

116TH CONGRESS
1ST SESSION

H. R. 964

To amend the Presidential Transition Act of 1963 to require the development of ethics plans for certain transition teams, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2019

Mr. CUMMINGS (for himself, Mrs. CAROLYN B. MALONEY of New York, Ms. NORTON, Mr. CLAY, Mr. LYNCH, Mr. COOPER, Mr. CONNOLLY, Mr. ROUDA, Ms. HILL of California, Mr. SARBANES, Mr. WELCH, Ms. SPEIER, Mr. DESAULNIER, Mrs. LAWRENCE, Mr. KHANNA, Mr. GOMEZ, Ms. OCASIO-CORTEZ, Ms. PRESSLEY, and Mr. RASKIN) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To amend the Presidential Transition Act of 1963 to require the development of ethics plans for certain transition teams, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transition Team Eth-
5 ics Improvement Act”.

1 **SEC. 2. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.**

2 The Presidential Transition Act of 1963 (3 U.S.C.
3 102 note) is amended—

4 (1) in section 3(f), by adding at the end the fol-
5 lowing new paragraph:

6 “(3) The President-elect shall submit to the Com-
7 mittee on Oversight and Reform of the House of Rep-
8 resentatives and the Committee on Homeland Security
9 and Governmental Affairs of the Senate a report with a
10 list of—

11 “(A) any individual for whom an application for
12 a security clearance was submitted, not later than
13 10 days after the date on which the application was
14 submitted; and

15 “(B) any individual provided a security clear-
16 ance, not later than 10 days after the date on which
17 the security clearance was provided.”;

18 (2) in section 4—

19 (A) in subsection (a)—

20 (i) in paragraph (3), by striking
21 “and” at the end;

22 (ii) by redesignating paragraph (4) as
23 paragraph (5); and

24 (iii) by inserting after paragraph (3)
25 the following:

26 “(4) the term ‘nonpublic information’—

1 “(A) means information from the Federal
2 Government that a transition team member ob-
3 tains as part of the employment of such mem-
4 ber that the member knows or reasonably
5 should know has not been made available to the
6 general public; and

7 “(B) includes information that has not
8 been released to the public that a transition
9 team member knows or reasonably should
10 know—

11 “(i) is exempt from disclosure under
12 section 552 of title 5, United States Code,
13 or otherwise protected from disclosure by
14 law; and

15 “(ii) is not authorized by the appro-
16 priate agency or official to be released to
17 the public; and”;

18 (B) in subsection (g)—

19 (i) in paragraph (1), by striking “No-
20 vember” and inserting “October”; and

21 (ii) by adding at the end the fol-
22 lowing:

23 “(3) ETHICS PLAN.—

24 “(A) IN GENERAL.—Each memorandum of
25 understanding under paragraph (1) shall in-

1 clude an agreement that the eligible candidate
2 will implement and enforce an ethics plan to
3 guide the conduct of the transition beginning on
4 the date on which the eligible candidate be-
5 comes the President-elect.

6 “(B) CONTENTS.—The ethics plan shall
7 include, at a minimum—

8 “(i) a description of the ethics re-
9 quirements that will apply to all transition
10 team members, including specific require-
11 ments for transition team members who
12 will have access to nonpublic or classified
13 information;

14 “(ii) a description of how the transi-
15 tion team will—

16 “(I) address the role on the tran-
17 sition team of—

18 “(aa) registered lobbyists
19 under the Lobbying Disclosure
20 Act of 1995 (2 U.S.C. 1601 et
21 seq.) and individuals who were
22 formerly registered lobbyists
23 under that Act;

24 “(bb) persons registered
25 under the Foreign Agents Reg-

1 istration Act, as amended (22
2 U.S.C. 611 et seq.), foreign na-
3 tionals, and other foreign agents;
4 and

5 “(cc) transition team mem-
6 bers with sources of income or
7 clients that are not disclosed to
8 the public;

9 “(II) prohibit a transition team
10 member with personal financial con-
11 flicts of interest as described in sec-
12 tion 208 of title 18, United States
13 Code, from working on particular
14 matters involving specific parties that
15 affect the interests of such member;
16 and

17 “(III) address how the covered
18 eligible candidate will address their
19 own personal financial conflicts of in-
20 terest during a Presidential term if
21 the covered eligible candidate becomes
22 the President-elect;

23 “(iii) a Code of Ethical Conduct, to
24 which each transition team member will
25 sign and be subject to, that reflects the

1 content of the ethics plans under this para-
2 graph and at a minimum requires each
3 transition team member to—

4 “(I) seek authorization from
5 transition team leaders or their des-
6 ignees before seeking, on behalf of the
7 transition, access to any nonpublic in-
8 formation;

9 “(II) keep confidential any non-
10 public information provided in the
11 course of the duties of the member
12 with the transition and exclusively use
13 such information for the purposes of
14 the transition; and

15 “(III) not use any nonpublic in-
16 formation provided in the course of
17 transition duties, in any manner, for
18 personal or private gain for the mem-
19 ber or any other party at any time
20 during or after the transition; and

21 “(iv) a description of how the transi-
22 tion team will enforce the Code of Ethical
23 Conduct, including the names of the tran-
24 sition team members responsible for en-
25 forcement, oversight, and compliance.

1 “(C) PUBLICLY AVAILABLE.—The transi-
2 tion team shall make the ethics plan described
3 in this paragraph publicly available on the
4 Internet website of the General Services Admin-
5 istration the earlier of—

6 “(i) the day on which the memo-
7 randum of understanding is completed; or

8 “(ii) October 1.”; and

9 (3) in section 6(b)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A), by striking
12 “and” at the end;

13 (ii) in subparagraph (B), by striking
14 the period at the end and inserting a semi-
15 colon; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(C) a list of all positions each transition team
19 member has held outside the Federal Government
20 for the previous 12-month period, including paid and
21 unpaid positions;

22 “(D) sources of compensation for each transi-
23 tion team member exceeding \$5,000 a year for the
24 previous 12-month period;

1 “(E) a description of the role of each transition
2 team member, including a list of any policy issues
3 that the member expects to work on, and a list of
4 agencies the member expects to interact with, while
5 serving on the transition team;

6 “(F) a list of any issues from which each tran-
7 sition team member will be recused while serving as
8 a member of the transition team pursuant to the
9 transition team ethics plan outlined in section
10 4(g)(3); and

11 “(G) an affirmation that no transition team
12 member has a financial conflict of interest that pre-
13 cludes the member from working on the matters de-
14 scribed in subparagraph (E).”;

15 (B) in paragraph (2), by inserting “not
16 later than 2 business days” after “public”; and

17 (C) by adding at the end the following:

18 “(3) The head of a Federal department or agency,
19 or their designee, shall not permit access to the Federal
20 department or agency, or employees of such department
21 or agency, that would not be provided to a member of the
22 public for any transition team member who does not make
23 the disclosures listed under paragraph (1).”.

1 SEC. 3. SEVERABILITY.

2 If any provision of this Act or amendment made by
3 this Act, or the application of a provision or amendment
4 to any person or circumstance, is held to be unconstitu-
5 tional, the remainder of this Act and amendments made
6 by this Act, and the application of the provisions and
7 amendment to any person or circumstance, shall not be
8 affected by the holding.

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