fiscal year ending September 30, 2020, out of any  
9 money in the Treasury not otherwise appropriated,  
10 \$25,000,000 to carry out this section, to remain available  
11 until expended.

12 **SEC. 4. SPECIAL GOVERNMENT EMPLOYEE AND WHITE**  
13 **HOUSE TASK FORCE MEMBER ETHICS.**

14           (a) DEFINITIONS.—In this section:

15               (1) COVERED SPECIAL GOVERNMENT EM-  
16 PLOYEE.—The term “covered special Government  
17 employee” means an individual who—

18                       (A) is appointed by the President to serve  
19 on a White House task force to address the out-  
20 break of COVID–19; or

21                       (B)(i) is—

22                               (I) appointed by the President under  
23 section 710(b)(1) of the Defense Produc-  
24 tion Act of 1950 (50 U.S.C. 4560(b)(1));

1 (II) a provider of a voluntary and un-  
2 compensated service described in section  
3 621(c)(3) of the Robert T. Stafford Dis-  
4 aster Relief and Emergency Assistance Act  
5 (42 U.S.C. 5197(c)(3)); or

6 (III) a special Government employee  
7 (as defined in section 202(a) of title 18,  
8 United States Code); and

9 (ii) advises, consults, or otherwise works  
10 on a Coronavirus pandemic-related program,  
11 project, or activity.

12 (2) PERIODIC TRANSACTION REPORT.—The  
13 term “periodic transaction report” means a report  
14 containing the information required for a report of  
15 a transaction under section 103(l) of the Ethics in  
16 Government Act of 1978 (5 U.S.C. App.).

17 (3) PUBLIC FINANCIAL DISCLOSURE REPORT.—  
18 The term “public financial disclosure report” means  
19 a report that includes a full and complete statement  
20 with respect to the items described in paragraphs  
21 (1) through (8) of section 102(a) of the Ethics in  
22 Government Act of 1978 (5 U.S.C. App.).

23 (4) TRANSACTION.—The term “transaction”  
24 means a transaction required to be reported under

1 section 102(a)(5)(B) of the Ethics in Government  
2 Act of 1978 (5 U.S.C. App.).

3 (b) REQUIREMENT.—

4 (1) IN GENERAL.—A covered special Govern-  
5 ment employee shall file with the Director or the  
6 designated agency ethics official of the agency served  
7 by the covered special Government employee—

8 (A) for an individual serving as a covered  
9 special Government employee on the date of en-  
10 actment of this Act, not later than the later of  
11 30 days after the date of enactment of this Act,  
12 a public financial disclosure report;

13 (B) for an individual appointed to a posi-  
14 tion as a covered special Government employee  
15 on or after the date of enactment of this Act,  
16 not later than 30 days after the date of the ap-  
17 pointment, a public financial disclosure report;

18 (C) not later than 30 days after the special  
19 Government employee is notified of a trans-  
20 action to which the special Government em-  
21 ployee is a party, but in no case later than 45  
22 days after such transaction, a periodic trans-  
23 action report; and

1 (D) not later than 30 days after separating  
2 from service as a covered special Government  
3 employee, a public financial disclosure report.

4 (2) SUBMISSION TO OFFICE OF GOVERNMENT  
5 ETHICS.—Not later than 15 days after a designated  
6 agency ethics official receives a report from a cov-  
7 ered special Government employee under paragraph  
8 (1), the designated agency ethics official shall sub-  
9 mit a copy of the report to the Director.

10 (c) OFFICE OF GOVERNMENT ETHICS.—

11 (1) PUBLIC AVAILABILITY.—Not later than 15  
12 days after the date on which the Director receives a  
13 report under subsection (b)(1) or (b)(2), the Direc-  
14 tor shall make the report publicly available on the  
15 website of the Office of Government Ethics.

16 (2) QUARTERLY REVIEWS.—Not later than 90  
17 days after the date of enactment of this Act, and  
18 every 90 days thereafter until the date that is 2  
19 years after the date of enactment of this Act, the  
20 Director shall—

21 (A) conduct a review to create and update  
22 a list of the names of every covered special Gov-  
23 ernment employee; and

24 (B) ensure that—

1 (i) each covered special Government  
2 employee on the list described in subpara-  
3 graph (A) has timely filed—

4 (I) the public financial disclosure  
5 report required under subparagraph  
6 (A) or (B) of subsection (b)(1);

7 (II) each periodic transaction re-  
8 port required under subsection  
9 (b)(1)(C); and

10 (III) if appropriate, the public fi-  
11 nancial disclosure report required  
12 under subsection (b)(1)(D); and

13 (ii) each report received by the Direc-  
14 tor under subsections (b)(1) and (b)(2) has  
15 been made publicly available on the website  
16 of the Office of Government Ethics.

17 **SEC. 5. CARES ACT CONFLICT OF INTEREST EXPANSIONS.**

18 (a) **SMALL BUSINESS PROGRAMS.**—Section 4019 of  
19 the CARES Act (Public Law 116–136) is amended—

20 (1) in subsection (a), by adding at the end the  
21 following:

22 “(7) **SMALL BUSINESS ASSISTANCE.**—The term  
23 ‘small business assistance’ means assistance pro-  
24 vided under—

1           “(A) paragraph (36) of section 7(a) of the  
2 Small Business Act (15 U.S.C. 636(a)), as  
3 added by section 1102 of this Act; or

4           “(B) section 1103, 1108, 1110, or 1112 of  
5 this Act.”;

6           (2) in subsection (b)—

7           (A) by inserting “or provisions relating to  
8 small business assistance” after “this subtitle”;  
9 and

10           (B) by inserting “or for any small business  
11 assistance” before the period at the end; and

12           (3) in subsection (c)—

13           (A) by inserting “or seeking any small  
14 business assistance” after “4003”;

15           (B) by inserting “or small business assist-  
16 ance” after “that transaction”;

17           (C) by inserting “or the Administrator of  
18 the Small Business Administration, as applica-  
19 ble,” after “System”; and

20           (D) by inserting “or receive the small busi-  
21 ness assistance” after “in that transaction”.

22           (b) DEFINITION OF COVERED INDIVIDUAL.—Section  
23 4019(a) of the CARES Act is amended by striking para-  
24 graph (3) and inserting the following:

1           “(3) COVERED INDIVIDUAL.—The term ‘cov-  
2           ered individual’ means—

3                   “(A) the President, the Vice President, the  
4                   head of an Executive department, a Member of  
5                   Congress, an individual appointed by the Presi-  
6                   dent under subsection (a) or (b) of section 105  
7                   of title 3, United States Code, or an individual  
8                   who is otherwise appointed by the President to  
9                   serve as assistant to the President or deputy as-  
10                  sistant to the President and holds a commission  
11                  of appointment from the President as a civilian  
12                  employee; and

13                   “(B) the spouse, parent, sibling, child, son-  
14                   in-law, or daughter-in-law, as determined under  
15                   applicable common law, of an individual de-  
16                   scribed in subparagraph (A).”.

17 **SEC. 6. LOBBYING DISCLOSURES AND RESTRICTIONS.**

18           (a) DEFINITIONS.—In this section:

19                   (1) IN GENERAL.—The terms “client”, “covered  
20                   executive branch official”, “covered legislative  
21                   branch official”, “employee”, “lobbying activities”,  
22                   “lobbying contact”, and “person or entity” have the  
23                   meanings given the terms in section 3 of the Lob-  
24                   bying Disclosure Act of 1995 (2 U.S.C. 1602).



1           (2) REGISTRANT.—The term “registrant”  
2           means a person registered under section 4 of the  
3           Lobbying Disclosure Act of 1995 (2 U.S.C. 1603).

4           (b) REGISTRANT REPORT.—Every 30 days beginning  
5           on the date of enactment of this Act, any registrant who  
6           engages in lobbying activities related to a Coronavirus  
7           pandemic-related program, project, or activity on behalf  
8           of the client of the registrant shall file a report with the  
9           Secretary of the Senate and the Clerk of the House of  
10          Representatives on its lobbying activities during such 30  
11          day period. A separate report shall be filed for each client  
12          of the registrant.

13          (c) CONTENTS OF THE REPORT.—The reports re-  
14          quired under subsection (b) shall include—

15                (1) a statement of—

16                    (A) each specific issue with respect to  
17                    which the registrant, or any employee of the  
18                    registrant, engaged in lobbying activities, in-  
19                    cluding, to the maximum extent practicable, a  
20                    statement of each Coronavirus pandemic-related  
21                    program, project, or activity and reference to  
22                    any specific Federal rule or regulation, Execu-  
23                    tive order, or any other program, policy, or po-  
24                    sition of the United States Government;

1 (B) each lobbying activity related to a  
2 Coronavirus pandemic-related program, project,  
3 or activity that the registrant has engaged in on  
4 behalf of the client, including—

5 (i) each Coronavirus pandemic-related  
6 document submitted by the registrant to  
7 any executive branch official;

8 (ii) each Coronavirus pandemic-re-  
9 lated meeting conducted that constituted a  
10 lobbying contact, including the specific  
11 subject of the meeting, the date of the  
12 meeting, and the name and position of  
13 each individual who was a party to the  
14 meeting;

15 (iii) each Coronavirus pandemic-re-  
16 lated phone call made that constituted a  
17 lobbying contact, including the subject of  
18 the phone call, the date of the phone call,  
19 and the name and position of each indi-  
20 vidual who was a party to the phone call;  
21 and

22 (iv) each Coronavirus pandemic-re-  
23 lated email or other electronic communica-  
24 tion sent that constituted a lobbying con-  
25 tact, including the subject of the email, the

1 date of the email, and the name and posi-  
2 tion of each individual who was a party to  
3 the email;

4 (C) the name of each employee of the reg-  
5 istrant who did not participate in the lobbying  
6 contact but engaged in lobbying activities re-  
7 lated to a Coronavirus pandemic-related pro-  
8 gram, project, or activity in support of the lob-  
9 bying contact and a description of any such lob-  
10 bying activity; and

11 (D) with respect to any person or entity  
12 retained by the registrant to engage in lobbying  
13 activities related to a Coronavirus pandemic-re-  
14 lated program, project, or activity on behalf of  
15 the client of the registrant—

16 (i) the name, address, business tele-  
17 phone number, and principal place of busi-  
18 ness of the person or entity;

19 (ii) a description of any lobbying ac-  
20 tivity by the person or entity on behalf of  
21 the client of the registrant;

22 (iii) the amount the registrant paid to  
23 the person or entity for any lobbying activ-  
24 ity by the person or entity on the behalf of  
25 the client of the registrant;

1 (iv) the name of each employee of the  
2 person or entity who supervised any lob-  
3 bying activity by the person or entity on  
4 behalf of the client of the registrant; and

5 (v) the official action or inaction re-  
6 quested in the course of the lobbying activ-  
7 ity; and

8 (2) a copy of any document transmitted to an  
9 executive branch official in the course of any lob-  
10 bying activity related to a Coronavirus pandemic-re-  
11 lated program, project, or activity by the registrant  
12 on behalf of the client.

