

116TH CONGRESS
2D SESSION

S. 3855

To ensure ethical and accountable use of COVID–19 relief funds, to prevent corruption and bias in the disbursement and supervision of those funds, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 1, 2020

Ms. WARREN (for herself, Mr. BLUMENTHAL, Mr. COONS, Mr. MERKLEY, Mr. MARKEY, Ms. HARRIS, Mr. UDALL, Mr. SANDERS, Mr. WYDEN, Mr. BOOKER, Mr. DURBIN, Ms. KLOBUCHAR, Ms. HIRONO, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure ethical and accountable use of COVID–19 relief funds, to prevent corruption and bias in the disbursement and supervision of those funds, 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 “Coronavirus Oversight
5 and Recovery Ethics Act of 2020” or the “CORE Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

1 (1) the term “abuse of authority” means an ar-
2 bitrary and capricious exercise of authority by a con-
3 tracting officer or employee that adversely affects
4 the rights of any individual, or that results in per-
5 sonal gain or advantage to the officer or employee
6 or to preferred other individuals;

7 (2) the term “CARES Act” means the CARES
8 Act (Public Law 116–136);

9 (3) the term “Coronavirus pandemic-related
10 program, project, or activity”—

11 (A) means a program, project, or activity
12 of the executive branch of the Federal Govern-
13 ment authorized under or carried out using
14 amounts made available under an Act to re-
15 spond to or to provide aid or assistance to ad-
16 dress, relief from, or funding to address the
17 outbreak of COVID–19 that is enacted before,
18 on, or after the date of enactment of this Act;
19 and

20 (B) includes any program, project, or ac-
21 tivity of the executive branch of the Federal
22 Government authorized under or carried out
23 using amounts made available under—

24 (i) the Paycheck Protection Program
25 and Health Care Enhancement Act (Public

1 Law 116–139), or an amendment made by
2 that Act;

3 (ii) the CARES Act, or an amend-
4 ment made by that Act;

5 (iii) the Families First Coronavirus
6 Response Act (Public Law 116–127), or an
7 amendment made by that Act; or

8 (iv) the Coronavirus Preparedness and
9 Response Supplemental Appropriations
10 Act, 2020 (Public Law 116–123), or an
11 amendment made by that Act;

12 (4) the term “covered contract” means a con-
13 tract that—

14 (A) has a value of more than \$150,000;

15 and

16 (B) relates to the administration or execu-
17 tion of authorities under a Coronavirus pan-
18 demic-related program, project, or activity;

19 (5) the term “covered contractor” means a pri-
20 vate sector contractor (at any tier) or advisor pro-
21 viding goods, property, or services under a covered
22 contract;

23 (6) the term “covered funds” means any con-
24 tract, subcontract, grant, subgrant, loan, loan guar-
25 antee, or other payment for which—

1 (A) the Federal Government provides any
2 portion of the funds or property that is pro-
3 vided, requested, or demanded; and

4 (B) any portion of the funds are appro-
5 priated or otherwise made available under or to
6 carry out a Coronavirus pandemic-related pro-
7 gram, project, or activity;

8 (7) the term “designated agency ethics official”
9 has the meaning given that term under section 109
10 of the Ethics in Government Act of 1978 (5 U.S.C.
11 App.);

12 (8) the term “Director” means the Director of
13 the Office of Government Ethics;

14 (9) the term “employee”—

15 (A) except as provided under subparagraph
16 (B), means an individual performing services on
17 behalf of an employer, including any individual
18 working for an employer under a contract with
19 such employer (including a contractor, subcon-
20 tractor, or agent of an employer); and

21 (B) does not include any Federal employee
22 or member of the uniformed services (as that
23 term is defined in section 101(a)(5) of title 10,
24 United States Code);

1 (10) the term “ethics and conflicts of interest
2 regulations” means the regulations issued by the Di-
3 rector under subsection (b) of section 3, in accord-
4 ance with the requirements under section 3;

5 (11) the term “non-Federal employer”—

6 (A) means any employer—

7 (i) with respect to covered funds—

8 (I) the contractor, subcontractor,
9 grantee, subgrantee, or recipient, as
10 the case may be, if the contractor,
11 subcontractor, grantee, subgrantee, or
12 recipient is an employer; and

13 (II) any professional membership
14 organization, certification or other
15 professional body, any agent or li-
16 censee of the Federal Government, or
17 any person acting directly or indi-
18 rectly in the interest of an employer
19 receiving covered funds; or

20 (ii) with respect to covered funds re-
21 ceived by a State or local government, the
22 State or local government receiving the
23 funds and any contractor or subcontractor
24 of the State or local government; and

1 (B) does not mean any department, agen-
2 cy, or other entity of the Federal Government;

3 (12) the term “reprisal”, for purposes of sec-
4 tion 11, means an action (or, as applicable, inaction)
5 that is discharging, demoting, blacklisting, or acting
6 or failing to take an action in a manner prejudicial
7 against, or otherwise discriminating against in any
8 way (including in the hiring process and including
9 by the threat of any such action or inaction) an em-
10 ployee, former employee, or individual seeking em-
11 ployment as described in section 11(a)(1) for engag-
12 ing in, being perceived as engaging in, or preparing
13 to engage in the disclosure of information as de-
14 scribed in such section;

15 (13) the term “senior executive” means an indi-
16 vidual—

17 (A) employed by a private employer; and

18 (B) who—

19 (i) receives annual compensation from
20 the private employer in an amount that is
21 more than \$1,000,000;

22 (ii) has direct authority over more
23 than 1 percent of the funds provided under
24 a Coronavirus pandemic-related program,
25 project, or activity; or

1 (iii) for an employee of a private em-
2 ployer for which the annual average rev-
3 enue for the period of 2017, 2018, and
4 2019 is not less than \$1,000,000,000, is 1
5 of the 100 most highly compensated execu-
6 tives of the private employer; and

7 (14) the term “State or local government”
8 means—

9 (A) the government of each of the several
10 States, the District of Columbia, the Common-
11 wealth of Puerto Rico, Guam, American Samoa,
12 the Virgin Islands, the Commonwealth of the
13 Northern Mariana Islands, or any other terri-
14 tory or possession of the United States; or

15 (B) the government of any political sub-
16 division of a government listed in subparagraph
17 (A).

18 **SEC. 3. ETHICS AND CONFLICTS OF INTEREST.**

19 (a) PURPOSE.—The purpose of this section is to set
20 forth standards to address and prevent conflicts of interest
21 or abuses of authority that may arise in connection with
22 the administration and execution of the authorities under
23 a Coronavirus pandemic-related program, project, or activ-
24 ity, including under the CARES Act.

1 (b) STANDARDS REQUIRED.—The Director shall
2 issue regulations necessary to address and prevent con-
3 flicts of interest or abuses of authority that may arise in
4 connection with the administration or execution of the au-
5 thorities under a Coronavirus pandemic-related program,
6 project, or activity, including—

7 (1) conflicts arising in the selection or hiring of
8 covered contractors or advisors, including contrac-
9 tors, banks, and other private sector entities involved
10 in the administration of programs or services au-
11 thorized under paragraph (36) of section 7(a) of the
12 Small Business Act (15 U.S.C. 636(a)) or under
13 section 4003 of the CARES Act;

14 (2) the management, administration, or dis-
15 tribution of funds, grants, loans, loan guarantees, or
16 other investments under a Coronavirus pandemic-re-
17 lated program, project, or activity;

18 (3) post-employment restrictions on Federal of-
19 ficers and employees;

20 (4) any exercise of authority by Federal officers
21 and employees that adversely affects the rights of
22 any person, or that results in personal gain or ad-
23 vantage to the officer or employee; and

1 (5) any other potential conflict of interest or
2 abuse of authority, as the Director determines nec-
3 essary or appropriate in the public interest.

4 (c) TIMING.—

5 (1) IN GENERAL.—As soon as practicable after
6 the date of enactment of this Act, but in any event
7 not later than 60 days after such date of enactment,
8 the Director shall issue the ethics and conflicts of in-
9 terest regulations.

10 (2) WAIVER TO ENSURE COMPLIANCE WITH
11 TIMING.—To the extent compliance with the require-
12 ments under subchapter II of chapter 5 of title 5,
13 United States Code, would prevent the Director
14 from complying with the timeframe specified under
15 paragraph (1) for issuance of the ethics and con-
16 flicts of interest regulations, such subchapter shall
17 not apply to the issuance of the ethics and conflicts
18 of interest regulations.

19 (d) SCOPE.—The ethics and conflicts of interest regu-
20 lations shall address actual and potential conflicts of inter-
21 est, or circumstances that give rise to the appearance of
22 a conflict of interest to a reasonable person, including—

23 (1) any actual or potential personal conflict of
24 interest, including any personal, business, or finan-
25 cial interest of any individual involved in the admin-

1 istration or execution of the authorities under a
2 Coronavirus pandemic-related program, project, or
3 activity or such an interest of a spouse, child, par-
4 ent, sibling, son-in-law, or daughter-in-law of such
5 an individual; and

6 (2) any actual or potential conflict of interest of
7 a covered contractor, including any political activity
8 that creates the appearance of a conflict of interest
9 to a reasonable person, or any situation in which a
10 covered contractor has an interest or relationship
11 that could cause a reasonable person with knowledge
12 of the relevant facts to question the objectivity, im-
13 partiality, or judgment of the covered contractor to
14 perform under a covered contract or to represent the
15 Federal Government.

16 (e) CONTRACTORS AND ADVISORS.—

17 (1) COMPLIANCE PROGRAM.—The ethics and
18 conflicts of interest regulations shall require—

19 (A) a covered contractor to maintain a
20 compliance program reasonably designed to de-
21 tect and prevent violations of Federal law, in-
22 cluding Federal securities laws, and conflicts of
23 interest; and

24 (B) that such a compliance program—

1 (i) include plans to mitigate any con-
2 flict of interest, including any personal
3 conflict of interest of any individual per-
4 forming duties under a covered contract;

5 (ii) allow for the Director or the des-
6 ignated agency ethics official for the appli-
7 cable Federal agency to disapprove any
8 plan described in clause (i) that is insuffi-
9 cient;

10 (iii) be posted by the covered con-
11 tractor on the public website of the covered
12 contractor; and

13 (iv) be provided to the Director or to
14 the designated agency ethics official for the
15 applicable Federal agency.

16 (2) INFORMATION REQUIRED.—The ethics and
17 conflicts of interest regulations shall require a cov-
18 ered contractor to provide to the Director or the des-
19 ignated agency ethics official for the applicable Fed-
20 eral agency, upon request or through a process spec-
21 ified in the ethics and conflicts of interest regula-
22 tions, sufficient information to evaluate any conflict
23 of interest, which may include—

1 (A) the relationship of the covered con-
2 tractor to any other involved contractors or ad-
3 visors;

4 (B) information concerning all other busi-
5 ness or financial interests of the covered con-
6 tractor, the proposed subcontractors of the cov-
7 ered contractor, or entities related to the cov-
8 ered contractor (including any parent company
9 or subsidiary of a covered contractor, any entity
10 holding more than a 5 percent equity interest in
11 the covered contractor, and any entity in which
12 the covered contractor holds more than a 5 per-
13 cent equity interest);

14 (C) a description of all of the conflicts of
15 interest and potential conflicts of interest of the
16 covered contractor;

17 (D) a detailed written plan to mitigate all
18 of the conflicts of interest and potential con-
19 flicts of interest of the covered contractor, along
20 with supporting documents; and

21 (E) any other information or documenta-
22 tion about the covered contractor, the proposed
23 subcontractors of the covered contractor, or en-
24 tities related to the covered contractor that the

1 Director or the designated agency ethics official
2 for the applicable Federal agency may request.

3 (3) TERMS OF CONTRACT OR AGREEMENT.—

4 (A) IN GENERAL.—On and after the effec-
5 tive date of the ethics and conflicts of interest
6 regulations, the Federal Government may not
7 enter into (or renew) a covered contract, unless
8 the covered contract includes enforceable terms
9 and conditions to enforce the ethics and con-
10 flicts of interest regulations.

11 (B) EXISTING CONTRACTS.—With respect
12 to a covered contract entered into before the ef-
13 fective date of the ethics and conflicts of inter-
14 est regulations, the head of the Federal agency
15 that entered into the covered contract and the
16 contracting officers of the Federal agency shall
17 make efforts, to the maximum extent prac-
18 ticable and as part of the first amendment or
19 modification to the contract after such effective
20 date, to update the covered contract to include
21 and enforce the ethics and conflicts of interest
22 regulations.

