AMENDMENT IN THE NATURE OF A SUBSTITUTE
to H.R. 391
OFFERED BY MR. CUMMINGS OF MARYLAND

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “White House Ethics Transparency Act of 2019”.

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

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 30 days after an officer or employee issues or approves a waiver or authorization pursuant to section 3 of Executive Order No. 13770 (82 6 Fed. Reg. 9333), or any subsequent similar order, such officer or employee shall—

(1) transmit a written copy of such waiver or authorization to the Director of the Office of Government Ethics; and

(2) make a written copy of such waiver or authorization available to the public on the website of the employing agency of the covered employee.
(b) RETROACTIVE APPLICATION.—In the case of a waiver or authorization described in subsection (a) issued during the period beginning on January 20, 2017, and ending on the date of enactment of this Act, the issuing officer or employee of such waiver or authorization shall comply with the requirements of paragraphs (1) and (2) of such subsection not later than 30 days after the date of enactment of this Act.

(c) OFFICE OF GOVERNMENT ETHICS PUBLIC AVAILABILITY.—Not later than 30 days after receiving a written copy of a waiver or authorization under subsection (a)(1), the Director of the Office of Government Ethics shall make such waiver or authorization available to the public on the website of the Office of Government Ethics.

(d) REPORT TO CONGRESS.—Not later than 45 days after the date of enactment of this Act, the Director of the Office of Government Ethics shall submit a report to Congress on the impact of the application of subsection (b), including the name of any individual who received a waiver or authorization described in subsection (a) and who, by operation of subsection (b), submitted the information required by such subsection.

(e) DEFINITION OF COVERED EMPLOYEE.—In this section, the term “covered employee”—
(1) means a non-career Presidential or Vice Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), or an appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency; and

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