13 (d) PUBLIC AVAILABILITY.—Not later than 7 days  
14 after the date on which the Secretary of the Senate and  
15 the Clerk of the House of Representatives receive a sub-  
16 mission under subsection, Secretary of the Senate and the  
17 Clerk of the House of Representatives shall—

18 (1) make such submission publicly available on  
19 a website, and

20 (2) submit to the Special Inspector General for  
21 Pandemic Relief and the Pandemic Relief Account-  
22 ability Committee records documenting all lobbying  
23 activities related to a Coronavirus pandemic-related  
24 program, project, or activity during the previous 30-  
25 day period.

1 (e) PROHIBITION.—An executive department or agen-  
2 cy official shall not consider the view of a registrant con-  
3 cerning a Coronavirus pandemic-related program, project,  
4 or activity unless such views are expressed in writing and  
5 in accordance with this Section.

6 (f) ORAL COMMUNICATION LOBBYING RESTRIC-  
7 TION.—Upon the scheduling of, and again at the outset  
8 of, any oral communication (in-person or telephonic) with  
9 any person or entity concerning a Coronavirus pandemic-  
10 related program, project, or activity, an executive depart-  
11 ment or agency official shall inquire whether any of the  
12 individuals or parties appearing or communicating con-  
13 cerning such program, project, or activity is a registrant.  
14 If so, the registrant may not attend or participate in the  
15 telephonic or in-person contact, but may submit a commu-  
16 nication in writing and in accordance with this section.

17 (g) GENERAL POLICY COMMUNICATION.—

18 (1) IN GENERAL.—An executive department or  
19 agency official may generally communicate orally  
20 with registrants regarding a Coronavirus pandemic-  
21 related program, project, or activity if the oral com-  
22 munication does not extend to or touch upon par-  
23 ticular applications or applicants for covered funds.

24 (2) REQUIRED INQUIRY.—Upon the scheduling  
25 of, and at the outset of, any oral communication

1 with any person or entity concerning general policy  
2 issues related to a Coronavirus pandemic-related  
3 program, project, or activity, an executive depart-  
4 ment or agency official shall inquire whether any of  
5 the individuals or parties appearing or commu-  
6 nicating concerning such issues is a registrant. If so,  
7 the official shall comply with paragraph (1).

8 (h) ENFORCEMENT.—

9 (1) VIOLATIONS.—A violation of this section by  
10 a registrant or an individual who should have reg-  
11 istered as a registrant shall constitute a violation of  
12 the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601  
13 et seq.).

14 (2) DEPARTMENT OF JUSTICE ENFORCE-  
15 MENT.—The Civil Division of the Department of  
16 Justice shall enforce and investigate alleged viola-  
17 tions of this section.

18 (3) ENFORCEMENT CAPACITY.—The Civil Divi-  
19 sion of the Department of Justice shall—

20 (A) designate at least 1 full-time investi-  
21 gator, 1 full-time paralegal and 1 full-time at-  
22 torney to enforce this section; and

23 (B) publicize a phone number and email  
24 that the public may use to report possible viola-  
25 tions of this section.

1           (4) REPORTING VIOLATIONS.—The Office of the  
2 Clerk of the House of Representatives, the Secretary  
3 of the Senate, and private individuals may report  
4 suspected violations of this section.

5           (5) EGREGIOUS VIOLATIONS.—The Civil Divi-  
6 sion of the Department of Justice shall refer egre-  
7 gious or willful violations to the Criminal Division of  
8 the Department of Justice for possible criminal en-  
9 forcement. In determining investigation and enforce-  
10 ment priorities, the Department of Justice shall  
11 prioritize repeated violations of this section and vio-  
12 lations that demonstrate disregard for public health  
13 and safety.

14           (6) REFERRALS.—The Special Inspector Gen-  
15 eral for Pandemic Relief shall refer any evidence of  
16 alleged violation of this section to the Civil Division  
17 of the Department of Justice.

18 **SEC. 7. BAN ON POLITICAL SPENDING AND LOBBYING EX-**  
19 **PENDITURES.**

20           (a) IN GENERAL.—Section 4003(c) of the CARES  
21 Act is amended—

22           (1) in paragraph (2)—

23           (A) in subparagraph (H), by striking  
24 “and” at the end; and

1 (B) in subparagraph (I), by striking the  
2 period at the end and inserting the following:

3 “(J) the agreement provides that, until the  
4 date 12 months after the date the loan or loan  
5 guarantee is no longer outstanding, the eligible  
6 business shall not make—

7 “(i) any expenditures relating to Fed-  
8 eral lobbying activities, as defined in sec-  
9 tion 3 of the Lobbying Disclosure Act of  
10 1995 (2 U.S.C. 1602); or

11 “(ii) any dues payment to an organi-  
12 zation described in section 501(c)(6) of the  
13 Internal Revenue Code of 1986 that may  
14 be used for expenditures described in  
15 clause (i); and

16 “(K) the agreement provides that, until the  
17 date 12 months after the date the loan or loan  
18 guarantee is no longer outstanding, the eligible  
19 business shall not engage in political spending,  
20 including independent expenditures through  
21 third-party organizations, including payments  
22 to organizations described in section 501(c)(6)  
23 or 501(c)(4) of the Internal Revenue Code of  
24 1986 or any political action committee that may  
25 be used for political spending.”; and



- 1 (2) in paragraph (3)(A)—
- 2 (A) in clause (ii)—
- 3 (i) in subclause (II), by striking
- 4 “and” at the end;
- 5 (ii) in subclause (III), by striking the
- 6 period at the end and inserting a semi-
- 7 colon; and
- 8 (iii) by adding at the end the fol-
- 9 lowing:
- 10 “(VI) until the date 12 months
- 11 after the date on which the loan or
- 12 loan guarantee is no longer out-
- 13 standing, not to make—
- 14 “(aa) any expenditures re-
- 15 lating to Federal lobbying activi-
- 16 ties, as defined in section 3 of
- 17 the Lobbying Disclosure Act of
- 18 1995 (2 U.S.C. 1602); or
- 19 “(bb) any dues payment to
- 20 an organization described in sec-
- 21 tion 501(c)(6) of the Internal
- 22 Revenue Code of 1986 that may
- 23 be used for expenditures de-
- 24 scribed in item (aa); and

1           “(VII) until the date 12 months  
2           after the date on which the loan or  
3           loan guarantee is no longer out-  
4           standing, not to engage in political  
5           spending, including independent ex-  
6           penditures through third-party organi-  
7           zations, including payments to organi-  
8           zations described in section 501(c)(6)  
9           or 501(c)(4) of the Internal Revenue  
10          Code of 1986 or any political action  
11          committee that may be used for polit-  
12          ical spending.”; and

13                         (B) by striking clause (iii).

14          (b) APPLICABILITY.—The amendments made by sub-  
15          section (a) shall apply to any loan, loan guarantee, or  
16          other investment under paragraph (1), (2), (3), or (4) of  
17          section 4003(b) of the CARES Act made on or after the  
18          date of enactment of this Act.

19          **SEC. 8. REMOVAL OF INSPECTORS GENERAL; VACANCIES;**  
20                         **CHANGE IN STATUS; TERMS.**

21          (a) REMOVAL FOR CAUSE.—

22                         (1) INSPECTORS GENERAL OF ESTABLISH-  
23          MENTS AND DESIGNATED FEDERAL ENTITIES.—The  
24          Inspector General Act of 1978 (5 U.S.C. App.) is  
25          amended—

1 (A) in section 3(b), by inserting after the  
2 first sentence the following: “An Inspector Gen-  
3 eral may only be removed by the President for  
4 permanent incapacity, neglect of duty, malfea-  
5 sance, conviction of a felony or conduct involv-  
6 ing moral turpitude, knowing violation of a law,  
7 gross mismanagement, gross waste of funds, or  
8 abuse of authority.”; and

9 (B) in section 8G(e), by adding at the end  
10 the following:

11 “(3) An Inspector General may only be removed  
12 by the head of a designated Federal entity for per-  
13 manent incapacity, neglect of duty, malfeasance,  
14 conviction of a felony or conduct involving moral tur-  
15 pitude, knowing violation of a law, gross mismanage-  
16 ment, gross waste of funds, or abuse of authority.”.

17 (2) INSPECTOR GENERAL OF THE INTEL-  
18 LIGENCE COMMUNITY.—Section 103H(c)(4) of the  
19 National Security Act of 1947 (50 U.S.C.  
20 3033(c)(4)) is amended, in the first sentence, by in-  
21 sserting “, and only for permanent incapacity, neglect  
22 of duty, malfeasance, conviction of a felony or con-  
23 duct involving moral turpitude, knowing violation of  
24 a law, gross mismanagement, gross waste of funds,  
25 or abuse of authority” before the period at the end.

1           (3) INSPECTOR GENERAL OF THE CENTRAL IN-  
2           TELLIGENCE AGENCY.—Section 17(b)(6) of the Cen-  
3           tral Intelligence Act of 1949 (50 U.S.C. 3517(b)(6))  
4           is amended, in the first sentence, by inserting “, and  
5           only for permanent incapacity, neglect of duty, mal-  
6           feasance, conviction of a felony or conduct involving  
7           moral turpitude, knowing violation of a law, gross  
8           mismanagement, gross waste of funds, or abuse of  
9           authority” before the period at the end.