23 (4) WRITTEN CERTIFICATION.—The ethics and
24 conflicts of interest regulations—

1 (A) shall require a covered contractor to
2 submit, under penalty of perjury, to the Direc-
3 tor or the designated agency ethics official for
4 the applicable Federal agency a written certifi-
5 cation—

6 (i) certifying that no conflicts of inter-
7 est exists (and that individuals performing
8 services under the covered contract have no
9 personal conflicts of interest); or

10 (ii) explaining in detail—

11 (I) the extent to which the cov-
12 ered contractor can certify and de-
13 scribe the actions the covered con-
14 tractor has taken and plans to take to
15 mitigate any conflict of interest; and

16 (II) the timeframe for implemen-
17 tation for the actions described in
18 subclause (I); and

19 (B) may specify the frequency with which
20 a covered contractor shall submit a written cer-
21 tification described in subparagraph (A).

22 (5) RETENTION OF INFORMATION.—The ethics
23 and conflicts of interest regulations shall require
24 covered contractors to—

1 (A) retain the information needed to com-
2 ply with this section, including the written cer-
3 tifications required by this section, for a speci-
4 fied period of time; and

5 (B) make such information available to the
6 Director or the designated agency ethics official
7 for the applicable Federal agency upon request.

8 (6) CONCURRENT ACTIVITIES.—The ethics and
9 conflicts of interest regulations may restrict certain
10 market activities by a covered contractor that are
11 likely to cause impermissible conflicts of interest.

12 (7) RULE OF CONSTRUCTION REGARDING PRO-
13 CUREMENT INTEGRITY ACT.—Nothing in this section
14 shall be construed to modify the application of chap-
15 ter 21 of title 41, United States Code, to covered
16 contracts or to covered contractors.

17 (f) INDIVIDUAL CONFLICTS OF INTEREST.—

18 (1) PERSONAL OR FINANCIAL CONFLICTS OF
19 INTEREST.—The ethics and conflicts of interest reg-
20 ulations shall ensure that any individual (including
21 any officer or employee of the executive branch of
22 the Federal Government) who participates personally
23 and substantially in the administration or execution
24 of any Coronavirus pandemic-related program,
25 project, or activity, through, for example, decision,

1 approval, disapproval, recommendation, or the ren-
2 dering of advice, has no personal or financial conflict
3 of interest (including a situation that would cause a
4 reasonable person with knowledge of the relevant
5 facts to question the objectivity, impartiality, or
6 judgment of the individual in such performance, or
7 the ability of the individual to represent the interests
8 of the Federal Government), unless mitigation meas-
9 ures have addressed the conflict to the satisfaction
10 of the Director or the designated agency ethics offi-
11 cial for the applicable Federal agency, or the conflict
12 is waived in accordance with waiver rules.

13 (2) INFORMATION REQUIRED.—

14 (A) IN GENERAL.—The ethics and conflicts
15 of interest regulations may require certain offi-
16 cers or employees of the Federal Government to
17 submit, in writing, information about their per-
18 sonal, business, and financial relationships, and
19 such relationships of their spouses and depend-
20 ent children, that would cause a reasonable per-
21 son with knowledge of the relevant facts to
22 question the objectivity, impartiality, or judg-
23 ment of the officer or employee or the ability of
24 the officer or employee to represent the inter-
25 ests of the Federal Government.

1 (B) MINIMIZATION OF DUPLICATION.—To
2 the extent practicable, the ethics and conflicts
3 of interest regulations should ensure that the
4 submission of information under subparagraph
5 (A) does duplicate the financial disclosures re-
6 quired under the Ethics in Government Act of
7 1978 (5 U.S.C. App.).

8 (C) DISCLOSURE.—The ethics and con-
9 flicts of interest regulations shall provide for
10 appropriate and reasonable public disclosure of
11 any information submitted under subparagraph
12 (A).

13 (3) DISQUALIFICATION.—

14 (A) IN GENERAL.—The ethics and conflicts
15 of interest regulations shall specify cir-
16 cumstances in which an officer or employee of
17 the Federal Government with an actual or po-
18 tential personal conflict of interest is disquali-
19 fied from performing work as part of the ad-
20 ministration or execution of any Coronavirus
21 pandemic-related program, project, or activity
22 unless mitigation measures have addressed the
23 conflict to the satisfaction of the Director or the
24 designated agency ethics official for the applica-
25 ble Federal agency.

1 (B) WAIVER.—The ethics and conflicts of
2 interest regulations may establish a process by
3 which individuals may seek a waiver of disquali-
4 fication from the Director or the designated
5 agency ethics official for the applicable Federal
6 agency if it is clear from the totality of the cir-
7 cumstances that a waiver is in the interest of
8 the Federal Government.

9 (g) GIFTS.—

10 (1) IN GENERAL.—The ethics and conflicts of
11 interest regulations shall restrict officers and em-
12 ployees of the Federal Government and covered con-
13 tractors involved in the administration or execution
14 of the authorities under a Coronavirus pandemic-re-
15 lated program, project, or activity and covered con-
16 tractors from accepting or soliciting favors, gifts, or
17 other items of significant monetary value from any
18 individual or entity seeking official action from the
19 Federal Government in connection with the adminis-
20 tration or execution of the authorities under a
21 Coronavirus pandemic-related program, project, or
22 activity.

23 (2) RULE OF CONSTRUCTION REGARDING EX-
24 ISTING GIFT LIMITATIONS.—Nothing in this sub-
25 section shall be construed to modify the application

1 of subpart B of part 2635 of title 5, Code of Federal
2 Regulations (relating to gifts from outside sources).

3 (h) IMPROPER USE.—

4 (1) IN GENERAL.—The ethics and conflicts of
5 interest regulations shall restrict the improper use of
6 property of the United States for the benefit of any
7 individual or entity other than the United States in
8 the administration or execution of the authorities
9 under a Coronavirus pandemic-related program,
10 project, or activity.

11 (2) RULE OF CONSTRUCTION REGARDING EX-
12 ISTING USE OF INFORMATION LIMITATIONS.—Noth-
13 ing in this subsection shall be construed to modify
14 the application of section 2635.703 of title 5, Code
15 of Federal Regulations (relating to use of nonpublic
16 information).

17 (i) PROMISES AND PLEDGES.—

18 (1) IN GENERAL.—The ethics and conflicts of
19 interest regulations shall restrict officers and em-
20 ployees of the Federal Government involved in the
21 administration or execution of the authorities under
22 a Coronavirus pandemic-related program, project, or
23 activity and covered contractors from making any
24 unauthorized promise or commitment on behalf of
25 the United States in the administration or execution

1 of the authorities under a Coronavirus pandemic-re-
2 lated program, project, or activity.

3 (2) RULE OF CONSTRUCTION REGARDING
4 ANTIDEFICIENCY ACT.—Nothing in this subsection
5 shall be construed to modify the application of sec-
6 tion 1341 of title 31, United States Code (relating
7 to limitations on expending and obligating amounts).

8 (j) POST-EMPLOYMENT RESTRICTIONS.—The ethics
9 and conflicts of interest regulations—

10 (1) shall establish post-employment restrictions
11 (in addition to the restrictions in effect under sec-
12 tion 207 of title 18, United States Code) applicable
13 to officers and employees of the Federal Government
14 involved in the administration or execution of the
15 authorities under a Coronavirus pandemic-related
16 program, project, or activity necessary to ensure eth-
17 ical administration of the Coronavirus pandemic-re-
18 lated program, project, or activity, which shall, at a
19 minimum, prohibit such an officer or employee of an
20 executive agency from engaging in lobbying activities
21 with respect to the executive agency during the 5-
22 year period beginning on the date of separation from
23 service with the executive agency; and

24 (2) may include restrictions on officers and em-
25 ployees of the Federal Government involved in the

1 administration or execution of the authorities under
2 a Coronavirus pandemic-related program, project, or
3 activity seeking, negotiating, discussing, or accepting
4 employment or compensation from any private sector
5 entity with respect to which the officer or employee
6 personally or substantially participated in (through
7 decision, approval, disapproval, recommendation) the
8 provision of funds, grants, loans, loan guarantees, or
9 other investments under the Coronavirus pandemic-
10 related program, project, or activity.

11 (k) COMMUNICATIONS WITH GOVERNMENT EMPLOY-
12 EES.—The ethics and conflicts of interest regulations shall
13 prohibit, during the course of any process for selecting a
14 covered contractor (including any process using non-com-
15 petitive procedures), an entity participating in the process
16 or a representative of the entity from—

17 (1) directly or indirectly making any offer or
18 promise of future employment or business oppor-
19 tunity to, or engaging directly or indirectly in any
20 discussion of future employment or business oppor-
21 tunity with, any officer or employee of the Federal
22 Government with personal or direct responsibility for
23 that procurement;

24 (2) offering, giving, or promising to offer or
25 give, directly or indirectly, any money, gratuity, or

1 other thing of value to any officer or employee of the
2 Federal Government, except as otherwise permitted
3 by law; or

4 (3) soliciting or obtaining from any officer or
5 employee of the Federal Government, directly or in-
6 directly, any information that is not public and was
7 prepared for use by the United States for the pur-
8 pose of evaluating an offer, quotation, or response to
9 enter into an arrangement with the United States.

10 (l) LAWS APPLIED.—

11 (1) IN GENERAL.—Nothing in this section shall
12 be construed to modify that any individual who acts
13 for or on behalf of the United States in the adminis-
14 tration and execution of the authorities under a
15 Coronavirus pandemic-related program, project, or
16 activity—

17 (A) shall comply with sections 201 and
18 208 of title 18, United States Code; and

19 (B) may be subject to criminal penalties
20 for violating such sections.

21 (2) FALSE STATEMENTS.—Nothing in this sec-
22 tion shall be construed to modify the application of
23 section 1001 of title 18, United States Code (relat-
24 ing to the making of any false or fraudulent state-
25 ment to a Federal officer), to any information or

1 certification submitted to the United States by an
2 individual or entity under the ethics and conflicts of
3 interest regulations.

4 (3) CRIMINAL REFERRAL AND REPORTING.—If
5 the Director or a designated agency ethics official
6 receives information indicating that any individual or
7 entity has violated any provision of title 18, United
8 States Code, or another provision of criminal law
9 (including any provision involving fraud, conflict of
10 interest, bribery, or gratuity violations under title
11 18, United States Code) or violated sections 3729
12 through 3733 of title 31, United States Code (com-
13 monly known as the “False Claims Act”), in the ad-
14 ministration or execution of the authorities under a
15 Coronavirus pandemic-related program, project, or
16 activity, the Director or designated agency ethics of-
17 ficial shall refer the alleged violation to the Attorney
18 General and report the alleged violation to the Spe-
19 cial Inspector General for Pandemic Relief, the Con-
20 gressional Oversight Commission, and the Pandemic
21 Response Accountability Committee.

22 (m) CONFLICTS OF INTEREST ENFORCEMENT.—

23 (1) PENALTIES.—The ethics and conflicts of in-
24 terest regulations shall provide that—

1 (A) if an officer or employee of the Federal
2 Government violates a requirement under the
3 ethics and conflicts of interest regulations, the
4 Director may take necessary and appropriate
5 action authorized under section 402 of the Eth-
6 ics in Government Act of 1978 (5 U.S.C. App.);
7 and

8 (B) if a covered contractor violates a re-
9 quirement under the ethics and conflicts of in-
10 terest regulations, the Director may impose or
11 pursue sanctions, which may include—

12 (i) termination of the covered con-
13 tract;

14 (ii) debarment of the covered con-
15 tractor for Federal Government con-
16 tracting or otherwise disqualifying the cov-
17 ered contractor from receiving Federal con-
18 tracts;

19 (iii) requiring the covered contractor
20 to remove 1 or more employees of the cov-
21 ered contractor from the performance of
22 the covered contract;

23 (iv) requiring the covered contractor
24 to terminate a subcontract;

1 (v) suspension of payments under the
2 covered contract until the covered con-
3 tractor has taken appropriate remedial ac-
4 tion;

5 (vi) loss of award fee, consistent with
6 the award fee plan, for the performance
7 period during which the Director deter-
8 mines the covered contractor violated the
9 requirement;

10 (vii) declining to exercise available op-
11 tions under the covered contract; or

12 (viii) the imposition or recommenda-
13 tion of any other remedy available under
14 the terms of the covered contract or an-
15 other provision of law.

