

Union Calendar No. 306

116TH CONGRESS
2^D SESSION

H. R. 964

[Report No. 116-382]

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

JANUARY 27, 2020

Reported from the Committee on Oversight and Reform, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 5, 2019]

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 Ethics*
5 *Improvement Act”.*

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

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

9 *(1) in section 3(f), by adding at the end the fol-*
10 *lowing:*

11 *“(3) Not later than 10 days after submitting an appli-*
12 *cation for a security clearance for any individual, and not*
13 *later than 10 days after any such individual is granted*
14 *a security clearance (including an interim clearance), each*
15 *eligible candidate (as that term is described in subsection*
16 *(h)(4)(A)) or the President-elect (as the case may be) shall*
17 *submit a report containing the name of such individual to*
18 *the Committee on Oversight and Reform of the House of*
19 *Representatives and the Committee on Homeland Security*
20 *and Governmental Affairs of the Senate.”;*

21 *(2) in section 4—*

22 *(A) in subsection (a)—*

23 *(i) in paragraph (3), by striking*
24 *“and” at the end;*

1 (ii) by redesignating paragraph (4) as
2 paragraph (5); and

3 (iii) by inserting after paragraph (3)
4 the following:

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

6 “(A) means information from the Federal
7 Government that a transition team member ob-
8 tains as part of the employment of such member
9 that the member knows or reasonably should
10 know has not been made available to the general
11 public; and

12 “(B) includes information that has not been
13 released to the public that a transition team
14 member knows or reasonably should know—

15 “(i) is exempt from disclosure under
16 section 552 of title 5, United States Code, or
17 otherwise protected from disclosure by law;
18 and

19 “(ii) is not authorized by the appro-
20 priate agency or official to be released to the
21 public; and”;

22 (B) in subsection (g)—

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

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

1 “(3) *ETHICS PLAN.*—

2 “(A) *IN GENERAL.*—*Each memorandum of*
3 *understanding under paragraph (1) shall include*
4 *an agreement that the eligible candidate will im-*
5 *plement and enforce an ethics plan to guide the*
6 *conduct of the transition beginning on the date*
7 *on which the eligible candidate becomes the*
8 *President-elect.*

9 “(B) *CONTENTS.*—*The ethics plan shall in-*
10 *clude, at a minimum—*

11 “(i) *a description of the ethics require-*
12 *ments that will apply to all transition team*
13 *members, including specific requirements*
14 *for transition team members who will have*
15 *access to nonpublic or classified informa-*
16 *tion;*

17 “(ii) *a description of how the transi-*
18 *tion team will—*

19 “(I) *address the role on the transi-*
20 *tion team of—*

21 “(aa) *registered lobbyists*
22 *under the Lobbying Disclosure Act*
23 *of 1995 (2 U.S.C. 1601 et seq.)*
24 *and individuals who were for-*

1 *merly registered lobbyists under*
2 *that Act;*

3 *“(bb) persons registered*
4 *under the Foreign Agents Reg-*
5 *istration Act, as amended (22*
6 *U.S.C. 611 et seq.), foreign na-*
7 *tionals, and other foreign agents;*
8 *and*

9 *“(cc) transition team mem-*
10 *bers with sources of income or cli-*
11 *ents that are not disclosed to the*
12 *public;*

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

20 *“(III) address how the covered eli-*
21 *gible candidate will address their own*
22 *personal financial conflicts of interest*
23 *during a Presidential term if the cov-*
24 *ered eligible candidate becomes the*
25 *President-elect;*

1 “(iii) a Code of Ethical Conduct, to
2 which each transition team member will
3 sign and be subject to, that reflects the con-
4 tent of the ethics plans under this para-
5 graph and at a minimum requires each
6 transition team member to—

7 “(I) seek authorization from tran-
8 sition team leaders or their designees
9 before seeking, on behalf of the transi-
10 tion, access to any nonpublic informa-
11 tion;

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

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

24 “(iv) a description of how the transi-
25 tion team will enforce the Code of Ethical

1 *Conduct, including the names of the transi-*
2 *tion team members responsible for enforce-*
3 *ment, oversight, and compliance.*

4 “(C) *PUBLICLY AVAILABLE.—The transition*
5 *team shall make the ethics plan described in this*
6 *paragraph publicly available on the website of*
7 *the General Services Administration the earlier*
8 *of—*

9 “(i) *the day on which the memo-*
10 *randum of understanding is completed; or*

11 “(ii) *October 1.”; and*

12 (3) *in section 6(b)—*

13 (A) *in paragraph (1)—*

14 (i) *in subparagraph (A), by striking*
15 *“and” at the end;*

16 (ii) *in subparagraph (B), by striking*
17 *the period at the end and inserting a semi-*
18 *colon; and*

19 (iii) *by adding at the end the fol-*
20 *lowing:*

21 “(C) *a list of all positions each transition team*
22 *member has held outside the Federal Government for*
23 *the previous 12-month period, including paid and un-*
24 *paid positions;*

1 “(D) sources of compensation for each transition
2 team member exceeding \$5,000 a year for the previous
3 12-month period;

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

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

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

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

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

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

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