10           (4) INSPECTOR GENERAL OF THE GOVERNMENT  
11           ACCOUNTABILITY OFFICE.—Section 705(b)(2) of  
12           title 31, United States Code, is amended, in the first  
13           sentence, by inserting “only for permanent inca-  
14           pacity, neglect of duty, malfeasance, conviction of a  
15           felony or conduct involving moral turpitude, knowing  
16           violation of a law, gross mismanagement, gross  
17           waste of funds, or abuse of authority” before the pe-  
18           riod at the end.

19           (5) INSPECTOR GENERAL FOR THE UNITED  
20           STATES CAPITOL POLICE.—Section 1004(b)(3) of  
21           the Legislative Branch Appropriations Act, 2006 (2  
22           U.S.C. 1909(b)(3)) is amended by adding at the end  
23           the following: “The Board may only remove the In-  
24           spector General for permanent incapacity, neglect of  
25           duty, malfeasance, conviction of a felony or conduct

1 involving moral turpitude, knowing violation of a  
2 law, gross mismanagement, gross waste of funds, or  
3 abuse of authority.”.

4 (6) INSPECTOR GENERAL OF THE ARCHITECT  
5 OF THE CAPITOL.—Section 1301(c)(2)(A) of the Ar-  
6 chitect of the Capitol Inspector General Act of 2007  
7 (2 U.S.C. 1808(c)(2)(A)) is amended by inserting  
8 “only for permanent incapacity, neglect of duty,  
9 malfeasance, conviction of a felony or conduct involv-  
10 ing moral turpitude, knowing violation of a law,  
11 gross mismanagement, gross waste of funds, or  
12 abuse of authority” before the period at the end.

13 (7) INSPECTOR GENERAL OF THE LIBRARY OF  
14 CONGRESS.—Section 1307(c)(2)(A) of the Library of  
15 Congress Inspector General Act of 2005 (2 U.S.C.  
16 185(c)(2)(A)) is amended by inserting “only for per-  
17 manent incapacity, neglect of duty, malfeasance,  
18 conviction of a felony or conduct involving moral tur-  
19 pitude, knowing violation of a law, gross mismanage-  
20 ment, gross waste of funds, or abuse of authority”  
21 before the period at the end.

22 (8) INSPECTOR GENERAL OF THE GOVERNMENT  
23 PUBLISHING OFFICE.—Section 3902(b)(1) of title  
24 44, United States Code, is amended by inserting  
25 “only for permanent incapacity, neglect of duty,

1 malfeasance, conviction of a felony or conduct involv-  
2 ing moral turpitude, knowing violation of a law,  
3 gross mismanagement, gross waste of funds, or  
4 abuse of authority” before the period at the end.

5 (9) SEVERABILITY.—If any provision of the  
6 amendments made by this subsection, or the applica-  
7 tion of such a provision to any person or cir-  
8 cumstance, is held to be unconstitutional, the re-  
9 maining provisions of the amendments made by this  
10 subsection, and the application of such provisions to  
11 any person or circumstance, shall not be affected by  
12 the holding.

13 (b) CIGIE REPORT ON REMOVALS.—Section 11(c) of  
14 the Inspector General Act of 1978 (5 U.S.C. App.) is  
15 amended by adding at the end the following:

16 “(6) ADDITIONAL RESPONSIBILITIES RELATING  
17 TO REMOVAL OF INSPECTORS GENERAL.—

18 “(A) DEFINITIONS.—In this paragraph—

19 “(i) the term ‘appropriate congress-  
20 sional committees’ means—

21 “(I) the Committee on Homeland  
22 Security and Governmental Affairs  
23 and the Committee on the Judiciary  
24 of the Senate; and

1           “(II) the Committee on Oversight  
2           and Reform and the Committee on  
3           the Judiciary of the House of Rep-  
4           resentatives; and

5           “(ii) the term ‘Inspector General’  
6           means—

7                   “(I) an Inspector General ap-  
8                   pointed under section 3 or 8G;

9                   “(II) the Inspector General of  
10                  the Central Intelligence Agency estab-  
11                  lished under section 17 of the Central  
12                  Intelligence Agency Act of 1949 (50  
13                  U.S.C. 3517);

14                  “(III) the Inspector General of  
15                  the Intelligence Community estab-  
16                  lished under section 103H of the Na-  
17                  tional Security Act of 1947 (50  
18                  U.S.C. 3033);

19                  “(IV) the Special Inspector Gen-  
20                  eral for Afghanistan Reconstruction  
21                  established under section 1229 of the  
22                  National Defense Authorization Act  
23                  for Fiscal Year 2008 (Public Law  
24                  110–181; 122 Stat. 379);

1           “(V) the Special Inspector Gen-  
2           eral for the Troubled Asset Relief  
3           Plan established under section 121 of  
4           the Emergency Economic Stabilization  
5           Act of 2008 (12 U.S.C. 5231);

6           “(VI) the Inspector General for  
7           the Government Accountability Office  
8           established under section 705 of title  
9           31, United States Code;

10          “(VII) the Inspector General for  
11          the United States Capitol Police es-  
12          tablished under section 1004 of the  
13          Legislative Branch Appropriations  
14          Act, 2006 (2 U.S.C. 1909);

15          “(VIII) the Inspector General of  
16          the Architect of the Capitol estab-  
17          lished under section 1301 of the Ar-  
18          chitect of the Capitol Inspector Gen-  
19          eral Act of 2007 (2 U.S.C. 1808);

20          “(IX) the Inspector General of  
21          the Library of Congress established  
22          under section 1307 of the Library of  
23          Congress Inspector General Act of  
24          2005 (2 U.S.C. 185); and



1                   “(X) the Inspector General of the  
2                   Government Publishing Office estab-  
3                   lished under section 3901 of title 44,  
4                   United States Code.

5                   “(B) REPORT.—In the event of a removal  
6                   of an Inspector General or an acting Inspector  
7                   General, the Council shall—

8                   “(i) investigate the reasons for re-  
9                   moval provided by the President or rel-  
10                  evant head of the establishment, des-  
11                  ignated Federal entity (as defined in sec-  
12                  tion 8G), or Federal agency, as applicable,  
13                  and publish a publicly available report with  
14                  the findings of the Council and, in the case  
15                  of an Inspector General or acting Inspector  
16                  General appointed by the President, wheth-  
17                  er the reasons comply with the relevant  
18                  provisions relating to for cause removal;  
19                  and

20                  “(ii) review any investigation that was  
21                  being conducted by the Inspector General  
22                  or acting Inspector at the time of the re-  
23                  moval and report to the appropriate con-  
24                  gressional committees, and any other com-  
25                  mittee of Congress that the Council deter-

1                   mines to be relevant, on whether the Coun-  
2                   cil finds that the investigation led to the  
3                   removal.”.

4           (c) VACANCY IN THE POSITION OF INSPECTOR GEN-  
5 ERAL.—

6           (1) INSPECTORS GENERAL OF ESTABLISH-  
7           MENTS AND DESIGNATED FEDERAL ENTITIES.—The  
8           Inspector General Act of 1978 (5 U.S.C. App.) is  
9           amended—

10                   (A) in section 3, by adding at the end the  
11                   following:

12           “(h)(1) In the event of a vacancy in the position of  
13 Inspector General—

14                   “(A) section 3345(a) of title 5, United States  
15 Code, shall not apply;

16                   “(B) the first assistant to the position of In-  
17           spector General who served in that position for not  
18           less than 30 days immediately preceding the vacancy  
19           shall perform the functions and duties of the Inspec-  
20           tor General temporarily in an acting capacity subject  
21           to the time limitations of section 3346 of title 5,  
22           United States Code;

23                   “(C) if there is no first assistant to the position  
24           of Inspector General serving in that position for not  
25           less than 30 days immediately preceding the va-

1       cancy, the President may direct a covered employee  
2       of the Office or another Office to perform the func-  
3       tions and duties of the Inspector General tempo-  
4       rarily in an acting capacity, subject to the time limi-  
5       tations of section 3346 of title 5, United States  
6       Code; and

7               “(D) the President may only remove the first  
8       assistant described in subparagraph (B) or the cov-  
9       ered employee directed under subparagraph (C)  
10       after a 30-day period beginning on the date on  
11       which the President provides Congress with a writ-  
12       ten notification of the reasons for the removal.

13       “(2) If an Inspector General is removed from office,  
14       the following individuals may bring an action in the appro-  
15       priate district court of the United States to challenge the  
16       removal:

17               “(A) The removed Inspector General.

18               “(B) Any member of the staff of the removed  
19       Inspector General.

20               “(C) Any individual harmed by an action of the  
21       establishment following the removal of the Inspector  
22       General and before the position is filled by an indi-  
23       vidual appointed by the President, with the advice  
24       and consent of the Senate.

1       “(3) Nothing in paragraph (1)(D) shall be construed  
2 to affect any protection provided to a covered employee  
3 under title 5, United States Code.

4       “(4) In this subsection, the term ‘covered employee’  
5 means an officer or employee who, as of the date on which  
6 the individual is directed under paragraph (1)(C), is an  
7 employee, as that term is defined in section 2105 of title  
8 5, United States Code, who—

9               “(A) is permitted to submit an appeal to the  
10 Merit Systems Protection Board from any action  
11 which is appealable to the Board under any law,  
12 rule, or regulation; and

13               “(B) may obtain judicial review of the final  
14 order or decision of the Board if the employee is ad-  
15 versely affected or aggrieved by that order or deci-  
16 sion.”; and

17               (B) in section 8G, by adding at the end  
18 the following:

19       “(i)(1) In the event of a vacancy in the position of  
20 Inspector General—

21               “(A) the first assistant to the position of In-  
22 spector General who served in that position for not  
23 less than 30 days immediately preceding the vacancy  
24 shall perform the functions and duties of the Inspec-  
25 tor General temporarily in an acting capacity until

1 the head of the designated Federal entity appoints  
2 a permanent Inspector General;

3 “(B) if there is no first assistant to the position  
4 of Inspector General serving in that position for not  
5 less than 30 days immediately preceding the va-  
6 cancy, the head of the designated Federal entity  
7 shall direct a covered employee of the Office of In-  
8 spector General or another Office of Inspector Gen-  
9 eral to perform the functions and duties of the In-  
10 spector General temporarily in an acting capacity,  
11 until the head of the designated Federal entity ap-  
12 points a permanent Inspector General; and

13 “(C) the head of the designated Federal entity  
14 may only remove the first assistant described in sub-  
15 paragraph (A) or the covered employee directed  
16 under subparagraph (B) after a 30-day period be-  
17 ginning on the date on which the head of the des-  
18 ignated Federal entity provides Congress with a  
19 written notification of the reasons for the removal.