16 (2) REPORTING TO OTHER OVERSIGHT ENTI-
17 TIES.—The ethics and conflicts of interest regula-
18 tions shall require the Director and a designated
19 agency ethics official to report any violation of a re-
20 quirement under the ethics and conflicts of interest
21 regulations and any action taken by the Director re-
22 lating to the violation to the Special Inspector Gen-
23 eral for Pandemic Recovery, the Congressional Over-
24 sight Commission, and the Pandemic Response Ac-
25 countability Committee.

1 (n) WAIVERS.—The ethics and conflicts of interest
 2 regulations may establish a process under which a require-
 3 ment under the ethics and conflicts of interest regulations
 4 may be waived if it is clear from the totality of the cir-
 5 cumstances that a waiver is in the interest of the Federal
 6 Government.

7 (o) FUNDING.—There is appropriated to the Director
 8 for the fiscal year ending September 30, 2020, out of any
 9 money in the Treasury not otherwise appropriated,
 10 \$25,000,000 to carry out this section, to remain available
 11 until expended.

12 **SEC. 4. SPECIAL GOVERNMENT EMPLOYEE AND WHITE**
 13 **HOUSE TASK FORCE MEMBER ETHICS.**

14 (a) DEFINITIONS.—In this section:

15 (1) COVERED SPECIAL GOVERNMENT EM-
 16 PLOYEE.—The term “covered special Government
 17 employee” means an individual who—

18 (A) is appointed by the President to serve
 19 on a White House task force to address the out-
 20 break of COVID–19; or

21 (B)(i) is—

22 (I) appointed by the President under
 23 section 710(b)(1) of the Defense Produc-
 24 tion Act of 1950 (50 U.S.C. 4560(b)(1));

1 (II) a provider of a voluntary and un-
2 compensated service described in section
3 621(c)(3) of the Robert T. Stafford Dis-
4 aster Relief and Emergency Assistance Act
5 (42 U.S.C. 5197(c)(3)); or

6 (III) a special Government employee
7 (as defined in section 202(a) of title 18,
8 United States Code); and

9 (ii) advises, consults, or otherwise works
10 on a Coronavirus pandemic-related program,
11 project, or activity.

12 (2) PERIODIC TRANSACTION REPORT.—The
13 term “periodic transaction report” means a report
14 containing the information required for a report of
15 a transaction under section 103(l) of the Ethics in
16 Government Act of 1978 (5 U.S.C. App.).

17 (3) PUBLIC FINANCIAL DISCLOSURE REPORT.—
18 The term “public financial disclosure report” means
19 a report that includes a full and complete statement
20 with respect to the items described in paragraphs
21 (1) through (8) of section 102(a) of the Ethics in
22 Government Act of 1978 (5 U.S.C. App.).

23 (4) TRANSACTION.—The term “transaction”
24 means a transaction required to be reported under

1 section 102(a)(5)(B) of the Ethics in Government
2 Act of 1978 (5 U.S.C. App.).

3 (b) REQUIREMENT.—

4 (1) IN GENERAL.—A covered special Govern-
5 ment employee shall file with the Director or the
6 designated agency ethics official of the agency served
7 by the covered special Government employee—

8 (A) for an individual serving as a covered
9 special Government employee on the date of en-
10 actment of this Act, not later than the later of
11 30 days after the date of enactment of this Act,
12 a public financial disclosure report;

13 (B) for an individual appointed to a posi-
14 tion as a covered special Government employee
15 on or after the date of enactment of this Act,
16 not later than 30 days after the date of the ap-
17 pointment, a public financial disclosure report;

18 (C) not later than 30 days after the special
19 Government employee is notified of a trans-
20 action to which the special Government em-
21 ployee is a party, but in no case later than 45
22 days after such transaction, a periodic trans-
23 action report; and

1 (D) not later than 30 days after separating
2 from service as a covered special Government
3 employee, a public financial disclosure report.

4 (2) SUBMISSION TO OFFICE OF GOVERNMENT
5 ETHICS.—Not later than 15 days after a designated
6 agency ethics official receives a report from a cov-
7 ered special Government employee under paragraph
8 (1), the designated agency ethics official shall sub-
9 mit a copy of the report to the Director.

10 (c) OFFICE OF GOVERNMENT ETHICS.—

11 (1) PUBLIC AVAILABILITY.—Not later than 15
12 days after the date on which the Director receives a
13 report under subsection (b)(1) or (b)(2), the Direc-
14 tor shall make the report publicly available on the
15 website of the Office of Government Ethics.

16 (2) QUARTERLY REVIEWS.—Not later than 90
17 days after the date of enactment of this Act, and
18 every 90 days thereafter until the date that is 2
19 years after the date of enactment of this Act, the
20 Director shall—

21 (A) conduct a review to create and update
22 a list of the names of every covered special Gov-
23 ernment employee; and

24 (B) ensure that—

1 (i) each covered special Government
 2 employee on the list described in subpara-
 3 graph (A) has timely filed—

4 (I) the public financial disclosure
 5 report required under subparagraph
 6 (A) or (B) of subsection (b)(1);

7 (II) each periodic transaction re-
 8 port required under subsection
 9 (b)(1)(C); and

10 (III) if appropriate, the public fi-
 11 nancial disclosure report required
 12 under subsection (b)(1)(D); and

13 (ii) each report received by the Direc-
 14 tor under subsection (b)(1) and (b)(2) has
 15 been made publicly available on the website
 16 of the Office of Government Ethics.

17 **SEC. 5. CARES ACT CONFLICT OF INTEREST EXPANSIONS.**

18 (a) **SMALL BUSINESS PROGRAMS.**—Section 4019 of
 19 the CARES Act (Public Law 116–136) is amended—

20 (1) in subsection (a), by adding at the end the
 21 following:

22 “(7) **SMALL BUSINESS ASSISTANCE.**—The term
 23 ‘small business assistance’ means assistance pro-
 24 vided under—

1 “(A) paragraph (36) of section 7(a) of the
2 Small Business Act (15 U.S.C. 636(a)), as
3 added by section 1102 of this Act; or

4 “(B) section 1103, 1108, 1110, or 1112 of
5 this Act.”;

6 (2) in subsection (b)—

7 (A) by inserting “or provisions relating to
8 small business assistance” after “this subtitle”;
9 and

10 (B) by inserting “or for any small business
11 assistance” before the period at the end; and

12 (3) in subsection (c)—

13 (A) by inserting “or seeking any small
14 business assistance” after “4003”;

15 (B) by inserting “or small business assist-
16 ance” after “that transaction”;

17 (C) by inserting “or the Administrator of
18 the Small Business Administration, as applica-
19 ble,” after “System”; and

20 (D) by inserting “or receive the small busi-
21 ness assistance” after “in that transaction”.

22 (b) DEFINITION OF COVERED INDIVIDUAL.—Section
23 4019(a) of the CARES Act is amended by striking para-
24 graph (3) and inserting the following:

1 “(3) COVERED INDIVIDUAL.—The term ‘cov-
2 ered individual’ means—

3 “(A) the President, the Vice President, the
4 head of an Executive department, a Member of
5 Congress, an individual appointed by the Presi-
6 dent under subsection (a) or (b) of section 105
7 of title 3, United States Code, or an individual
8 who is otherwise appointed by the President to
9 serve as assistant to the President or deputy as-
10 sistant to the President and holds a commission
11 of appointment from the President as a civilian
12 employee; and

13 “(B) the spouse, parent, sibling, child, son-
14 in-law, or daughter-in-law, as determined under
15 applicable common law, of an individual de-
16 scribed in subparagraph (A).”.

17 **SEC. 6. LOBBYING DISCLOSURES AND RESTRICTIONS.**

18 (a) DEFINITIONS.—In this section:

19 (1) IN GENERAL.—The terms “client”, “covered
20 executive branch official”, “covered legislative
21 branch official”, “employee”, “lobbying activities”,
22 “lobbying contact”, and “person or entity” have the
23 meanings given the terms in section 3 of the Lob-
24 bying Disclosure Act of 1995 (2 U.S.C. 1602).

1 (2) REGISTRANT.—The term “registrant”
2 means a person registered under section 4 of the
3 Lobbying Disclosure Act of 1995 (2 U.S.C. 1603).

4 (b) REGISTRANT REPORT.—Every 30 days beginning
5 on the date of enactment of this Act, any registrant who
6 engages in lobbying activities related to a Coronavirus
7 pandemic-related program, project, or activity on behalf
8 of the client of the registrant shall file a report with the
9 Secretary of the Senate and the Clerk of the House of
10 Representatives on its lobbying activities during such 30
11 day period. A separate report shall be filed for each client
12 of the registrant.

13 (c) CONTENTS OF THE REPORT.—The reports re-
14 quired under subsection (b) shall include—

15 (1) a statement of—

16 (A) each specific issue with respect to
17 which the registrant, or any employee of the
18 registrant, engaged in lobbying activities, in-
19 cluding, to the maximum extent practicable, a
20 statement of each Coronavirus pandemic-related
21 program, project, or activity and reference to
22 any specific Federal rule or regulation, Execu-
23 tive order, or any other program, policy, or po-
24 sition of the United States Government;

1 (B) each lobbying activity related to a
2 Coronavirus pandemic-related program, project,
3 or activity that the registrant has engaged in on
4 behalf of the client, including—

5 (i) each Coronavirus pandemic-related
6 document submitted by the registrant to
7 any executive branch official;

8 (ii) each Coronavirus pandemic-re-
9 lated meeting conducted that constituted a
10 lobbying contact, including the specific
11 subject of the meeting, the date of the
12 meeting, and the name and position of
13 each individual who was a party to the
14 meeting;

15 (iii) each Coronavirus pandemic-re-
16 lated phone call made that constituted a
17 lobbying contact, including the subject of
18 the phone call, the date of the phone call,
19 and the name and position of each indi-
20 vidual who was a party to the phone call;
21 and

22 (iv) each Coronavirus pandemic-re-
23 lated email or other electronic communica-
24 tion sent that constituted a lobbying con-
25 tact, including the subject of the email, the

1 date of the email, and the name and posi-
2 tion of each individual who was a party to
3 the email;

4 (C) the name of each employee of the reg-
5 istrant who did not participate in the lobbying
6 contact but engaged in lobbying activities re-
7 lated to a Coronavirus pandemic-related pro-
8 gram, project, or activity in support of the lob-
9 bying contact and a description of any such lob-
10 bying activity; and

11 (D) with respect to any person or entity
12 retained by the registrant to engage in lobbying
13 activities related to a Coronavirus pandemic-re-
14 lated program, project, or activity on behalf of
15 the client of the registrant—

16 (i) the name, address, business tele-
17 phone number, and principal place of busi-
18 ness of the person or entity;

19 (ii) a description of any lobbying ac-
20 tivity by the person or entity on behalf of
21 the client of the registrant;

22 (iii) the amount the registrant paid to
23 the person or entity for any lobbying activ-
24 ity by the person or entity on the behalf of
25 the client of the registrant;

1 (iv) the name of each employee of the
2 person or entity who supervised any lob-
3 bying activity by the person or entity on
4 behalf of the client of the registrant; and

5 (v) the official action or inaction re-
6 quested in the course of the lobbying activ-
7 ity; and

8 (2) a copy of any document transmitted to an
9 executive branch official in the course of any lob-
10 bying activity related to a Coronavirus pandemic-re-
11 lated program, project, or activity by the registrant
12 on behalf of the client.

13 (d) PUBLIC AVAILABILITY.—Not later than 7 days
14 after the date on which the Secretary of the Senate and
15 the Clerk of the House of Representatives receive a sub-
16 mission under subsection, Secretary of the Senate and the
17 Clerk of the House of Representatives shall—

18 (1) make such submission publicly available on
19 a website; and

20 (2) submit to the Special Inspector General for
21 Pandemic Relief and the Pandemic Relief Account-
22 ability Committee records documenting all lobbying
23 activities related to a Coronavirus pandemic-related
24 program, project, or activity during the previous 30-
25 day period.

