H. R. 391

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2019

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

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
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4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “White House Ethics
6 Transparency Act of 2019”.

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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 13770 (82 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 14 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) Definition of Covered Employee.—In this
section, the term “covered employee”—

(1) means a full-time, 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 com-
parable 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.