20 “(2) If an Inspector General is removed from office,  
21 the following individuals may bring an action in the appro-  
22 priate district court of the United States to challenge the  
23 removal:

24 “(A) The removed Inspector General.

1           “(B) Any member of the staff of the removed  
2           Inspector General.

3           “(C) Any individual harmed by an action of the  
4           designated Federal entity following the removal of  
5           the Inspector General and before the position is  
6           filled by an individual appointed by the head of the  
7           designated Federal entity.

8           “(3) Nothing in paragraph (1)(C) shall be construed  
9           to affect any protection provided to a covered employee  
10          under title 5, United States Code.

11          “(4) In this subsection, the term ‘covered employee’  
12          means an officer or employee who, as of the date on which  
13          the individual is directed under paragraph (1)(B), is an  
14          employee, as that term is defined in section 2105 of title  
15          5, United States Code, who—

16                 “(A) is permitted to submit an appeal to the  
17          Merit Systems Protection Board from any action  
18          which is appealable to the Board under any law,  
19          rule, or regulation; and

20                 “(B) may obtain judicial review of the final  
21          order or decision of the Board if the employee is ad-  
22          versely affected or aggrieved by that order or deci-  
23          sion.”.

24                 (2) INSPECTOR GENERAL OF THE INTEL-  
25          LIGENCE COMMUNITY.—Section 103H(c) of the Na-

1 tional Security Act of 1947 (50 U.S.C. 3033(c)) is  
2 amended by adding at the end the following:

3 “(5) In the event of a vacancy in the position  
4 of Inspector General of the Intelligence Community,  
5 the provisions of section 3(h) of the Inspector Gen-  
6 eral Act of 1978 (5 U.S.C. App.) shall apply as if  
7 the Inspector General were an Inspector General of  
8 an establishment (as defined in section 12 of such  
9 Act (5 U.S.C. App.)).”.

10 (3) INSPECTOR GENERAL OF THE CENTRAL IN-  
11 TELLIGENCE AGENCY.—Section 17(b) of the Central  
12 Intelligence Agency Act of 1949 (50 U.S.C.  
13 3517(b)) is amended by adding at the end the fol-  
14 lowing:

15 “(7) In the event of a vacancy in the position  
16 of Inspector General of the Agency, the provisions of  
17 section 3(h) of the Inspector General Act of 1978 (5  
18 U.S.C. App.) shall apply as if the Inspector General  
19 were an Inspector General of an establishment (as  
20 defined in section 12 of such Act (5 U.S.C. App.)).”.

21 (4) INSPECTOR GENERAL OF THE GOVERNMENT  
22 ACCOUNTABILITY OFFICE.—Section 705(b) of title  
23 31, United States Code, is amended—

24 (A) in the subsection heading, by inserting

25 “; Vacancy; Term” after “Removal”; and

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

2 “(4) In the event of a vacancy in the position  
3 of Inspector General, the provisions of section 3(h)  
4 of the Inspector General Act of 1978 (5 U.S.C.  
5 App.) shall apply as if the Inspector General were an  
6 Inspector General of an establishment (as defined in  
7 section 12 of such Act (5 U.S.C. App.)).”.

8 (5) INSPECTOR GENERAL FOR THE UNITED  
9 STATES CAPITOL POLICE.—Section 1004(b) of the  
10 Legislative Branch Appropriations Act, 2006 (2  
11 U.S.C. 1909(b)) is amended by adding at the end  
12 the following:

13 “(6) VACANCY.—In the event of a vacancy in  
14 the position of Inspector General, the provisions of  
15 section 3(h) of the Inspector General Act of 1978 (5  
16 U.S.C. App.) shall apply as if the Inspector General  
17 were an Inspector General of an establishment (as  
18 defined in section 12 of such Act (5 U.S.C. App.)).”.

19 (6) INSPECTOR GENERAL OF THE ARCHITECT  
20 OF THE CAPITOL.—Section 1301(c) of the Architect  
21 of the Capitol Inspector General Act of 2007 (2  
22 U.S.C. 1808(c)) is amended—

23 (A) in the subsection heading, by inserting  
24 “; Vacancy; Term” after “Counsel”; and

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



1           “(6) VACANCY.—In the event of a vacancy in  
2 the position of Inspector General, the provisions of  
3 section 3(h) of the Inspector General Act of 1978 (5  
4 U.S.C. App.) shall apply as if the Inspector General  
5 were an Inspector General of an establishment (as  
6 defined in section 12 of such Act (5 U.S.C. App.)).”.

7           (7) INSPECTOR GENERAL OF THE LIBRARY OF  
8 CONGRESS.—Section 1307(c) of the Library of Con-  
9 gress Inspector General Act of 2005 (2 U.S.C.  
10 185(c)) is amended—

11           (A) in the subsection heading, by inserting  
12 “; Vacancy; Term” after “Counsel”; and

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

14           “(6) VACANCY.—In the event of a vacancy in  
15 the position of Inspector General, the provisions of  
16 section 3(h) of the Inspector General Act of 1978 (5  
17 U.S.C. App.) shall apply as if the Inspector General  
18 were an Inspector General of an establishment (as  
19 defined in section 12 of such Act (5 U.S.C. App.)).”.

20           (8) INSPECTOR GENERAL OF THE GOVERNMENT  
21 PUBLISHING OFFICE.—Section 3902 of title 44,  
22 United States Code, is amended by adding at the  
23 end the following:

24           “(f) In the event of a vacancy in the position of In-  
25 spector General, the provisions of section 3(h) of the In-

1 spector General Act of 1978 (5 U.S.C. App.) shall apply  
2 as if the Inspector General were an Inspector General of  
3 an establishment (as defined in section 12 of such Act (5  
4 U.S.C. App.)).”.

5 (9) SPECIAL INSPECTOR GENERAL FOR AF-  
6 GHANISTAN RECONSTRUCTION.—Section 1229(c) of  
7 the National Defense Authorization Act for Fiscal  
8 Year 2008 (Public Law 110–181; 122 Stat. 379) is  
9 amended—

10 (A) in the subsection heading, by inserting  
11 “Vacancy; Term” after “Removal”; and

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

13 “(7) VACANCY.—In the event of a vacancy in  
14 the position of Inspector General, the provisions of  
15 section 3(h) of the Inspector General Act of 1978 (5  
16 U.S.C. App.) shall apply as if the Inspector General  
17 were an Inspector General of an establishment (as  
18 defined in section 12 of such Act (5 U.S.C. App.)).”.

19 (10) SPECIAL INSPECTOR GENERAL FOR THE  
20 TROUBLED ASSET RELIEF PLAN.—Section 121(b) of  
21 the Emergency Economic Stabilization Act of 2008  
22 (12 U.S.C. 5231(b)) is amended by adding at the  
23 end the following:

24 “(7) In the event of a vacancy in the position  
25 of Special Inspector General, the provisions of sec-

1       tion 3(h) of the Inspector General Act of 1978 (5  
2       U.S.C. App.) shall apply as if the Special Inspector  
3       General were an Inspector General of an establish-  
4       ment (as defined in section 12 of such Act (5 U.S.C.  
5       App.)).”.

6       (d) TEMPORARY INSPECTOR GENERAL.—Section  
7       3345 of title 5, United States Code, is amended by adding  
8       at the end the following:

9       “(d) Notwithstanding subsection (a), if the President  
10      fails to submit a nominee to the Senate for an Inspector  
11      General of an office established under section 2 of the In-  
12      spector General Act of 1978 (5 U.S.C. App.) within 210  
13      days after a vacancy occurs in the position, a temporary  
14      Inspector General shall be appointed to the vacant position  
15      by a panel of not fewer than 3 inspectors general, who  
16      shall be appointed by the Chair of the Council of the In-  
17      spectors General on Integrity and Efficiency for the pur-  
18      pose of making such an appointment.

19      “(e) When appointing a temporary Inspector General  
20      pursuant to subsection (d), the panel shall select the ap-  
21      pointee from the list of suggested individuals submitted  
22      by the Council of the Inspectors General on Integrity and  
23      Efficiency pursuant to section 11(c)(1)(F) of the Inspec-  
24      tor General Act of 1978 (5 U.S.C. App.).

1 “(f) A temporary Inspector General appointed in ac-  
2 cordance with subsection (d)—

3 “(1) is not subject to the term limitations of  
4 section 3346; and

5 “(2) may serve as Temporary Inspector Gen-  
6 eral—

7 “(A) until such time that a permanent In-  
8 spector General is confirmed by the Senate; or

9 “(B) until the temporary Inspector Gen-  
10 eral is removed from office by the President,  
11 who may only remove the temporary Inspector  
12 General if the President, not later than 30 days  
13 before the removal, communicates in writing the  
14 reasons for the removal to both Houses of Con-  
15 gress.”.

16 (e) CHANGE IN STATUS.—

17 (1) CHANGE IN STATUS OF INSPECTORS GEN-  
18 ERAL OF ESTABLISHMENTS.—Section 3(b) of the In-  
19 spector General Act of 1978 (5 U.S.C. App.) is  
20 amended, in the second sentence—

21 (A) by inserting “, is placed on paid or un-  
22 paid non-duty status,” after “is removed from  
23 office”;

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

1 (C) by inserting “, change in status,” after  
2 “before the removal”.