1 (e) PROHIBITION.—An executive department or agen-
2 cy official shall not consider the view of a registrant con-
3 cerning a Coronavirus pandemic-related program, project,
4 or activity unless such views are expressed in writing and
5 in accordance with this Section.

6 (f) ORAL COMMUNICATION LOBBYING RESTRIC-
7 TION.—Upon the scheduling of, and again at the outset
8 of, any oral communication (in-person or telephonic) with
9 any person or entity concerning a Coronavirus pandemic-
10 related program, project, or activity, an executive depart-
11 ment or agency official shall inquire whether any of the
12 individuals or parties appearing or communicating con-
13 cerning such program, project, or activity is a registrant.
14 If so, the registrant may not attend or participate in the
15 telephonic or in-person contact, but may submit a commu-
16 nication in writing and in accordance with this section.

17 (g) GENERAL POLICY COMMUNICATION.—

18 (1) IN GENERAL.—An executive department or
19 agency official may generally communicate orally
20 with registrants regarding a Coronavirus pandemic-
21 related program, project, or activity if the oral com-
22 munication does not extend to or touch upon par-
23 ticular applications or applicants for covered funds.

24 (2) REQUIRED INQUIRY.—Upon the scheduling
25 of, and at the outset of, any oral communication

1 with any person or entity concerning general policy
2 issues related to a Coronavirus pandemic-related
3 program, project, or activity, an executive depart-
4 ment or agency official shall inquire whether any of
5 the individuals or parties appearing or commu-
6 nicating concerning such issues is a registrant. If so,
7 the official shall comply with paragraph (1).

8 (h) ENFORCEMENT.—

9 (1) VIOLATIONS.—A violation of this section by
10 a registrant or an individual who should have reg-
11 istered as a registrant shall constitute a violation of
12 the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601
13 et seq.).

14 (2) DEPARTMENT OF JUSTICE ENFORCE-
15 MENT.—The Civil Division of the Department of
16 Justice shall enforce and investigate alleged viola-
17 tions of this section.

18 (3) ENFORCEMENT CAPACITY.—The Civil Divi-
19 sion of the Department of Justice shall—

20 (A) designate at least 1 full-time investi-
21 gator, 1 full-time paralegal and 1 full-time at-
22 torney to enforce this section; and

23 (B) publicize a phone number and email
24 that the public may use to report possible viola-
25 tions of this section.

1 (4) REPORTING VIOLATIONS.—The Office of the
2 Clerk of the House of Representatives, the Secretary
3 of the Senate, and private individuals may report
4 suspected violations of this section.

5 (5) EGREGIOUS VIOLATIONS.—The Civil Divi-
6 sion of the Department of Justice shall refer egre-
7 gious or willful violations to the Criminal Division of
8 the Department of Justice for possible criminal en-
9 forcement. In determining investigation and enforce-
10 ment priorities, the Department of Justice shall
11 prioritize repeated violations of this section and vio-
12 lations that demonstrate disregard for public health
13 and safety.

14 (6) REFERRALS.—The Special Inspector Gen-
15 eral for Pandemic Relief shall refer any evidence of
16 alleged violation of this section to the Civil Division
17 of the Department of Justice.

18 **SEC. 7. BAN ON POLITICAL SPENDING AND LOBBYING EX-**
19 **PENDITURES.**

20 (a) IN GENERAL.—Section 4003(c) of the CARES
21 Act is amended—

22 (1) in paragraph (2)—

23 (A) in subparagraph (H), by striking
24 “and” at the end;

1 (B) in subparagraph (I), by striking the
2 period at the end and inserting the following:

3 “(J) the agreement provides that, until the
4 date 12 months after the date the loan or loan
5 guarantee is no longer outstanding, the eligible
6 business shall not make—

7 “(i) any expenditures relating to Fed-
8 eral lobbying activities, as defined in sec-
9 tion 3 of the Lobbying Disclosure Act of
10 1995 (2 U.S.C. 1602); or

11 “(ii) any dues payment to an organi-
12 zation described in section 501(c)(6) of the
13 Internal Revenue Code of 1986 that may
14 be used for expenditures described in
15 clause (i); and

16 “(K) the agreement provides that, until the
17 date 12 months after the date the loan or loan
18 guarantee is no longer outstanding, the eligible
19 business shall not engage in political spending,
20 including independent expenditures through
21 third-party organizations, including payments
22 to organizations described in section 501(c)(6)
23 or 501(c)(4) of the Internal Revenue Code of
24 1986 or any political action committee that may
25 be used for political spending.”; and

1 (2) in paragraph (3)(A)—

2 (A) in clause (ii)—

3 (i) in subclause (II), by striking
4 “and” at the end;

5 (ii) in subclause (III), by striking the
6 period at the end and inserting a semi-
7 colon; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(VI) until the date 12 months
11 after the date on which the loan or
12 loan guarantee is no longer out-
13 standing, not to make—

14 “(aa) any expenditures re-
15 lating to Federal lobbying activi-
16 ties, as defined in section 3 of
17 the Lobbying Disclosure Act of
18 1995 (2 U.S.C. 1602); or

19 “(bb) any dues payment to
20 an organization described in sec-
21 tion 501(c)(6) of the Internal
22 Revenue Code of 1986 that may
23 be used for expenditures de-
24 scribed in item (aa); and

1 (A) in section 3(b), by inserting after the
2 first sentence the following: “An Inspector Gen-
3 eral may only be removed by the President for
4 permanent incapacity, neglect of duty, malfea-
5 sance, conviction of a felony or conduct involv-
6 ing moral turpitude, knowing violation of a law,
7 gross mismanagement, gross waste of funds, or
8 abuse of authority.”; and

9 (B) in section 8G(e), by adding at the end
10 the following:

11 “(3) An Inspector General may only be removed by
12 the head of a designated Federal entity for permanent in-
13 capacity, neglect of duty, malfeasance, conviction of a fel-
14 ony or conduct involving moral turpitude, knowing viola-
15 tion of a law, gross mismanagement, gross waste of funds,
16 or abuse of authority.”.

17 (2) INSPECTOR GENERAL OF THE INTEL-
18 LIGENCE COMMUNITY.—Section 103H(c)(4) of the
19 National Security Act of 1947 (50 U.S.C.
20 3033(c)(4)) is amended, in the first sentence, by in-
21 sserting “, and only for permanent incapacity, neglect
22 of duty, malfeasance, conviction of a felony or con-
23 duct involving moral turpitude, knowing violation of
24 a law, gross mismanagement, gross waste of funds,
25 or abuse of authority” before the period at the end.

1 (3) INSPECTOR GENERAL OF THE CENTRAL IN-
2 TELLIGENCE AGENCY.—Section 17(b)(6) of the Cen-
3 tral Intelligence Act of 1949 (50 U.S.C. 3517(b)(6))
4 is amended, in the first sentence, by inserting “, and
5 only for permanent incapacity, neglect of duty, mal-
6 feasance, conviction of a felony or conduct involving
7 moral turpitude, knowing violation of a law, gross
8 mismanagement, gross waste of funds, or abuse of
9 authority” before the period at the end.

10 (4) INSPECTOR GENERAL OF THE GOVERNMENT
11 ACCOUNTABILITY OFFICE.—Section 705(b)(2) of
12 title 31, United States Code, is amended, in the first
13 sentence, by inserting “only for permanent inca-
14 pacity, neglect of duty, malfeasance, conviction of a
15 felony or conduct involving moral turpitude, knowing
16 violation of a law, gross mismanagement, gross
17 waste of funds, or abuse of authority” before the pe-
18 riod at the end.

19 (5) INSPECTOR GENERAL FOR THE UNITED
20 STATES CAPITOL POLICE.—Section 1004(b)(3) of
21 the Legislative Branch Appropriations Act, 2006 (2
22 U.S.C. 1909(b)(3)) is amended by adding at the end
23 the following: “The Board may only remove the In-
24 spector General for permanent incapacity, neglect of
25 duty, malfeasance, conviction of a felony or conduct

1 involving moral turpitude, knowing violation of a
2 law, gross mismanagement, gross waste of funds, or
3 abuse of authority.”.

4 (6) INSPECTOR GENERAL OF THE ARCHITECT
5 OF THE CAPITOL.—Section 1301(c)(2)(A) of the Ar-
6 chitect of the Capitol Inspector General Act of 2007
7 (2 U.S.C. 1808(c)(2)(A)) is amended by inserting
8 “only for permanent incapacity, neglect of duty,
9 malfeasance, conviction of a felony or conduct involv-
10 ing moral turpitude, knowing violation of a law,
11 gross mismanagement, gross waste of funds, or
12 abuse of authority” before the period at the end.

13 (7) INSPECTOR GENERAL OF THE LIBRARY OF
14 CONGRESS.—Section 1307(c)(2)(A) of the Library of
15 Congress Inspector General Act of 2005 (2 U.S.C.
16 185(c)(2)(A)) is amended by inserting “only for per-
17 manent incapacity, neglect of duty, malfeasance,
18 conviction of a felony or conduct involving moral tur-
19 pitude, knowing violation of a law, gross mismanage-
20 ment, gross waste of funds, or abuse of authority”
21 before the period at the end.

22 (8) INSPECTOR GENERAL OF THE GOVERNMENT
23 PUBLISHING OFFICE.—Section 3902(b)(1) of title
24 44, United States Code, is amended by inserting
25 “only for permanent incapacity, neglect of duty,

1 malfeasance, conviction of a felony or conduct involv-
2 ing moral turpitude, knowing violation of a law,
3 gross mismanagement, gross waste of funds, or
4 abuse of authority” before the period at the end.

5 (9) SEVERABILITY.—If any provision of the
6 amendments made by this subsection, or the applica-
7 tion of such a provision to any person or cir-
8 cumstance, is held to be unconstitutional, the re-
9 maining provisions of the amendments made by this
10 subsection, and the application of such provisions to
11 any person or circumstance, shall not be affected by
12 the holding.

13 (b) CIGIE REPORT ON REMOVALS.—Section 11(c) of
14 the Inspector General Act of 1978 (5 U.S.C. App.) is
15 amended by adding at the end the following:

16 “(6) ADDITIONAL RESPONSIBILITIES RELATING
17 TO REMOVAL OF INSPECTORS GENERAL.—

18 “(A) DEFINITIONS.—In this paragraph—

19 “(i) the term ‘appropriate congress-
20 sional committees’ means—

21 “(I) the Committee on Homeland
22 Security and Governmental Affairs
23 and the Committee on the Judiciary
24 of the Senate; and

1 “(II) the Committee on Oversight
2 and Reform and the Committee on
3 the Judiciary of the House of Rep-
4 resentatives; and

5 “(ii) the term ‘Inspector General’
6 means—

7 “(I) an Inspector General ap-
8 pointed under section 3 or 8G;

9 “(II) the Inspector General of
10 the Central Intelligence Agency estab-
11 lished under section 17 of the Central
12 Intelligence Agency Act of 1949 (50
13 U.S.C. 3517);

14 “(III) the Inspector General of
15 the Intelligence Community estab-
16 lished under section 103H of the Na-
17 tional Security Act of 1947 (50
18 U.S.C. 3033);

19 “(IV) the Special Inspector Gen-
20 eral for Afghanistan Reconstruction
21 established under section 1229 of the
22 National Defense Authorization Act
23 for Fiscal Year 2008 (Public Law
24 110–181; 122 Stat. 379);

1 “(V) the Special Inspector Gen-
2 eral for the Troubled Asset Relief
3 Plan established under section 121 of
4 the Emergency Economic Stabilization
5 Act of 2008 (12 U.S.C. 5231);

6 “(VI) the Inspector General for
7 the Government Accountability Office
8 established under section 705 of title
9 31, United States Code;

10 “(VII) the Inspector General for
11 the United States Capitol Police es-
12 tablished under section 1004 of the
13 Legislative Branch Appropriations
14 Act, 2006 (2 U.S.C. 1909);

15 “(VIII) the Inspector General of
16 the Architect of the Capitol estab-
17 lished under section 1301 of the Ar-
18 chitect of the Capitol Inspector Gen-
19 eral Act of 2007 (2 U.S.C. 1808);

20 “(IX) the Inspector General of
21 the Library of Congress established
22 under section 1307 of the Library of
23 Congress Inspector General Act of
24 2005 (2 U.S.C. 185); and

1 “(X) the Inspector General of the
2 Government Publishing Office estab-
3 lished under section 3901 of title 44,
4 United States Code.

