

112TH CONGRESS
2D SESSION

S. 3625

To change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22 (legislative day, SEPTEMBER 21), 2012

Mr. LIEBERMAN (for himself and Ms. COLLINS) introduced the following bill;
which was read twice, considered, read the third time, and passed

A BILL

To change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, 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. CHANGED EFFECTIVE DATE FOR FINANCIAL**
4 **DISCLOSURE FORMS OF CERTAIN OFFICERS**
5 **AND EMPLOYEES.**

6 (a) IN GENERAL.—Except with respect to financial
7 disclosure forms filed by officers and employees referred

1 to in subsection (b), section 8(a)(1) and section 11(a)(1)
 2 of the STOCK Act (5 U.S.C. App. 105 note) shall take
 3 effect on December 8, 2012.

4 (b) FINANCIAL DISCLOSURE FORMS NOT SUBJECT
 5 TO NEW EFFECTIVE DATE.—Financial disclosure forms
 6 filed by the following individuals shall not be subject to
 7 the effective date under this section:

8 (1) The President.

9 (2) The Vice President.

10 (3) Any Member of Congress.

11 (4) Any candidate for Congress.

12 (5) Any officer occupying a position listed in
 13 section 5312 or section 5313 of title 5, United
 14 States Code, having been nominated by the Presi-
 15 dent and confirmed by the Senate to that position.

16 **SEC. 2. STUDY AND REPORT.**

17 (a) IN GENERAL.—Not later than 30 days after the
 18 date of enactment of this Act, the Director of the Office
 19 of Personnel Management shall contract with the National
 20 Academy of Public Administration (referred to in this sec-
 21 tion as the “National Academy”) to—

22 (1) conduct a study of issues raised by website
 23 publication of financial disclosure forms as is re-
 24 quired under the STOCK Act (Public Law 112–105;
 25 126 Stat. 291); and

1 (2) issue a report containing findings and rec-
2 ommendations.

3 (b) SCOPE OF STUDY.—The study conducted under
4 subsection (a)(1) shall—

5 (1) examine the nature, scope, and degree of
6 risk, including risk of harm to national security, law
7 enforcement, or other Federal missions and risk of
8 endangerment, including to personal safety and se-
9 curity, financial security (such as through identity
10 theft), and privacy, of officers and employees and
11 their family members, that may be posed by website
12 and other publication of financial disclosure forms
13 and associated personal information;

14 (2) examine any harm that may have arisen
15 from the current online availability of financial dis-
16 closure forms and associated personal information of
17 employees of the legislative branch, including any
18 harm to national security, law enforcement, or other
19 Federal missions and any endangerment that may
20 have occurred, including to personal safety and secu-
21 rity, financial security (such as through identity
22 theft), and privacy, of such legislative branch offi-
23 cers and employees or their family members; and

1 (3) include any other analysis that the National
2 Academy believes is necessary or desirable on the
3 topic of the study.

4 (c) REPORT.—Not later than 6 months after the date
5 of enactment of this Act, the National Academy shall sub-
6 mit to Congress and the President a report that con-
7 tains—

8 (1) the findings of the study conducted under
9 subsection (a)(1);

10 (2) recommendations for ways to avoid or miti-
11 gate the risks identified in the study conducted
12 under subsection (a)(1), consistent with the goal of
13 providing appropriate public disclosure of potential
14 conflicts of interest or instances of insider trading
15 by Federal officers or employees; and

16 (3) any other recommendations that the Na-
17 tional Academy believes are necessary or desirable.

18 **SEC. 3. PERIODIC TRANSACTION REPORTS FOR TRANS-**
19 **ACTIONS OF SPOUSES AND CHILDREN.**

20 (a) IN GENERAL.—

21 (1) DATE REPORTING REQUIREMENT COM-
22 MENCES IN HOUSE OF REPRESENTATIVES AND EX-
23 ECUTIVE BRANCH.—Section 2 of the Act entitled
24 “An Act to prevent harm to the national security or
25 endangering the military officers and civilian em-

1 employees to whom internet publication of certain in-
2 formation applies, and for other purposes”, approved
3 August 16, 2012 (5 U.S.C. App. 103 note), is
4 amended by striking “September 30, 2012” and in-
5 serting “January 1, 2013”.

6 (2) EXTENSION TO EXECUTIVE BRANCH.—Sec-
7 tion 2 of the Act entitled “An Act to prevent harm
8 to the national security or endangering the military
9 officers and civilian employees to whom internet
10 publication of certain information applies, and for
11 other purposes”, approved August 16, 2012 (5
12 U.S.C. App. 103 note), is amended by striking “for
13 reporting individuals” and all that follows through
14 “House of Representatives”.

15 (3) TECHNICAL AND CONFORMING AMEND-
16 MENT.—Section 2 of the Act entitled “An Act to
17 prevent harm to the national security or endangering
18 the military officers and civilian employees to whom
19 internet publication of certain information applies,
20 and for other purposes”, approved August 16, 2012
21 (5 U.S.C. App. 103 note), is amended by striking
22 “such section 101” and inserting “section 101 of
23 such Act (5 U.S.C. App. 101)”.

24 (b) EFFECTIVE DATE; RULE OF CONSTRUCTION.—

1 (1) EFFECTIVE DATE.—The amendments made
2 by subsection (a) shall take effect on January 1,
3 2013.

4 (2) RULE OF CONSTRUCTION.—Before January
5 1, 2013, the amendments made by subsection (a)
6 shall not affect the applicability of section 2 of the
7 Act entitled “An Act to prevent harm to the national
8 security or endangering the military officers and ci-
9 vilian employees to whom internet publication of cer-
10 tain information applies, and for other purposes”,
11 approved August 16, 2012 (5 U.S.C. App. 103
12 note), as in effect on the day before the effective
13 date under paragraph (1).

14 (c) SAVINGS CLAUSE.—Nothing in the amendments
15 made by subsection (a) shall be construed as affecting any
16 requirement with respect to the House of Representatives
17 or the executive branch in effect before January 1, 2013,
18 with respect to the inclusion of transaction information for
19 a report under section 103(l) of the Ethics in Government
20 Act of 1978 (5 U.S.C. App. 103(l)).

21 (d) NO CHANGE TO EXISTING SENATE REQUIRE-
22 MENTS.—Nothing in this section or the amendments made
23 this section shall be construed as affecting the require-
24 ment that took effect with respect to the Senate on July
25 3, 2012, which mandates the inclusion of transaction in-

1 formation for spouses and dependent children for a report
2 under section 103(l) of the Ethics in Government Act of
3 1978 (5 U.S.C. App. 103(l)).

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