3 (2) CHANGE IN STATUS OF INSPECTORS GEN-  
4 ERAL OF DESIGNATED FEDERAL ENTITIES.—Section  
5 8G(e)(2) of the Inspector General Act of 1978 (5  
6 U.S.C. App.) is amended, in the first sentence—

7 (A) by inserting “, is placed on paid or un-  
8 paid non-duty status,” after “office”;

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

11 (C) by inserting “, change in status,” after  
12 “before the removal”.

13 (f) TERM OF OFFICE.—

14 (1) INSPECTORS GENERAL OF ESTABLISH-  
15 MENTS AND DESIGNATED FEDERAL ENTITIES.—The  
16 Inspector General Act of 1978 (5 U.S.C. App.) is  
17 amended—

18 (A) in section 3, as amended by this sec-  
19 tion, by adding at the end the following:

20 “(i) The term of office of each Inspec-  
21 tor General shall be 7 years. An individual  
22 may serve for more than 1 term in such of-  
23 fice, if the individual is appointed by the  
24 President, by and with the advice and con-  
25 sent of the Senate, for each such term.

1 Any individual appointed and confirmed to  
2 fill a vacancy in such position, occurring  
3 before the expiration of the term for which  
4 his or her predecessor was appointed, shall  
5 be appointed and confirmed for a full 7-  
6 year term.”; and

7 (B) in section 8G(c)—

8 (i) by inserting “(1)” after “(c)”; and

9 (ii) by adding at the end the fol-  
10 lowing:

11 “(2) The term of office of each Inspector Gen-  
12 eral shall be 7 years. An individual may serve for  
13 more than 1 term in such office. Any individual ap-  
14 pointed to fill a vacancy in such position, occurring  
15 before the expiration of the term for which his or  
16 her predecessor was appointed, shall be appointed  
17 for a full 7-year term.”.

18 (2) INSPECTOR GENERAL OF THE INTEL-  
19 LIGENCE COMMUNITY.—Section 103H(c) of the Na-  
20 tional Security Act of 1947 (50 U.S.C. 3033(c)), as  
21 amended by this section, is amended by adding at  
22 the end the following:

23 “(6) The term of office of the Inspector General  
24 shall be 7 years. An individual may serve for more  
25 than 1 term in such office. Any individual appointed

1 to fill a vacancy in such position, occurring before  
2 the expiration of the term for which his or her pred-  
3 ecessor was appointed, shall be appointed for a full  
4 7-year term.”.

5 (3) INSPECTOR GENERAL OF THE CENTRAL IN-  
6 TELLIGENCE AGENCY.—Section 17(b) of the Central  
7 Intelligence Agency Act of 1949 (50 U.S.C.  
8 3517(b)), as amended by this section, is amended by  
9 adding at the end the following:

10 “(8) The term of office of the Inspector General  
11 shall be 7 years. An individual may serve for more  
12 than 1 term in such office. Any individual appointed  
13 to fill a vacancy in such position, occurring before  
14 the expiration of the term for which his or her pred-  
15 ecessor was appointed, shall be appointed for a full  
16 7-year term.”.

17 (4) INSPECTOR GENERAL OF THE GOVERNMENT  
18 ACCOUNTABILITY OFFICE.—Section 705(b) of title  
19 31, United States Code, as amended by this section,  
20 is amended by adding at the end the following:

21 “(5) The term of office of the Inspector General  
22 shall be 7 years. An individual may serve for more  
23 than 1 term in such office. Any individual appointed  
24 to fill a vacancy in such position, occurring before  
25 the expiration of the term for which his or her pred-

1       ecessor was appointed, shall be appointed for a full  
2       7-year term.”.

3           (5) INSPECTOR GENERAL FOR THE UNITED  
4       STATES CAPITOL POLICE.—Section 1004(b) of the  
5       Legislative Branch Appropriations Act, 2006 (2  
6       U.S.C. 1909(b)), as amended by this section, is  
7       amended by adding at the end the following:

8           “(7) TERM.—The term of office of the Inspec-  
9       tor General shall be 7 years. An individual may  
10      serve for more than 1 term in such office. Any indi-  
11      vidual appointed to fill a vacancy in such position,  
12      occurring before the expiration of the term for which  
13      his or her predecessor was appointed, shall be ap-  
14      pointed for a full 7-year term.”.

15          (6) INSPECTOR GENERAL OF THE ARCHITECT  
16      OF THE CAPITOL.—Section 1301(c) of the Architect  
17      of the Capitol Inspector General Act of 2007 (2  
18      U.S.C. 1808(c)), as amended by this section, is  
19      amended by adding at the end the following:

20          “(7) TERM.—In the event of a vacancy in the  
21      position of Inspector General, the provisions of sec-  
22      tion 3(h) of the Inspector General Act of 1978 (5  
23      U.S.C. App.) shall apply as if the Inspector General  
24      were an Inspector General of an establishment (as  
25      defined in section 12 of such Act (5 U.S.C. App.)).”.



1           (7) INSPECTOR GENERAL OF THE LIBRARY OF  
2           CONGRESS.—Section 1307(c) of the Library of Con-  
3           gress Inspector General Act of 2005 (2 U.S.C.  
4           185(c)), as amended by this section, is amended by  
5           adding at the end the following:

6           “(7) TERM.—The term of office of the Inspec-  
7           tor General shall be 7 years. An individual may  
8           serve for more than 1 term in such office. Any indi-  
9           vidual appointed to fill a vacancy in such position,  
10          occurring before the expiration of the term for which  
11          his or her predecessor was appointed, shall be ap-  
12          pointed for a full 7-year term.”.

13          (8) INSPECTOR GENERAL OF THE GOVERNMENT  
14          PUBLISHING OFFICE.—Section 3902 of title 44,  
15          United States Code, as amended by this section, is  
16          amended by adding at the end the following:

17          “(g) The term of office of the Inspector General shall  
18          be 7 years. An individual may serve for more than 1 term  
19          in such office. Any individual appointed to fill a vacancy  
20          in such position, occurring before the expiration of the  
21          term for which his or her predecessor was appointed, shall  
22          be appointed for a full 7-year term.”.

23          (9) SPECIAL INSPECTOR GENERAL FOR AF-  
24          GHANISTAN RECONSTRUCTION.—Section 1229(c) of  
25          the National Defense Authorization Act for Fiscal

1 Year 2008 (Public Law 110–181; 122 Stat. 379), as  
2 amended by this section, is amended by adding at  
3 the end the following:

4 “(8) TERM.—The term of office of the Inspec-  
5 tor General shall be 7 years. An individual may  
6 serve for more than 1 term in such office. Any indi-  
7 vidual appointed to fill a vacancy in such position,  
8 occurring before the expiration of the term for which  
9 his or her predecessor was appointed, shall be ap-  
10 pointed for a full 7-year term.”.

11 (10) SPECIAL INSPECTOR GENERAL FOR THE  
12 TROUBLED ASSET RELIEF PLAN.—Section 121(b) of  
13 the Emergency Economic Stabilization Act of 2008  
14 (12 U.S.C. 5231(b)), as amended by this section, is  
15 amended by adding at the end the following:

16 “(9) The term of office of the Special Inspector  
17 General shall be 7 years. An individual may serve  
18 for more than 1 term in such office. Any individual  
19 appointed to fill a vacancy in such position, occur-  
20 ring before the expiration of the term for which his  
21 or her predecessor was appointed, shall be appointed  
22 for a full 7-year term.”.

23 (11) APPLICATION.—

24 (A) IN GENERAL.—The amendments made  
25 by this subsection shall apply to an Inspector

1 General of the Intelligence Community, an In-  
2 spector General of the Central Intelligence  
3 Agency, an Inspector General of the Govern-  
4 ment Accountability Office, an Inspector Gen-  
5 eral for the United States Capitol Police, an In-  
6 spector General of the Architect of the Capitol,  
7 an Inspector General of the Library of Con-  
8 gress, an Inspector General of the Government  
9 Publishing Office, a Special Inspector General  
10 for Afghanistan Reconstruction, a Special In-  
11 spector General for the Troubled Asset Relief  
12 Plan, and an Inspector General of an establish-  
13 ment or a designated Federal entity, as defined  
14 in sections 12 and 8G(a) of the Inspector Gen-  
15 eral Act of 1978 (5 U.S.C. App.), respectively,  
16 appointed before, on, or after the date of enact-  
17 ment of this Act.

18 (B) TERM.—The term of office of an In-  
19 spector General described in subparagraph (A)  
20 serving on the date of enactment of this Act is  
21 deemed to begin on such date of enactment.

22 (g) RULE OF CONSTRUCTION.—Nothing in this sec-  
23 tion shall be construed to supersede or otherwise affect  
24 any protection for an Inspector General against an adverse

1 job action that is in existence as of the date of enactment  
2 of this Act.

3 **SEC. 9. STRENGTHENING THE CONGRESSIONAL OVER-**  
4 **SIGHT COMMISSION.**

5 Section 4020 of the CARES Act is amended—

6 (1) in subsection (b)(1)(A), by striking “this  
7 subtitle by the Department of the Treasury and the  
8 Board of Governors of the Federal Reserve System,  
9 including efforts of the Department and the Board  
10 to provide economic stability as a result of the  
11 coronavirus disease 2019 (COVID–19) pandemic of  
12 2020” and inserting “each Coronavirus pandemic-re-  
13 lated program, project, or activity, as defined in sec-  
14 tion 2 of the Coronavirus Oversight and Recovery  
15 Ethics Act”; and

16 (2) in subsection (e), by striking paragraph (1)  
17 and inserting the following:

18 “(1) HEARINGS AND EVIDENCE.—

19 “(A) IN GENERAL.—The Oversight Com-  
20 mission, or any subcommittee or member there-  
21 of, may, for the purpose of carrying out this  
22 section hold hearings, sit and act at times and  
23 places, take testimony, and receive evidence as  
24 the Oversight Commission considers appropriate

1 and may administer oaths or affirmations to  
2 witnesses appearing before it.