5 “(B) REPORT.—In the event of a removal
6 of an Inspector General or an acting Inspector
7 General, the Council shall—

8 “(i) investigate the reasons for re-
9 moval provided by the President or rel-
10 evant head of the establishment, des-
11 ignated Federal entity (as defined in sec-
12 tion 8G), or Federal agency, as applicable,
13 and publish a publicly available report with
14 the findings of the Council and, in the case
15 of an Inspector General or acting Inspector
16 General appointed by the President, wheth-
17 er the reasons comply with the relevant
18 provisions relating to for cause removal;
19 and

20 “(ii) review any investigation that was
21 being conducted by the Inspector General
22 or acting Inspector at the time of the re-
23 moval and report to the appropriate con-
24 gressional committees, and any other com-
25 mittee of Congress that the Council deter-

1 mines to be relevant, on whether the Coun-
2 cil finds that the investigation led to the
3 removal.”.

4 (c) VACANCY IN THE POSITION OF INSPECTOR GEN-
5 ERAL.—

6 (1) INSPECTORS GENERAL OF ESTABLISH-
7 MENTS AND DESIGNATED FEDERAL ENTITIES.—The
8 Inspector General Act of 1978 (5 U.S.C. App.) is
9 amended—

10 (A) in section 3, by adding at the end the
11 following:

12 “(h)(1) In the event of a vacancy in the position of
13 Inspector General—

14 “(A) section 3345(a) of title 5, United States
15 Code, shall not apply;

16 “(B) the first assistant to the position of In-
17 spector General who served in that position for not
18 less than 30 days immediately preceding the vacancy
19 shall perform the functions and duties of the Inspec-
20 tor General temporarily in an acting capacity subject
21 to the time limitations of section 3346 of title 5,
22 United States Code;

23 “(C) if there is no first assistant to the position
24 of Inspector General serving in that position for not
25 less than 30 days immediately preceding the va-

1 cancy, the President may direct a covered employee
2 of the Office or another Office to perform the func-
3 tions and duties of the Inspector General tempo-
4 rarily in an acting capacity, subject to the time limi-
5 tations of section 3346 of title 5, United States
6 Code; and

7 “(D) the President may only remove the first
8 assistant described in subparagraph (B) or the cov-
9 ered employee directed under subparagraph (C)
10 after a 30-day period beginning on the date on
11 which the President provides Congress with a writ-
12 ten notification of the reasons for the removal.

13 “(2) If an Inspector General is removed from office,
14 the following individuals may bring an action in the appro-
15 priate district court of the United States to challenge the
16 removal:

17 “(A) The removed Inspector General.

18 “(B) Any member of the staff of the removed
19 Inspector General.

20 “(C) Any individual harmed by an action of the
21 establishment following the removal of the Inspector
22 General and before the position is filled by an indi-
23 vidual appointed by the President, with the advice
24 and consent of the Senate.

1 “(3) Nothing in paragraph (1)(D) shall be construed
2 to affect any protection provided to a covered employee
3 under title 5, United States Code.

4 “(4) In this subsection, the term ‘covered employee’
5 means an officer or employee who, as of the date on which
6 the individual is directed under paragraph (1)(C), is an
7 employee, as that term is defined in section 2105 of title
8 5, United States Code, who—

9 “(A) is permitted to submit an appeal to the
10 Merit Systems Protection Board from any action
11 which is appealable to the Board under any law,
12 rule, or regulation; and

13 “(B) may obtain judicial review of the final
14 order or decision of the Board if the employee is ad-
15 versely affected or aggrieved by that order or deci-
16 sion.”; and

17 (B) in section 8G, by adding at the end
18 the following:

19 “(i)(1) In the event of a vacancy in the position of
20 Inspector General—

21 “(A) the first assistant to the position of In-
22 spector General who served in that position for not
23 less than 30 days immediately preceding the vacancy
24 shall perform the functions and duties of the Inspec-
25 tor General temporarily in an acting capacity until

1 the head of the designated Federal entity appoints
2 a permanent Inspector General;

3 “(B) if there is no first assistant to the position
4 of Inspector General serving in that position for not
5 less than 30 days immediately preceding the va-
6 cancy, the head of the designated Federal entity
7 shall direct a covered employee of the Office of In-
8 spector General or another Office of Inspector Gen-
9 eral to perform the functions and duties of the In-
10 spector General temporarily in an acting capacity,
11 until the head of the designated Federal entity ap-
12 points a permanent Inspector General; and

13 “(C) the head of the designated Federal entity
14 may only remove the first assistant described in sub-
15 paragraph (A) or the covered employee directed
16 under subparagraph (B) after a 30-day period be-
17 ginning on the date on which the head of the des-
18 ignated Federal entity provides Congress with a
19 written notification of the reasons for the removal.

20 “(2) If an Inspector General is removed from office,
21 the following individuals may bring an action in the appro-
22 priate district court of the United States to challenge the
23 removal:

24 “(A) The removed Inspector General.

1 “(B) Any member of the staff of the removed
2 Inspector General.

3 “(C) Any individual harmed by an action of the
4 designated Federal entity following the removal of
5 the Inspector General and before the position is
6 filled by an individual appointed by the head of the
7 designated Federal entity.

8 “(3) Nothing in paragraph (1)(C) shall be construed
9 to affect any protection provided to a covered employee
10 under title 5, United States Code.

11 “(4) In this subsection, the term ‘covered employee’
12 means an officer or employee who, as of the date on which
13 the individual is directed under paragraph (1)(B), is an
14 employee, as that term is defined in section 2105 of title
15 5, United States Code, who—

16 “(A) is permitted to submit an appeal to the
17 Merit Systems Protection Board from any action
18 which is appealable to the Board under any law,
19 rule, or regulation; and

20 “(B) may obtain judicial review of the final
21 order or decision of the Board if the employee is ad-
22 versely affected or aggrieved by that order or deci-
23 sion.”.

24 (2) INSPECTOR GENERAL OF THE INTEL-
25 LIGENCE COMMUNITY.—Section 103H(c) of the Na-

1 tional Security Act of 1947 (50 U.S.C. 3033(c)) is
 2 amended by adding at the end the following:

3 “(5) In the event of a vacancy in the position of In-
 4 spector General of the Intelligence Community, the provi-
 5 sions of section 3(h) of the Inspector General Act of 1978
 6 (5 U.S.C. App.) shall apply as if the Inspector General
 7 were an Inspector General of an establishment (as defined
 8 in section 12 of such Act (5 U.S.C. App.)).”.

9 (3) INSPECTOR GENERAL OF THE CENTRAL IN-
 10 TELLIGENCE AGENCY.—Section 17(b) of the Central
 11 Intelligence Agency Act of 1949 (50 U.S.C.
 12 3517(b)) is amended by adding at the end the fol-
 13 lowing:

14 “(7) In the event of a vacancy in the position of In-
 15 spector General of the Agency, the provisions of section
 16 3(h) of the Inspector General Act of 1978 (5 U.S.C. App.)
 17 shall apply as if the Inspector General were an Inspector
 18 General of an establishment (as defined in section 12 of
 19 such Act (5 U.S.C. App.)).”.

20 (4) INSPECTOR GENERAL OF THE GOVERNMENT
 21 ACCOUNTABILITY OFFICE.—Section 705(b) of title
 22 31, United States Code, is amended—

23 (A) in the subsection heading, by inserting
 24 “; VACANCY; TERM” after “REMOVAL”; and

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

1 “(4) In the event of a vacancy in the position
2 of Inspector General, the provisions of section 3(h)
3 of the Inspector General Act of 1978 (5 U.S.C.
4 App.) shall apply as if the Inspector General were an
5 Inspector General of an establishment (as defined in
6 section 12 of such Act (5 U.S.C. App.)).”.

7 (5) INSPECTOR GENERAL FOR THE UNITED
8 STATES CAPITOL POLICE.—Section 1004(b) of the
9 Legislative Branch Appropriations Act, 2006 (2
10 U.S.C. 1909(b)) is amended by adding at the end
11 the following:

12 “(6) VACANCY.—In the event of a vacancy in
13 the position of Inspector General, the provisions of
14 section 3(h) of the Inspector General Act of 1978 (5
15 U.S.C. App.) shall apply as if the Inspector General
16 were an Inspector General of an establishment (as
17 defined in section 12 of such Act (5 U.S.C. App.)).”.

18 (6) INSPECTOR GENERAL OF THE ARCHITECT
19 OF THE CAPITOL.—Section 1301(c) of the Architect
20 of the Capitol Inspector General Act of 2007 (2
21 U.S.C. 1808(c)) is amended—

22 (A) in the subsection heading, by inserting

23 “; VACANCY; TERM” after “COUNSEL”; and

24 (B) by adding at the end the following:

1 “(6) VACANCY.—In the event of a vacancy in
2 the position of Inspector General, the provisions of
3 section 3(h) of the Inspector General Act of 1978 (5
4 U.S.C. App.) shall apply as if the Inspector General
5 were an Inspector General of an establishment (as
6 defined in section 12 of such Act (5 U.S.C. App.)).”.

7 (7) INSPECTOR GENERAL OF THE LIBRARY OF
8 CONGRESS.—Section 1307(c) of the Library of Con-
9 gress Inspector General Act of 2005 (2 U.S.C.
10 185(c)) is amended—

11 (A) in the subsection heading, by inserting
12 “; VACANCY; TERM” after “COUNSEL”; and

13 (B) by adding at the end the following:

14 “(6) VACANCY.—In the event of a vacancy in
15 the position of Inspector General, the provisions of
16 section 3(h) of the Inspector General Act of 1978 (5
17 U.S.C. App.) shall apply as if the Inspector General
18 were an Inspector General of an establishment (as
19 defined in section 12 of such Act (5 U.S.C. App.)).”.

20 (8) INSPECTOR GENERAL OF THE GOVERNMENT
21 PUBLISHING OFFICE.—Section 3902 of title 44,
22 United States Code, is amended by adding at the
23 end the following:

24 “(f) In the event of a vacancy in the position of In-
25 spector General, the provisions of section 3(h) of the In-

1 spector General Act of 1978 (5 U.S.C. App.) shall apply
2 as if the Inspector General were an Inspector General of
3 an establishment (as defined in section 12 of such Act (5
4 U.S.C. App.)).”.

5 (9) SPECIAL INSPECTOR GENERAL FOR AF-
6 GHANISTAN RECONSTRUCTION.—Section 1229(c) of
7 the National Defense Authorization Act for Fiscal
8 Year 2008 (Public Law 110–181; 122 Stat. 379) is
9 amended—

10 (A) in the subsection heading, by inserting
11 “VACANCY; TERM” after “REMOVAL”; and

12 (B) by adding at the end the following:

13 “(7) VACANCY.—In the event of a vacancy in
14 the position of Inspector General, the provisions of
15 section 3(h) of the Inspector General Act of 1978 (5
16 U.S.C. App.) shall apply as if the Inspector General
17 were an Inspector General of an establishment (as
18 defined in section 12 of such Act (5 U.S.C. App.)).”.

19 (10) SPECIAL INSPECTOR GENERAL FOR THE
20 TROUBLED ASSET RELIEF PLAN.—Section 121(b) of
21 the Emergency Economic Stabilization Act of 2008
22 (12 U.S.C. 5231(b)) is amended by adding at the
23 end the following:

24 “(7) In the event of a vacancy in the position
25 of Special Inspector General, the provisions of sec-

1 tion 3(h) of the Inspector General Act of 1978 (5
2 U.S.C. App.) shall apply as if the Special Inspector
3 General were an Inspector General of an establish-
4 ment (as defined in section 12 of such Act (5 U.S.C.
5 App.)).”.

6 (d) TEMPORARY INSPECTOR GENERAL.—Section
7 3345 of title 5, United States Code, is amended by adding
8 at the end the following:—

9 “(d) Notwithstanding subsection (a), if the President
10 fails to submit a nominee to the Senate for an Inspector
11 General of an office established under section 2 of the In-
12 spector General Act of 1978 (5 U.S.C. App.) within 210
13 days after a vacancy occurs in the position, a temporary
14 Inspector General shall be appointed to the vacant position
15 by a panel of not fewer than 3 inspectors general, who
16 shall be appointed by the Chair of the Council of the In-
17 spectors General on Integrity and Efficiency for the pur-
18 pose of making such an appointment.