3 “(B) SUBPOENAS.—

4 “(i) IN GENERAL.—In holding hear-  
5 ings and receiving evidence under this  
6 paragraph, the Commission may issue sub-  
7 poenas to compel the attendance of and  
8 testimony by witnesses and the production  
9 any book, check, canceled check, cor-  
10 respondence, communication, document,  
11 email, papers, physical evidence, record, re-  
12 cording, tape, or other material (including  
13 electronic records) relating to any matter  
14 or question the Commission is authorized  
15 to oversee.

16 “(ii) ENFORCEMENT.—In the case of  
17 contumacy or failure to obey a subpoena  
18 issued under clause (i), the United States  
19 district court for the judicial district in  
20 which the subpoenaed person resides, is  
21 served, or may be found, or where the sub-  
22 poena is returnable, may issue an order re-  
23 quiring such person to appear at any des-  
24 ignated place to testify or to produce docu-  
25 mentary or other evidence. Any failure to

1           obey the order of the court may be pun-  
2           ished by the court as a contempt of that  
3           court.”.

4 **SEC. 10. CONSULTATION WITH PANDEMIC RESPONSE AC-**  
5 **COUNTABILITY COMMITTEE AND SPECIAL IN-**  
6 **SPECTOR GENERAL.**

7           Section 15010 of the CARES Act (Public Law 116–  
8 136) is amended by adding at the end the following:

9           “(1)(1) Not less frequently than once per week, the  
10 Secretary shall—

11           “(A) confer with the Chairman of the Com-  
12 mittee, the Executive Director of the Committee,  
13 and the Special Inspector General for Pandemic Re-  
14 covery; and

15           “(B) submit to the appropriate congressional  
16 committees a list of each request for assistance or  
17 information that was unreasonably withheld or not  
18 provided to the Committee or the Special Inspector  
19 General for Pandemic Recovery, as determined by  
20 the Chairman of the Committee and the Executive  
21 Director of the Committee or the Special Inspector  
22 General for Pandemic Recovery, as applicable.

23           “(2) The Secretary and the Chairman of the Com-  
24 mittee and the Executive Director of the Committee or  
25 the Special Inspector General for Pandemic Recovery, as

1 applicable, shall include with the list described in para-  
2 graph (1)(B) a written certification, under penalty of per-  
3 jury, that the list is true and correct.

4 “(3) None of the funds made available under this Act  
5 or any other Act may be used to pay the salary of the  
6 Secretary or any political appointee of the Department of  
7 the Treasury if the Secretary does not submit the list de-  
8 scribed in paragraph (1)(B).

9 “(4) If any provision of this section is held to be un-  
10 constitutional or if the Secretary does not comply with this  
11 section, the provisions of this Act giving the Secretary dis-  
12 cretion to provide assistance shall be deemed void and un-  
13 enforceable.”

14 **SEC. 11. PROTECTING WHISTLEBLOWERS.**

15 (a) PROHIBITION OF REPRISALS.—

16 (1) IN GENERAL.—An employee of, former em-  
17 ployee of, or individual seeking employment with any  
18 non-Federal employer or Federal personal services  
19 contractor receiving covered funds may not be dis-  
20 charged, demoted, blacklisted, prejudiced by any ac-  
21 tion or lack of action, or otherwise discriminated  
22 against in any way (including in the hiring process  
23 and including by the threat of any such action or in-  
24 action) for disclosing, being perceived as disclosing,  
25 or preparing to disclose (including a disclosure made

1 in the ordinary course of an employee’s duties) to an  
2 officer or entity described in paragraph (2) informa-  
3 tion that the employee, former employee, or indi-  
4 vidual seeking employment reasonably believes would  
5 require the employee to violate this Act, or that the  
6 employee, former employee, or individual seeking  
7 employment reasonably believes is evidence of mis-  
8 conduct that violates, obstructs, or undermines any  
9 statutes, rules, or regulations with respect to any  
10 Coronavirus pandemic-related program, project, or  
11 activity, including—

12 (A) gross mismanagement of an agency  
13 contract, subcontract, grant, or subgrant relat-  
14 ing to covered funds;

15 (B) a gross waste of covered funds;

16 (C) a substantial and specific danger to  
17 public health or safety;

18 (D) an abuse of authority related to the  
19 distribution, implementation, or use of covered  
20 funds, including conflict of interest or parti-  
21 ality; and

22 (E) a violation of any statute, rule, or reg-  
23 ulation related to an agency contract, sub-  
24 contract (including the competition for or nego-  
25 tiation of a contract or subcontract), grant, or



1 subgrant, awarded, or issued relating to covered  
2 funds.

3 (2) OFFICERS AND ENTITIES.—The officers and  
4 entities described in this paragraph are—

5 (A) the Pandemic Response Accountability  
6 Committee;

7 (B) an inspector general, including the  
8 Special Inspector General for Pandemic Relief;

9 (C) the Congressional Oversight Commis-  
10 sion;

11 (D) the Comptroller General of the United  
12 States;

13 (E) a Member of Congress;

14 (F) a congressional committee;

15 (G) a State or Federal regulatory or law  
16 enforcement agency;

17 (H) an individual with supervisory author-  
18 ity over the employee (or such other person  
19 working for the non-Federal employer who has  
20 the authority to investigate, discover, or termi-  
21 nate misconduct);

22 (I) a court or grand jury;

23 (J) an officer or representative of a labor  
24 organization; or

1           (K) the head of a Federal agency or a des-  
2           ignee of such a head.

3           (3) APPLICATION.—

4           (A) IN GENERAL.—For the purposes of  
5           paragraph (1)—

6                   (i) an employee, former employee, or  
7                   individual seeking employment who initi-  
8                   ates or provides evidence of misconduct by  
9                   a contractor, subcontractor, grantee, or  
10                  subgrantee in any judicial or administra-  
11                  tive proceeding relating to waste, fraud, or  
12                  abuse in connection with a Federal con-  
13                  tract or grant shall be deemed to have  
14                  made a disclosure covered by such para-  
15                  graph; and

16                   (ii) any discharge, demotion, discrimi-  
17                   nation, or other reprisal described in para-  
18                   graph (1) is prohibited even if it is under-  
19                   taken at the request of an executive branch  
20                   officer or employee, unless the request  
21                   takes the form of a non-discretionary di-  
22                   rective and is within the authority of the  
23                   executive branch official making the re-  
24                   quest.

1 (B) PROTECTION OF WHISTLEBLOWER  
2 IDENTITY.—

3 (i) IN GENERAL.—Except as required  
4 by law, an officer or entity described in  
5 paragraph (2) that receives information  
6 under paragraph (1) and any individual or  
7 entity to which the officer or entity dis-  
8 closes the information may not disclose the  
9 identity or identifying information of the  
10 individual providing the information with-  
11 out explicit written consent of the indi-  
12 vidual.

13 (ii) NOTICE.—If disclosure of the  
14 identity or identifying information of an  
15 individual providing information under  
16 paragraph (1) is required by law, the re-  
17 cipient shall provide timely notice of the  
18 disclosure to the individual.

19 (b) INVESTIGATION OF COMPLAINTS.—

20 (1) COMPLAINTS.—

21 (A) IN GENERAL.—An individual who be-  
22 lieves that the individual has been subjected to  
23 a reprisal prohibited under subsection (a) may,  
24 within 3 years after learning of the alleged re-  
25 prisal, submit a complaint regarding the re-

1           praisal to the Secretary of Labor in accordance  
2           with the rules and procedures under subsection  
3           (c)(1).

4           (B) RESPONSE.—Not later than 60 days  
5           after the submission of a complaint under sub-  
6           paragraph (A), the applicable non-Federal em-  
7           ployer shall submit an answer to the complaint  
8           to the Secretary of Labor.

9           (C) INVESTIGATION.—Except as provided  
10          under paragraph (3), and unless the Secretary  
11          of Labor determines that a complaint submitted  
12          under subparagraph (A) is frivolous, does not  
13          relate to covered funds, or another Federal or  
14          State judicial or administrative proceeding has  
15          previously been invoked to resolve such com-  
16          plaint, the Secretary of Labor shall investigate  
17          the complaint and, upon completion of such in-  
18          vestigation, submit a report to the individual  
19          submitting the complaint, the applicable non-  
20          Federal employer, the head of the appropriate  
21          agency, Congress, the Congressional Oversight  
22          Committee, the Special Inspector General for  
23          Pandemic Relief (as appropriate), any appro-  
24          priate inspector general, and the Pandemic Re-

1           response Accountability Committee detailing the  
2           findings of the investigation.

3           (D) OCCUPATIONAL SAFETY AND HEALTH  
4           ADMINISTRATION.—The Secretary of Labor  
5           shall ensure that investigations of complaints  
6           under this subsection are carried out by the As-  
7           sistant Secretary for Occupational Safety and  
8           Health, which may be through a whistleblower  
9           protection program or office of the Occupa-  
10          tional Safety and Health Administration.

11          (2) TIME LIMITATIONS FOR ACTIONS.—

12           (A) IN GENERAL.—Except as provided  
13           under subparagraph (B), not later than 180  
14           days after receiving a complaint under para-  
15           graph (1), the Secretary of Labor shall—

16                   (i) make a determination that the  
17                   complaint is frivolous, does not relate to  
18                   covered funds, or another Federal or State  
19                   judicial or administrative proceeding pre-  
20                   viously has been invoked to resolve such  
21                   complaint; or

22                   (ii) submit a report described in para-  
23                   graph (1)(C).

24          (B) EXTENSIONS.—

1 (i) VOLUNTARY EXTENSION AGREED  
2 TO BETWEEN THE SECRETARY OF LABOR  
3 AND COMPLAINANT.—If the Secretary of  
4 Labor is unable to complete an investiga-  
5 tion under this subsection in time to sub-  
6 mit a report within the 180-day period  
7 specified under subparagraph (A) and the  
8 individual submitting the complaint agrees  
9 to an extension of time, the Secretary of  
10 Labor shall submit a report described in  
11 paragraph (1)(C) within such additional  
12 period of time as shall be agreed upon be-  
13 tween the Secretary of Labor and the indi-  
14 vidual submitting the complaint.