19 “(e) When appointing a temporary Inspector General
20 pursuant to subsection (d), the panel shall select the ap-
21 pointee from the list of suggested individuals submitted
22 by the Council of the Inspectors General on Integrity and
23 Efficiency pursuant to section 11(c)(1)(F) of the Inspec-
24 tor General Act of 1978 (5 U.S.C. App.).

1 “(f) A temporary Inspector General appointed in ac-
2 cordance with subsection (d)—

3 “(1) is not subject to the term limitations of
4 section 3346; and

5 “(2) may serve as Temporary Inspector Gen-
6 eral—

7 “(A) until such time that a permanent In-
8 spector General is confirmed by the Senate; or

9 “(B) until the temporary Inspector Gen-
10 eral is removed from office by the President,
11 who may only remove the temporary Inspector
12 General if the President, not later than 30 days
13 before the removal, communicates in writing the
14 reasons for the removal to both Houses of Con-
15 gress.”.

16 (e) CHANGE IN STATUS.—

17 (1) CHANGE IN STATUS OF INSPECTORS GEN-
18 ERAL OF ESTABLISHMENTS.—Section 3(b) of the In-
19 spector General Act of 1978 (5 U.S.C. App.) is
20 amended, in the second sentence—

21 (A) by inserting “, is placed on paid or un-
22 paid non-duty status,” after “is removed from
23 office”;

24 (B) by inserting “, change in status,” after
25 “any such removal”; and

1 (C) by inserting “, change in status,” after
2 “before the removal”.

3 (2) CHANGE IN STATUS OF INSPECTORS GEN-
4 ERAL OF DESIGNATED FEDERAL ENTITIES.—Section
5 8G(e)(2) of the Inspector General Act of 1978 (5
6 U.S.C. App.) is amended, in the first sentence—

7 (A) by inserting “, is placed on paid or un-
8 paid non-duty status,” after “office”;

9 (B) by inserting “, change in status,” after
10 “any such removal”; and

11 (C) by inserting “, change in status,” after
12 “before the removal”.

13 (f) TERM OF OFFICE.—

14 (1) INSPECTORS GENERAL OF ESTABLISH-
15 MENTS AND DESIGNATED FEDERAL ENTITIES.—The
16 Inspector General Act of 1978 (5 U.S.C. App.) is
17 amended—

18 (A) in section 3, as amended by this sec-
19 tion, by adding at the end the following:

20 “(i) The term of office of each Inspector General shall
21 be 7 years. An individual may serve for more than 1 term
22 in such office, if the individual is appointed by the Presi-
23 dent, by and with the advice and consent of the Senate,
24 for each such term. Any individual appointed and con-
25 firmed to fill a vacancy in such position, occurring before

1 the expiration of the term for which his or her predecessor
2 was appointed, shall be appointed and confirmed for a full
3 7-year term.”; and

4 (B) in section 8G(c)—

5 (i) by inserting “(1)” after “(c)”; and

6 (ii) by adding at the end the fol-
7 lowing:

8 “(2) The term of office of each Inspector General
9 shall be 7 years. An individual may serve for more than
10 1 term in such office. Any individual appointed to fill a
11 vacancy in such position, occurring before the expiration
12 of the term for which his or her predecessor was ap-
13 pointed, shall be appointed for a full 7-year term.”.

14 (2) INSPECTOR GENERAL OF THE INTEL-
15 LIGENCE COMMUNITY.—Section 103H(c) of the Na-
16 tional Security Act of 1947 (50 U.S.C. 3033(c)), as
17 amended by this section, is amended by adding at
18 the end the following:

19 “(6) The term of office of the Inspector General shall
20 be 7 years. An individual may serve for more than 1 term
21 in such office. Any individual appointed to fill a vacancy
22 in such position, occurring before the expiration of the
23 term for which his or her predecessor was appointed, shall
24 be appointed for a full 7-year term.”.

1 (3) INSPECTOR GENERAL OF THE CENTRAL IN-
2 TELLIGENCE AGENCY.—Section 17(b) of the Central
3 Intelligence Agency Act of 1949 (50 U.S.C.
4 3517(b)), as amended by this section, is amended by
5 adding at the end the following:

6 “(8) The term of office of the Inspector General shall
7 be 7 years. An individual may serve for more than 1 term
8 in such office. Any individual appointed to fill a vacancy
9 in such position, occurring before the expiration of the
10 term for which his or her predecessor was appointed, shall
11 be appointed for a full 7-year term.”.

12 (4) INSPECTOR GENERAL OF THE GOVERNMENT
13 ACCOUNTABILITY OFFICE.—Section 705(b) of title
14 31, United States Code, as amended by this section,
15 is amended by adding at the end the following:

16 “(5) The term of office of the Inspector General
17 shall be 7 years. An individual may serve for more
18 than 1 term in such office. Any individual appointed
19 to fill a vacancy in such position, occurring before
20 the expiration of the term for which his or her pred-
21 ecessor was appointed, shall be appointed for a full
22 7-year term.”.

23 (5) INSPECTOR GENERAL FOR THE UNITED
24 STATES CAPITOL POLICE.—Section 1004(b) of the
25 Legislative Branch Appropriations Act, 2006 (2

1 U.S.C. 1909(b)), as amended by this section, is
2 amended by adding at the end the following:

3 “(7) TERM.—The term of office of the Inspec-
4 tor General shall be 7 years. An individual may
5 serve for more than 1 term in such office. Any indi-
6 vidual appointed to fill a vacancy in such position,
7 occurring before the expiration of the term for which
8 his or her predecessor was appointed, shall be ap-
9 pointed for a full 7-year term.”.

10 (6) INSPECTOR GENERAL OF THE ARCHITECT
11 OF THE CAPITOL.—Section 1301(c) of the Architect
12 of the Capitol Inspector General Act of 2007 (2
13 U.S.C. 1808(e)), as amended by this section, is
14 amended by adding at the end the following:

15 “(7) TERM.—In the event of a vacancy in the
16 position of Inspector General, the provisions of sec-
17 tion 3(h) of the Inspector General Act of 1978 (5
18 U.S.C. App.) shall apply as if the Inspector General
19 were an Inspector General of an establishment (as
20 defined in section 12 of such Act (5 U.S.C. App.)).”.

21 (7) INSPECTOR GENERAL OF THE LIBRARY OF
22 CONGRESS.—Section 1307(c) of the Library of Con-
23 gress Inspector General Act of 2005 (2 U.S.C.
24 185(c)), as amended by this section, is amended by
25 adding at the end the following:

1 “(7) TERM.—The term of office of the Inspec-
2 tor General shall be 7 years. An individual may
3 serve for more than 1 term in such office. Any indi-
4 vidual appointed to fill a vacancy in such position,
5 occurring before the expiration of the term for which
6 his or her predecessor was appointed, shall be ap-
7 pointed for a full 7-year term.”.

8 (8) INSPECTOR GENERAL OF THE GOVERNMENT
9 PUBLISHING OFFICE.—Section 3902 of title 44,
10 United States Code, as amended by this section, is
11 amended by adding at the end the following:

12 “(g) The term of office of the Inspector General shall
13 be 7 years. An individual may serve for more than 1 term
14 in such office. Any individual appointed to fill a vacancy
15 in such position, occurring before the expiration of the
16 term for which his or her predecessor was appointed, shall
17 be appointed for a full 7-year term.”.

18 (9) SPECIAL INSPECTOR GENERAL FOR AF-
19 GHANISTAN RECONSTRUCTION.—Section 1229(c) of
20 the National Defense Authorization Act for Fiscal
21 Year 2008 (Public Law 110–181; 122 Stat. 379), as
22 amended by this section, is amended by adding at
23 the end the following:

24 “(8) TERM.—The term of office of the Inspec-
25 tor General shall be 7 years. An individual may

1 serve for more than 1 term in such office. Any indi-
2 vidual appointed to fill a vacancy in such position,
3 occurring before the expiration of the term for which
4 his or her predecessor was appointed, shall be ap-
5 pointed for a full 7-year term.”.

6 (10) SPECIAL INSPECTOR GENERAL FOR THE
7 TROUBLED ASSET RELIEF PLAN.—Section 121(b) of
8 the Emergency Economic Stabilization Act of 2008
9 (12 U.S.C. 5231(b)), as amended by this section, is
10 amended by adding at the end the following:

11 “(9) The term of office of the Special Inspector
12 General shall be 7 years. An individual may serve
13 for more than 1 term in such office. Any individual
14 appointed to fill a vacancy in such position, occur-
15 ring before the expiration of the term for which his
16 or her predecessor was appointed, shall be appointed
17 for a full 7-year term.”.

18 (11) APPLICATION.—

19 (A) IN GENERAL.—The amendments made
20 by this subsection shall apply to an Inspector
21 General of the Intelligence Community, an In-
22 spector General of the Central Intelligence
23 Agency, an Inspector General of the Govern-
24 ment Accountability Office, an Inspector Gen-
25 eral for the United States Capitol Police, an In-

1 spectator General of the Architect of the Capitol,
2 an Inspector General of the Library of Con-
3 gress, an Inspector General of the Government
4 Publishing Office, a Special Inspector General
5 for Afghanistan Reconstruction, a Special In-
6 spector General for the Troubled Asset Relief
7 Plan, and an Inspector General of an establish-
8 ment or a designated Federal entity, as defined
9 in sections 12 and 8G(a) of the Inspector Gen-
10 eral Act of 1978 (5 U.S.C. App.), respectively,
11 appointed before, on, or after the date of enact-
12 ment of this Act.

13 (B) TERM.—The term of office of an In-
14 spector General described in subparagraph (A)
15 serving on the date of enactment of this Act is
16 deemed to begin on such date of enactment.

17 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to supersede or otherwise affect
19 any protection for an Inspector General against an adverse
20 job action that is in existence as of the date of enactment
21 of this Act.

22 **SEC. 9. STRENGTHENING THE CONGRESSIONAL OVER-**
23 **SIGHT COMMISSION.**

24 Section 4020 of the CARES Act is amended—

1 (1) in subsection (b)(1)(A), by striking “this
2 subtitle by the Department of the Treasury and the
3 Board of Governors of the Federal Reserve System,
4 including efforts of the Department and the Board
5 to provide economic stability as a result of the
6 coronavirus disease 2019 (COVID–19) pandemic of
7 2020” and inserting “each Coronavirus pandemic-re-
8 lated program, project, or activity, as defined in sec-
9 tion 2 of the Coronavirus Oversight and Recovery
10 Ethics Act”; and

11 (2) in subsection (e), by striking paragraph (1)
12 and inserting the following:

13 “(1) HEARINGS AND EVIDENCE.—

14 “(A) IN GENERAL.—The Oversight Com-
15 mission, or any subcommittee or member there-
16 of, may, for the purpose of carrying out this
17 section hold hearings, sit and act at times and
18 places, take testimony, and receive evidence as
19 the Oversight Commission considers appropriate
20 and may administer oaths or affirmations to
21 witnesses appearing before it.

22 “(B) SUBPOENAS.—

23 “(i) IN GENERAL.—In holding hear-
24 ings and receiving evidence under this
25 paragraph, the Commission may issue sub-

1 poenas to compel the attendance of and
2 testimony by witnesses and the production
3 any book, check, canceled check, cor-
4 respondence, communication, document,
5 email, papers, physical evidence, record, re-
6 cording, tape, or other material (including
7 electronic records) relating to any matter
8 or question the Commission is authorized
9 to oversee.

10 “(ii) ENFORCEMENT.—In the case of
11 contumacy or failure to obey a subpoena
12 issued under clause (i), the United States
13 district court for the judicial district in
14 which the subpoenaed person resides, is
15 served, or may be found, or where the sub-
16 poena is returnable, may issue an order re-
17 quiring such person to appear at any des-
18 ignated place to testify or to produce docu-
19 mentary or other evidence. Any failure to
20 obey the order of the court may be pun-
21 ished by the court as a contempt of that
22 court.”.