15 (ii) EXTENSION GRANTED BY THE  
16 SECRETARY OF LABOR.—If the Secretary  
17 of Labor is unable to complete an inves-  
18 tigation under this subsection in time to  
19 submit a report within the 180-day period  
20 specified under subparagraph (A), the Sec-  
21 retary of Labor may extend the period for  
22 not more than an additional 180 days  
23 without the individual submitting the com-  
24 plaint agreeing to such extension, if the  
25 Secretary of Labor provides to the indi-

1           vidual and the non-Federal employer, if the  
2           employer is a defendant in the individual's  
3           complaint a written explanation for the de-  
4           cision, from which the Secretary of Labor  
5           may exclude information in accordance  
6           with paragraph (4)(C).

7           (3) DISCRETION NOT TO INVESTIGATE COM-  
8           PLAINTS.—

9           (A) IN GENERAL.—The Secretary of Labor  
10          may decide not to conduct or continue an inves-  
11          tigation under this subsection upon providing to  
12          the individual submitting the complaint and the  
13          non-Federal employer, if applicable, a written  
14          explanation for such decision, from which the  
15          Secretary of Labor may exclude information in  
16          accordance with paragraph (4)(C).

17          (B) ASSUMPTION OF RIGHTS TO CIVIL  
18          REMEDY.—Upon receipt of an explanation of a  
19          decision not to conduct or continue an inves-  
20          tigation under subparagraph (A), the individual  
21          submitting the complaint shall be deemed to  
22          have exhausted all administrative remedies with  
23          respect to the complaint for purposes of sub-  
24          section (c), without regard to the 210-day pe-  
25          riod specified under paragraph (4) of such sub-

1 section, and immediately assume the right to a  
2 civil remedy under subsection (c)(4).

3 (4) ACCESS TO INVESTIGATIVE FILE OF THE  
4 SECRETARY OF LABOR.—

5 (A) IN GENERAL.—An individual alleging a  
6 reprisal under this section shall have access to  
7 the investigation file of the Secretary of Labor  
8 in accordance with section 552a of title 5,  
9 United States Code (commonly referred to as  
10 the “Privacy Act”). The investigation of the  
11 Secretary of Labor shall be deemed closed for  
12 purposes of disclosure under such section when  
13 an individual files an appeal to an agency head  
14 or a court of competent jurisdiction.

15 (B) CIVIL ACTION.—In the event an indi-  
16 vidual alleging the reprisal under this section  
17 brings a civil action under subsection (c)(4), the  
18 individual and the non-Federal employer, if ap-  
19 plicable, shall have access to the investigative  
20 file of the Secretary of Labor in accordance  
21 with the section 552a of title 5, United States  
22 Code.

23 (C) EXCEPTION.—The Secretary of Labor  
24 may exclude from disclosure—



1 (i) information protected from disclo-  
2 sure by a provision of law; and  
3 (ii) any additional information the  
4 Secretary of Labor determines disclosure  
5 of which would impede a continuing inves-  
6 tigation, if such information is disclosed  
7 once such disclosure would no longer im-  
8 pede such investigation, unless the Sec-  
9 retary of Labor determines that disclosure  
10 of law enforcement techniques, procedures,  
11 or information could reasonably be ex-  
12 pected to risk circumvention of the law or  
13 disclose the identity of a confidential  
14 source.

15 (5) PRIVACY OF INFORMATION.—The Secretary  
16 of Labor investigating an alleged reprisal under this  
17 section may not respond to any inquiry or disclose  
18 any information from or about any individual alleg-  
19 ing such reprisal, except in accordance with the pro-  
20 visions of section 552a of title 5, United States  
21 Code, or as required by any other applicable Federal  
22 law.

23 (6) SEMIANNUAL REPORT.—Not later than 180  
24 days after the date of enactment of this Act, and  
25 every 6 months thereafter for 5 years, the Secretary

1 of Labor shall submit a report to Congress, which  
2 shall include—

3 (A) a list of any investigations for which  
4 the period was extended under clause (i) or (ii)  
5 of paragraph (2)(B); and

6 (B) a list of any investigations the Sec-  
7 retary of Labor decided not to conduct or con-  
8 tinue, pursuant to paragraph (3).

9 (c) REMEDY AND ENFORCEMENT AUTHORITY.—

10 (1) RULES AND PROCEDURES.—Except to the  
11 extent provided otherwise in this section, the Sec-  
12 retary of Labor shall establish rules and procedures  
13 for administrative investigations, administrative  
14 hearings, appeals, and relief under this section that,  
15 to the maximum extent practicable, are similar to  
16 the rules and procedures set forth in section 7623(d)  
17 of the Internal Revenue Code of 1986 that apply to  
18 persons alleging a discharge or other reprisal under  
19 paragraph (1) of such section.

20 (2) BURDEN OF PROOF.—The Secretary of  
21 Labor, head of an agency, or officer presiding in a  
22 judicial or administrative proceeding shall apply the  
23 legal burdens of proof specified in section 1221(e) of  
24 title 5, in determining whether a reprisal prohibited

1 under this section has occurred in accordance with  
2 the rules and procedures under paragraph (1).

3 (3) AGENCY ACTION.—

4 (A) IN GENERAL.—Not later than 30 days  
5 after receiving a report of the Secretary of  
6 Labor under subsection (b), the head of the ap-  
7 plicable agency shall—

8 (i) determine whether there is suffi-  
9 cient basis to conclude that the non-Fed-  
10 eral employer has subjected the complain-  
11 ant to a reprisal prohibited by subsection  
12 (a); and

13 (ii)(I) issue an order denying relief in  
14 whole or in part; or

15 (II) take 1 or more of the actions de-  
16 scribed in subparagraph (B).

17 (B) ACTIONS.—The actions described in  
18 this subparagraph are the following:

19 (i) Order the non-Federal employer to  
20 take affirmative action to abate the re-  
21 prisal.

22 (ii) Order the non-Federal employer  
23 to reinstate the individual to the position  
24 that the individual held before the reprisal,  
25 together with the compensation (including

1 double back pay), compensatory damages,  
2 employment benefits, and other terms and  
3 conditions of employment that would apply  
4 to the individual in that position if the re-  
5 prisal had not been taken.

6 (iii) Order the non-Federal employer  
7 to pay the individual an amount equal to  
8 the aggregate amount of all costs and ex-  
9 penses (including attorney's fees and ex-  
10 pert witness's fees) that were reasonably  
11 incurred by the individual for, or in con-  
12 nection with, bringing the complaint re-  
13 garding the reprisal, as determined by the  
14 head of the agency or a court of competent  
15 jurisdiction.

16 (iv) Order the non-Federal employer  
17 to pay a monetary fine to the agency in an  
18 amount determined by the head of the  
19 agency or a court of competent jurisdic-  
20 tion.

21 (v) Provide a report to Congress, in-  
22 cluding findings of fact and conclusions of  
23 law relevant to the decision, if the head of  
24 the agency concerned does not accept or

1 does not implement the recommendations  
2 of the Secretary of Labor report.

3 (4) CIVIL ACTION.—

4 (A) EXHAUSTION.—An individual submit-  
5 ting a complaint under subsection (b) shall be  
6 deemed to have exhausted all administrative  
7 remedies with respect to the complaint if—

8 (i)(I) the head of the applicable agen-  
9 cy—

10 (aa) issues an order denying re-  
11 lief in whole or in part under para-  
12 graph (3); or

13 (bb) has not issued an order—

14 (AA) within 210 days after  
15 the submission of a complaint  
16 under subsection (b); or

17 (BB) in the case of an ex-  
18 tension of time under clause (i)  
19 or (ii) of subsection (b)(2)(B),  
20 within 30 days after the expira-  
21 tion of the extension of time; or

22 (II) the Secretary of Labor decides  
23 under subsection (b)(3) not to investigate  
24 or to discontinue an investigation; and

1                   (ii) there is no showing that such  
2                   delay or decision is due to the bad faith of  
3                   the individual.

4                   (B) FILING.—An individual who has ex-  
5                   hausted all administrative remedies with respect  
6                   to a complaint submitted under subsection (b)  
7                   may bring a de novo action at law or equity  
8                   against the non-Federal employer to seek com-  
9                   pensatory damages and other relief available  
10                  under this section in the appropriate district  
11                  court of the United States, which shall have ju-  
12                  risdiction over such an action without regard to  
13                  the amount in controversy.

14                  (C) JURY TRIAL.—An action brought  
15                  under subparagraph (B) shall, at the request of  
16                  either party to the action, be tried by the court  
17                  with a jury.

18                  (5) JUDICIAL ENFORCEMENT OF ORDER.—If  
19                  any person fails to comply with an order issued  
20                  under paragraph (3), the head of the agency shall  
21                  file an action for enforcement of such order in the  
22                  United States district court for a district in which  
23                  the reprisal was found to have occurred. In any ac-  
24                  tion brought under this paragraph, the court may  
25                  grant appropriate relief, including injunctive relief,

1 compensatory and exemplary damages, and attor-  
2 ney's fees and costs.

3 (6) JUDICIAL REVIEW.—Any person adversely  
4 affected or aggrieved by an order issued under para-  
5 graph (3) may obtain review of whether the order is  
6 in accordance with this subsection, and any regula-  
7 tions issued to carry out this section, in the United  
8 States court of appeals for a circuit in which the re-  
9 prisal is alleged in the order to have occurred. No  
10 petition seeking such review may be filed more than  
11 60 days after issuance of the order by the head of  
12 the agency. Review under this paragraph shall be in  
13 accordance with chapter 7 of title 5, United States  
14 Code.

15 (7) RIGHTS RETAINED BY EMPLOYEE.—Noth-  
16 ing in this section shall diminish the rights, privi-  
17 leges, or remedies of any employee, former employee,  
18 or individual seeking employment under any Federal  
19 or State law, or under any collective bargaining  
20 agreement.

21 (8) LIABILITY.—Notwithstanding any other  
22 provision of law, an individual shall be immune from  
23 civil and criminal liability with respect to a disclo-  
24 sure by the individual if the individual would be pro-  
25 tected from reprisal under subsection (a) for making

1 the disclosure. The individual shall bear the burden  
2 of proving that the individual would be protected  
3 from reprisal under subsection (a) for making the  
4 disclosure.