1 **SEC. 10. CONSULTATION WITH PANDEMIC RESPONSE AC-**
2 **COUNTABILITY COMMITTEE AND SPECIAL IN-**
3 **SPECTOR GENERAL.**

4 Section 15010 of the CARES Act (Public Law 116–
5 136) is amended by adding at the end the following:

6 “(1)(1) Not less frequently than once per week, the
7 Secretary shall—

8 “(A) confer with the Chairman of the Com-
9 mittee, the Executive Director of the Committee,
10 and the Special Inspector General for Pandemic Re-
11 covery; and

12 “(B) submit to the appropriate congressional
13 committees a list of each request for assistance or
14 information that was unreasonably withheld or not
15 provided to the Committee or the Special Inspector
16 General for Pandemic Recovery, as determined by
17 the Chairman of the Committee and the Executive
18 Director of the Committee or the Special Inspector
19 General for Pandemic Recovery, as applicable.

20 “(2) The Secretary and the Chairman of the Com-
21 mittee and the Executive Director of the Committee or
22 the Special Inspector General for Pandemic Recovery, as
23 applicable, shall include with the list described in para-
24 graph (1)(B) a written certification, under penalty of per-
25 jury, that the list is true and correct.

1 “(3) None of the funds made available under this Act
2 or any other Act may be used to pay the salary of the
3 Secretary or any political appointee of the Department of
4 the Treasury if the Secretary does not submit the list de-
5 scribed in paragraph (1)(B).

6 “(4) If any provision of this section is held to be un-
7 constitutional or if the Secretary does not comply with this
8 section, the provisions of this Act giving the Secretary dis-
9 cretion to provide assistance shall be deemed void and un-
10 enforceable.”.

11 **SEC. 11. PROTECTING WHISTLEBLOWERS.**

12 (a) PROHIBITION OF REPRISALS.—

13 (1) IN GENERAL.—An employee of, former em-
14 ployee of, or individual seeking employment with any
15 non-Federal employer or Federal personal services
16 contractor receiving covered funds may not be dis-
17 charged, demoted, blacklisted, prejudiced by any ac-
18 tion or lack of action, or otherwise discriminated
19 against in any way (including in the hiring process
20 and including by the threat of any such action or in-
21 action) for disclosing, being perceived as disclosing,
22 or preparing to disclose (including a disclosure made
23 in the ordinary course of an employee’s duties) to an
24 officer or entity described in paragraph (2) informa-
25 tion that the employee, former employee, or indi-

1 vidual seeking employment reasonably believes would
2 require the employee to violate this Act, or that the
3 employee, former employee, or individual seeking
4 employment reasonably believes is evidence of mis-
5 conduct that violates, obstructs, or undermines any
6 statutes, rules, or regulations with respect to any
7 Coronavirus pandemic-related program, project, or
8 activity, including—

9 (A) gross mismanagement of an agency
10 contract, subcontract, grant, or subgrant relat-
11 ing to covered funds;

12 (B) a gross waste of covered funds;

13 (C) a substantial and specific danger to
14 public health or safety;

15 (D) an abuse of authority related to the
16 distribution, implementation, or use of covered
17 funds, including conflict of interest or parti-
18 ality; and

19 (E) a violation of any statute, rule, or reg-
20 ulation related to an agency contract, sub-
21 contract (including the competition for or nego-
22 tiation of a contract or subcontract), grant, or
23 subgrant, awarded, or issued relating to covered
24 funds.

1 (2) OFFICERS AND ENTITIES.—The officers and
2 entities described in this paragraph are—

3 (A) the Pandemic Response Accountability
4 Committee;

5 (B) an inspector general, including the
6 Special Inspector General for Pandemic Relief;

7 (C) the Congressional Oversight Commis-
8 sion;

9 (D) the Comptroller General of the United
10 States;

11 (E) a Member of Congress;

12 (F) a congressional committee;

13 (G) a State or Federal regulatory or law
14 enforcement agency;

15 (H) an individual with supervisory author-
16 ity over the employee (or such other person
17 working for the non-Federal employer who has
18 the authority to investigate, discover, or termi-
19 nate misconduct);

20 (I) a court or grand jury;

21 (J) an officer or representative of a labor
22 organization; or

23 (K) the head of a Federal agency or a des-
24 ignee of such a head.

25 (3) APPLICATION.—

1 (A) IN GENERAL.—For the purposes of
2 paragraph (1)—

3 (i) an employee, former employee, or
4 individual seeking employment who initi-
5 ates or provides evidence of misconduct by
6 a contractor, subcontractor, grantee, or
7 subgrantee in any judicial or administra-
8 tive proceeding relating to waste, fraud, or
9 abuse in connection with a Federal con-
10 tract or grant shall be deemed to have
11 made a disclosure covered by such para-
12 graph; and

13 (ii) any discharge, demotion, discrimi-
14 nation, or other reprisal described in para-
15 graph (1) is prohibited even if it is under-
16 taken at the request of an executive branch
17 officer or employee, unless the request
18 takes the form of a non-discretionary di-
19 rective and is within the authority of the
20 executive branch official making the re-
21 quest.

22 (B) PROTECTION OF WHISTLEBLOWER
23 IDENTITY.—

24 (i) IN GENERAL.—Except as required
25 by law, an officer or entity described in

1 paragraph (2) that receives information
2 under paragraph (1) and any individual or
3 entity to which the officer or entity dis-
4 closes the information may not disclose the
5 identity or identifying information of the
6 individual providing the information with-
7 out explicit written consent of the indi-
8 vidual.

9 (ii) NOTICE.—If disclosure of the
10 identity or identifying information of an
11 individual providing information under
12 paragraph (1) is required by law, the re-
13 cipient shall provide timely notice of the
14 disclosure to the individual.

15 (b) INVESTIGATION OF COMPLAINTS.—

16 (1) COMPLAINTS.—

17 (A) IN GENERAL.—An individual who be-
18 lieves that the individual has been subjected to
19 a reprisal prohibited under subsection (a) may,
20 within 3 years after learning of the alleged re-
21 prisal, submit a complaint regarding the re-
22 prisal to the Secretary of Labor in accordance
23 with the rules and procedures under subsection
24 (c)(1).

1 (B) RESPONSE.—Not later than 60 days
2 after the submission of a complaint under sub-
3 paragraph (A), the applicable non-Federal em-
4 ployer shall submit an answer to the complaint
5 to the Secretary of Labor.

6 (C) INVESTIGATION.—Except as provided
7 under paragraph (3), and unless the Secretary
8 of Labor determines that a complaint submitted
9 under subparagraph (A) is frivolous, does not
10 relate to covered funds, or another Federal or
11 State judicial or administrative proceeding has
12 previously been invoked to resolve such com-
13 plaint, the Secretary of Labor shall investigate
14 the complaint and, upon completion of such in-
15 vestigation, submit a report to the individual
16 submitting the complaint, the applicable non-
17 Federal employer, the head of the appropriate
18 agency, Congress, the Congressional Oversight
19 Committee, the Special Inspector General for
20 Pandemic Relief (as appropriate), any appro-
21 priate inspector general, and the Pandemic Re-
22 sponse Accountability Committee detailing the
23 findings of the investigation.

24 (D) OCCUPATIONAL SAFETY AND HEALTH
25 ADMINISTRATION.—The Secretary of Labor

1 shall ensure that investigations of complaints
2 under this subsection are carried out by the As-
3 sistant Secretary for Occupational Safety and
4 Health, which may be through a whistleblower
5 protection program or office of the Occupa-
6 tional Safety and Health Administration.

7 (2) TIME LIMITATIONS FOR ACTIONS.—

8 (A) IN GENERAL.—Except as provided
9 under subparagraph (B), not later than 180
10 days after receiving a complaint under para-
11 graph (1), the Secretary of Labor shall—

12 (i) make a determination that the
13 complaint is frivolous, does not relate to
14 covered funds, or another Federal or State
15 judicial or administrative proceeding pre-
16 viously has been invoked to resolve such
17 complaint; or

18 (ii) submit a report described in para-
19 graph (1)(C).

20 (B) EXTENSIONS.—

21 (i) VOLUNTARY EXTENSION AGREED
22 TO BETWEEN THE SECRETARY OF LABOR
23 AND COMPLAINANT.—If the Secretary of
24 Labor is unable to complete an investiga-
25 tion under this subsection in time to sub-

1 mit a report within the 180-day period
2 specified under subparagraph (A) and the
3 individual submitting the complaint agrees
4 to an extension of time, the Secretary of
5 Labor shall submit a report described in
6 paragraph (1)(C) within such additional
7 period of time as shall be agreed upon be-
8 tween the Secretary of Labor and the indi-
9 vidual submitting the complaint.

10 (ii) EXTENSION GRANTED BY THE
11 SECRETARY OF LABOR.—If the Secretary
12 of Labor is unable to complete an inves-
13 tigation under this subsection in time to
14 submit a report within the 180-day period
15 specified under subparagraph (A), the Sec-
16 retary of Labor may extend the period for
17 not more than an additional 180 days
18 without the individual submitting the com-
19 plaint agreeing to such extension, if the
20 Secretary of Labor provides to the indi-
21 vidual and the non-Federal employer, if the
22 employer is a defendant in the individual's
23 complaint a written explanation for the de-
24 cision, from which the Secretary of Labor

1 may exclude information in accordance
2 with paragraph (4)(C).

3 (3) DISCRETION NOT TO INVESTIGATE COM-
4 PLAINTS.—

5 (A) IN GENERAL.—The Secretary of Labor
6 may decide not to conduct or continue an inves-
7 tigation under this subsection upon providing to
8 the individual submitting the complaint and the
9 non-Federal employer, if applicable, a written
10 explanation for such decision, from which the
11 Secretary of Labor may exclude information in
12 accordance with paragraph (4)(C).

13 (B) ASSUMPTION OF RIGHTS TO CIVIL
14 REMEDY.—Upon receipt of an explanation of a
15 decision not to conduct or continue an inves-
16 tigation under subparagraph (A), the individual
17 submitting the complaint shall be deemed to
18 have exhausted all administrative remedies with
19 respect to the complaint for purposes of sub-
20 section (c), without regard to the 210-day pe-
21 riod specified under paragraph (4) of such sub-
22 section, and immediately assume the right to a
23 civil remedy under subsection (c)(4).

24 (4) ACCESS TO INVESTIGATIVE FILE OF THE
25 SECRETARY OF LABOR.—

1 (A) IN GENERAL.—An individual alleging a
2 reprisal under this section shall have access to
3 the investigation file of the Secretary of Labor
4 in accordance with section 552a of title 5,
5 United States Code (commonly referred to as
6 the “Privacy Act”). The investigation of the
7 Secretary of Labor shall be deemed closed for
8 purposes of disclosure under such section when
9 an individual files an appeal to an agency head
10 or a court of competent jurisdiction.

11 (B) CIVIL ACTION.—In the event an indi-
12 vidual alleging the reprisal under this section
13 brings a civil action under subsection (c)(4), the
14 individual and the non-Federal employer, if ap-
15 plicable, shall have access to the investigative
16 file of the Secretary of Labor in accordance
17 with section 552a of title 5, United States
18 Code.

19 (C) EXCEPTION.—The Secretary of Labor
20 may exclude from disclosure—

21 (i) information protected from disclo-
22 sure by a provision of law; and

23 (ii) any additional information the
24 Secretary of Labor determines disclosure
25 of which would impede a continuing inves-

1 tigation, if such information is disclosed
2 once such disclosure would no longer im-
3 pede such investigation, unless the Sec-
4 retary of Labor determines that disclosure
5 of law enforcement techniques, procedures,
6 or information could reasonably be ex-
7 pected to risk circumvention of the law or
8 disclose the identity of a confidential
9 source.

10 (5) PRIVACY OF INFORMATION.—The Secretary
11 of Labor investigating an alleged reprisal under this
12 section may not respond to any inquiry or disclose
13 any information from or about any individual alleg-
14 ing such reprisal, except in accordance with the pro-
15 visions of section 552a of title 5, United States
16 Code, or as required by any other applicable Federal
17 law.

18 (6) SEMIANNUAL REPORT.—Not later than 180
19 days after the date of enactment of this Act, and
20 every 6 months thereafter for 5 years, the Secretary
21 of Labor shall submit a report to Congress, which
22 shall include—

23 (A) a list of any investigations for which
24 the period was extended under clause (i) or (ii)
25 of paragraph (2)(B); and

1 (B) a list of any investigations the Sec-
2 retary of Labor decided not to conduct or con-
3 tinue, pursuant to paragraph (3).