5 (d) NONENFORCEABILITY OF CERTAIN PROVISIONS  
6 WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBI-  
7 TRATION OF DISPUTES.—

8 (1) WAIVER OF RIGHTS AND REMEDIES.—Ex-  
9 cept as provided under paragraph (3), the rights and  
10 remedies provided for in this section may not be  
11 waived by any public or private agreement, policy,  
12 form, or condition of employment, including by any  
13 predispute arbitration agreement.

14 (2) PREDISPUTE ARBITRATION AGREEMENTS.—  
15 Except as provided under paragraph (3), no  
16 predispute arbitration agreement shall be valid or  
17 enforceable if it requires arbitration of a dispute  
18 arising under this section.

19 (3) EXCEPTION FOR COLLECTIVE BARGAINING  
20 AGREEMENTS.—Notwithstanding paragraphs (1)  
21 and (2), an arbitration provision in a collective bar-  
22 gaining agreement shall be enforceable as to dis-  
23 putes arising under the collective bargaining agree-  
24 ment.



1           (e) REQUIREMENT TO POST NOTICE OF RIGHTS AND  
2 REMEDIES.—Any non-Federal employer receiving covered  
3 funds shall post notice of the rights and remedies provided  
4 under this section.

5           (f) RULES OF CONSTRUCTION.—

6           (1) NO IMPLIED AUTHORITY TO RETALIATE  
7 FOR NON-PROTECTED DISCLOSURES.—Nothing in  
8 this section may be construed to authorize the dis-  
9 charge of, demotion of, or discrimination or other re-  
10 prisal against an employee, a former employee, or an  
11 individual seeking employment for a disclosure other  
12 than a disclosure protected by subsection (a) or to  
13 modify or derogate from a right or remedy otherwise  
14 available to the employee, former employee, or indi-  
15 vidual seeking employment.

16           (2) RELATIONSHIP TO STATE LAWS.—Nothing  
17 in this section may be construed to preempt, pre-  
18 clude, or limit the protections provided for public or  
19 private employees under State whistleblower laws.

20           (g) COMPLAINT PORTAL.—The Special Inspector  
21 General for Pandemic Relief, the Pandemic Relief Ac-  
22 countability Committee, and the Congressional Oversight  
23 Commission shall each establish a public website where  
24 any individual who believes that the individual has been  
25 subjected to a reprisal prohibited under subsection (a)

1 may submit a complaint regarding the reprisal. Such com-  
2 plaints shall be transmitted to the Secretary of Labor for  
3 enforcement in accordance with this section.

4 (h) FUNDING.—There is appropriated to the Sec-  
5 retary of Labor for the fiscal year ending September 30,  
6 2020, out of any money in the Treasury not otherwise ap-  
7 propriated, \$20,000,000 to carry out this section, to re-  
8 main available until expended.

9 **SEC. 12. STRENGTHENING TRANSPARENCY AND DISCLO-**  
10 **SURE AROUND BAILOUT FUNDS.**

11 (a) REPORTING REQUIREMENTS FOR RECIPIENTS OF  
12 ASSISTANCE.—Section 4003 of division A of the CARES  
13 Act (Public Law 116–136) is amended by adding at the  
14 end the following:

15 “(i) REPORTING REQUIREMENTS.—

16 “(1) IN GENERAL.—Each recipient of assist-  
17 ance, including a loan, loan guarantee, or other in-  
18 vestment made by the Secretary under paragraph  
19 (1), (2), or (3) of subsection (b) or as part of a pro-  
20 gram or facility under paragraph (4) of subsection  
21 (b), shall, not later than 7 days after receipt of the  
22 assistance, submit to the Secretary—

23 “(A) all documents related to the accept-  
24 ance of the assistance;

1           “(B) a written description of how the re-  
2 recipient intends to use the assistance;

3           “(C) compensation and workforce data of  
4 the recipient, including the mean, median, and  
5 minimum wages of all non-executive employees;

6           “(D) the number of employees of the re-  
7 cipient before and after receipt of the assist-  
8 ance;

9           “(E) the salaries of executives of the re-  
10 cipient, including bonuses and capital distribu-  
11 tions;

12           “(F) whether the recipient has been  
13 charged with violations of Federal law and, if  
14 so, the nature of each alleged violation;

15           “(G) with respect to a recipient of assist-  
16 ance from a program or facility of the Federal  
17 Reserve that purchases corporate bonds—

18                   “(i) the applicable Committee on Uni-  
19 form Securities Identification Procedures  
20 (CUSIP) number;

21                   “(ii) the bond rating and the identity  
22 of the agency providing that bond rating;  
23 and

24                   “(iii) the identities of any syndicated  
25 loan participants; and

1           “(H) with respect to a recipient of assist-  
2           ance from a program or facility of the Federal  
3           Reserve that purchases asset-backed securi-  
4           ties—

5                   “(i) the loan data, including the  
6                   amount of collateral for the securitization;

7                   “(ii) the credit ratings and the iden-  
8                   tity of the agency providing that credit rat-  
9                   ing; and

10                   “(iii) the identities of the  
11                   securitization issuers and arrangers and  
12                   the fees the issuers and arrangers received.

13           “(2) PUBLICATION.—Not later than 7 days  
14           after the date on which the Secretary receives the in-  
15           formation described in subparagraphs (A) and (B)  
16           of paragraph (1), the Secretary shall publish that in-  
17           formation on the website of the Federal Reserve.”.

18           (b) TRANSPARENCY FOR PAYCHECK PROTECTION  
19           LOANS.—Section 7(a)(36) of the Small Business Act (15  
20           U.S.C. 636(a)(36)) is amended by adding at the end the  
21           following:

22                   “(T) WEEKLY PUBLICATION OF LOAN  
23                   DATA.—

24                   “(i) IN GENERAL.—The Administrator  
25                   shall, on a weekly basis, publish on the

1 website of the Administration in an acces-  
2 sible and easily downloadable format data  
3 for loans approved under this paragraph,  
4 including—

5 “(I) the name of each lender;

6 “(II) the amount of each loan;

7 “(III) the amount each lender  
8 was paid in fees;

9 “(IV) the amount of any agent  
10 fees;

11 “(V) the types of lenders, includ-  
12 ing whether the lender was a commu-  
13 nity development financial institution  
14 or a minority depository institution,  
15 as defined in section 308 of the Fi-  
16 nancial Institutions Reform, Recovery,  
17 and Enforcement Act of 1989 (12  
18 U.S.C. 1463 note);

19 “(VI) the North American Indus-  
20 try Classification System Code for  
21 each industry in which a borrower op-  
22 erates;

23 “(VII) the number of individuals  
24 employed by each borrower;

1                   “(VIII) the zip code of each bor-  
2                   rower; and

3                   “(IX) the demographic informa-  
4                   tion of each borrower, including vet-  
5                   eran status, gender, race, and eth-  
6                   nicity.

7                   “(ii) REPORTING BY BORROWER.—  
8                   For purposes of publishing the information  
9                   under clause (i), the Administrator shall,  
10                  at the time at which the borrower applies  
11                  for loan forgiveness under section 1106 of  
12                  the CARES Act (Public Law 116–136), re-  
13                  quest that the borrower provide to the Ad-  
14                  ministrator any information described in  
15                  that clause that was not otherwise pro-  
16                  vided by the borrower at the time of the  
17                  initial application for the covered loan.”.

18                  (c) PUBLICATION OF PANDEMIC RESPONSE AC-  
19                  COUNTABILITY COMMITTEE REPORTS.—Section  
20                  15010(d)(2)(C)(i) of division B of the CARES Act (Public  
21                  Law 116–136) is amended by inserting “not later than  
22                  7 days after the date on which the report is submitted”  
23                  before the period at the end.

24                  (d) PUBLICATION OF MAJOR CONTRACTS OF THE  
25                  PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE.—

1 Section 15010(g)(3)(A) of division B of the CARES Act  
2 (Public Law 116–136) is amended—

3 (1) by redesignating clause (xiii) as clause (xiv);

4 and

5 (2) by inserting after clause (xii) the end the  
6 following:

7 “(xiv) Notwithstanding paragraph  
8 (4), the website shall include a machine-  
9 readable and searchable copy of each con-  
10 tract with a value greater than \$150,000  
11 that is awarded under this Act or under  
12 any other Act related to the Coronavirus  
13 response and that is entered into by an  
14 agency after the date of enactment of this  
15 clause. The copy of a contract described in  
16 the preceding sentence shall be posted not  
17 later than 30 days after the date on which  
18 the agency enters into the contract. The  
19 contractor providing property or services  
20 under a contract posted under this clause  
21 may request to redact from such contract  
22 any national security, sensitive, or classi-  
23 fied information. An agency may not re-  
24 dact from a contract posted under this  
25 clause any information that would be re-

1           required to be made available to the public  
2           under section 552 of title 5, United States  
3           Code (commonly known as the ‘Freedom of  
4           Information Act’).”.

5 **SEC. 13. STRENGTHENING ENFORCEMENT.**

6           Section 4003 of the CARES Act is amended by add-  
7           ing at the end the following:

8           “(i) ENFORCEMENT.—

9                 “(1) PRIVATE RIGHT OF ACTION.—

10                         “(A) IN GENERAL.—Any person harmed  
11                         by a violation of the terms and conditions of  
12                         subsection (c) of an eligible business may bring  
13                         an action in an appropriate district court of the  
14                         United States.

15                         “(B) AWARD OF PORTION OF FINE.—The  
16                         court may award a plaintiff who prevails in an  
17                         action under subparagraph (A) a portion of any  
18                         fine imposed on an eligible business for a viola-  
19                         tion of the terms and conditions of subsection  
20                         (c).

21                         “(2) DISGORGEMENT.—The Secretary or the  
22                         Special Inspector General for Pandemic Recovery  
23                         shall require disgorgement from any senior executive  
24                         of an eligible business that receives a loan, loan  
25                         guarantee, or other investment authorized under this



1 section that violates the terms and conditions estab-  
2 lished under subsection (c).”.

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