4 (c) REMEDY AND ENFORCEMENT AUTHORITY.—

5 (1) RULES AND PROCEDURES.—Except to the
6 extent provided otherwise in this section, the Sec-
7 retary of Labor shall establish rules and procedures
8 for administrative investigations, administrative
9 hearings, appeals, and relief under this section that,
10 to the maximum extent practicable, are similar to
11 the rules and procedures set forth in section 7623(d)
12 of the Internal Revenue Code of 1986 that apply to
13 persons alleging a discharge or other reprisal under
14 paragraph (1) of such section.

15 (2) BURDEN OF PROOF.—The Secretary of
16 Labor, head of an agency, or officer presiding in a
17 judicial or administrative proceeding shall apply the
18 legal burdens of proof specified in section 1221(e) of
19 title 5, in determining whether a reprisal prohibited
20 under this section has occurred in accordance with
21 the rules and procedures under paragraph (1).

22 (3) AGENCY ACTION.—

23 (A) IN GENERAL.—Not later than 30 days
24 after receiving a report of the Secretary of

1 Labor under subsection (b), the head of the ap-
2 plicable agency shall—

3 (i) determine whether there is suffi-
4 cient basis to conclude that the non-Fed-
5 eral employer has subjected the complain-
6 ant to a reprisal prohibited by subsection
7 (a); and

8 (ii)(I) issue an order denying relief in
9 whole or in part; or

10 (II) take 1 or more of the actions de-
11 scribed in subparagraph (B).

12 (B) ACTIONS.—The actions described in
13 this subparagraph are the following:

14 (i) Order the non-Federal employer to
15 take affirmative action to abate the re-
16 prisal.

17 (ii) Order the non-Federal employer
18 to reinstate the individual to the position
19 that the individual held before the reprisal,
20 together with the compensation (including
21 double back pay), compensatory damages,
22 employment benefits, and other terms and
23 conditions of employment that would apply
24 to the individual in that position if the re-
25 prisal had not been taken.

1 (iii) Order the non-Federal employer
2 to pay the individual an amount equal to
3 the aggregate amount of all costs and ex-
4 penses (including attorney's fees and ex-
5 pert witness's fees) that were reasonably
6 incurred by the individual for, or in con-
7 nection with, bringing the complaint re-
8 garding the reprisal, as determined by the
9 head of the agency or a court of competent
10 jurisdiction.

11 (iv) Order the non-Federal employer
12 to pay a monetary fine to the agency in an
13 amount determined by the head of the
14 agency or a court of competent jurisdic-
15 tion.

16 (v) Provide a report to Congress, in-
17 cluding findings of fact and conclusions of
18 law relevant to the decision, if the head of
19 the agency concerned does not accept or
20 does not implement the recommendations
21 of the Secretary of Labor report.

22 (4) CIVIL ACTION.—

23 (A) EXHAUSTION.—An individual submit-
24 ting a complaint under subsection (b) shall be

1 deemed to have exhausted all administrative
2 remedies with respect to the complaint if—

3 (i)(I) the head of the applicable agen-
4 cy—

5 (aa) issues an order denying re-
6 lief in whole or in part under para-
7 graph (3); or

8 (bb) has not issued an order—

9 (AA) within 210 days after
10 the submission of a complaint
11 under subsection (b); or

12 (BB) in the case of an ex-
13 tension of time under clause (i)
14 or (ii) of subsection (b)(2)(B),
15 within 30 days after the expira-
16 tion of the extension of time; or

17 (II) the Secretary of Labor decides
18 under subsection (b)(3) not to investigate
19 or to discontinue an investigation; and

20 (ii) there is no showing that such
21 delay or decision is due to the bad faith of
22 the individual.

23 (B) FILING.—An individual who has ex-
24 hausted all administrative remedies with respect
25 to a complaint submitted under subsection (b)

1 may bring a de novo action at law or equity
2 against the non-Federal employer to seek com-
3 pensatory damages and other relief available
4 under this section in the appropriate district
5 court of the United States, which shall have ju-
6 risdiction over such an action without regard to
7 the amount in controversy.

8 (C) JURY TRIAL.—An action brought
9 under subparagraph (B) shall, at the request of
10 either party to the action, be tried by the court
11 with a jury.

12 (5) JUDICIAL ENFORCEMENT OF ORDER.—If
13 any person fails to comply with an order issued
14 under paragraph (3), the head of the agency shall
15 file an action for enforcement of such order in the
16 United States district court for a district in which
17 the reprisal was found to have occurred. In any ac-
18 tion brought under this paragraph, the court may
19 grant appropriate relief, including injunctive relief,
20 compensatory and exemplary damages, and attor-
21 ney's fees and costs.

22 (6) JUDICIAL REVIEW.—Any person adversely
23 affected or aggrieved by an order issued under para-
24 graph (3) may obtain review of whether the order is
25 in accordance with this subsection, and any regula-

1 tions issued to carry out this section, in the United
2 States court of appeals for a circuit in which the re-
3 prisal is alleged in the order to have occurred. No
4 petition seeking such review may be filed more than
5 60 days after issuance of the order by the head of
6 the agency. Review under this paragraph shall be in
7 accordance with chapter 7 of title 5, United States
8 Code.

9 (7) RIGHTS RETAINED BY EMPLOYEE.—Noth-
10 ing in this section shall diminish the rights, privi-
11 leges, or remedies of any employee, former employee,
12 or individual seeking employment under any Federal
13 or State law, or under any collective bargaining
14 agreement.

15 (8) LIABILITY.—Notwithstanding any other
16 provision of law, an individual shall be immune from
17 civil and criminal liability with respect to a disclo-
18 sure by the individual if the individual would be pro-
19 tected from reprisal under subsection (a) for making
20 the disclosure. The individual shall bear the burden
21 of proving that the individual would be protected
22 from reprisal under subsection (a) for making the
23 disclosure.

1 (d) NONENFORCEABILITY OF CERTAIN PROVISIONS
2 WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBI-
3 TRATION OF DISPUTES.—

4 (1) WAIVER OF RIGHTS AND REMEDIES.—Ex-
5 cept as provided under paragraph (3), the rights and
6 remedies provided for in this section may not be
7 waived by any public or private agreement, policy,
8 form, or condition of employment, including by any
9 predispute arbitration agreement.

10 (2) PREDISPUTE ARBITRATION AGREEMENTS.—
11 Except as provided under paragraph (3), no
12 predispute arbitration agreement shall be valid or
13 enforceable if it requires arbitration of a dispute
14 arising under this section.

15 (3) EXCEPTION FOR COLLECTIVE BARGAINING
16 AGREEMENTS.—Notwithstanding paragraphs (1)
17 and (2), an arbitration provision in a collective bar-
18 gaining agreement shall be enforceable as to dis-
19 putes arising under the collective bargaining agree-
20 ment.

21 (e) REQUIREMENT TO POST NOTICE OF RIGHTS AND
22 REMEDIES.—Any non-Federal employer receiving covered
23 funds shall post notice of the rights and remedies provided
24 under this section.

25 (f) RULES OF CONSTRUCTION.—

1 (1) NO IMPLIED AUTHORITY TO RETALIATE
2 FOR NON-PROTECTED DISCLOSURES.—Nothing in
3 this section may be construed to authorize the dis-
4 charge of, demotion of, or discrimination or other re-
5 prisal against an employee, a former employee, or an
6 individual seeking employment for a disclosure other
7 than a disclosure protected by subsection (a) or to
8 modify or derogate from a right or remedy otherwise
9 available to the employee, former employee, or indi-
10 vidual seeking employment.

11 (2) RELATIONSHIP TO STATE LAWS.—Nothing
12 in this section may be construed to preempt, pre-
13 clude, or limit the protections provided for public or
14 private employees under State whistleblower laws.

15 (g) COMPLAINT PORTAL.—The Special Inspector
16 General for Pandemic Relief, the Pandemic Relief Ac-
17 countability Committee, and the Congressional Oversight
18 Commission shall each establish a public website where
19 any individual who believes that the individual has been
20 subjected to a reprisal prohibited under subsection (a)
21 may submit a complaint regarding the reprisal. Such com-
22 plaints shall be transmitted to the Secretary of Labor for
23 enforcement in accordance with this section.

24 (h) FUNDING.—There is appropriated to the Sec-
25 retary of Labor for the fiscal year ending September 30,

1 2020, out of any money in the Treasury not otherwise ap-
2 propriated, \$20,000,000 to carry out this section, to re-
3 main available until expended.

4 **SEC. 12. STRENGTHENING TRANSPARENCY AND DISCLO-**
5 **SURE AROUND BAILOUT FUNDS.**

6 (a) **REPORTING REQUIREMENTS FOR RECIPIENTS OF**
7 **ASSISTANCE.**—Section 4003 of division A of the CARES
8 Act (Public Law 116–136) is amended by adding at the
9 end the following:

10 “(i) **REPORTING REQUIREMENTS.**—

11 “(1) **IN GENERAL.**—Each recipient of assist-
12 ance, including a loan, loan guarantee, or other in-
13 vestment made by the Secretary under paragraph
14 (1), (2), or (3) of subsection (b) or as part of a pro-
15 gram or facility under paragraph (4) of subsection
16 (b), shall, not later than 7 days after receipt of the
17 assistance, submit to the Secretary—

18 “(A) all documents related to the accept-
19 ance of the assistance;

20 “(B) a written description of how the re-
21 cipient intends to use the assistance;

22 “(C) compensation and workforce data of
23 the recipient, including the mean, median, and
24 minimum wages of all non-executive employees;

1 “(D) the number of employees of the re-
2 recipient before and after receipt of the assist-
3 ance;

4 “(E) the salaries of executives of the re-
5 cipient, including bonuses and capital distribu-
6 tions;

7 “(F) whether the recipient has been
8 charged with violations of Federal law and, if
9 so, the nature of each alleged violation;

10 “(G) with respect to a recipient of assist-
11 ance from a program or facility of the Federal
12 Reserve that purchases corporate bonds—

13 “(i) the applicable Committee on Uni-
14 form Securities Identification Procedures
15 (CUSIP) number;

16 “(ii) the bond rating and the identity
17 of the agency providing that bond rating;
18 and

19 “(iii) the identities of any syndicated
20 loan participants; and

21 “(H) with respect to a recipient of assist-
22 ance from a program or facility of the Federal
23 Reserve that purchases asset-backed securi-
24 ties—

1 “(i) the loan data, including the
2 amount of collateral for the securitization;

3 “(ii) the credit ratings and the iden-
4 tity of the agency providing that credit rat-
5 ing; and

6 “(iii) the identities of the securitiza-
7 tion issuers and arrangers and the fees the
8 issuers and arrangers received.

9 “(2) PUBLICATION.—Not later than 7 days
10 after the date on which the Secretary receives the in-
11 formation described in subparagraphs (A) and (B)
12 of paragraph (1), the Secretary shall publish that in-
13 formation on the website of the Federal Reserve.”.

14 (b) TRANSPARENCY FOR PAYCHECK PROTECTION
15 LOANS.—Section 7(a)(36) of the Small Business Act (15
16 U.S.C. 636(a)(36)) is amended by adding at the end the
17 following:

18 “(T) WEEKLY PUBLICATION OF LOAN
19 DATA.—

20 “(i) IN GENERAL.—The Administrator
21 shall, on a weekly basis, publish on the
22 website of the Administration in an acces-
23 sible and easily downloadable format data
24 for loans approved under this paragraph,
25 including—

- 1 “(I) the name of each lender;
- 2 “(II) the amount of each loan;
- 3 “(III) the amount each lender
4 was paid in fees;
- 5 “(IV) the amount of any agent
6 fees;
- 7 “(V) the types of lenders, includ-
8 ing whether the lender was a commu-
9 nity development financial institution
10 or a minority depository institution,
11 as defined in section 308 of the Fi-
12 nancial Institutions Reform, Recovery,
13 and Enforcement Act of 1989 (12
14 U.S.C. 1463 note);
- 15 “(VI) the North American Indus-
16 try Classification System Code for
17 each industry in which a borrower op-
18 erates;
- 19 “(VII) the number of individuals
20 employed by each borrower;
- 21 “(VIII) the zip code of each bor-
22 rower; and
- 23 “(IX) the demographic informa-
24 tion of each borrower, including vet-

1 eran status, gender, race, and eth-
2 nicity.

3 “(ii) REPORTING BY BORROWER.—

4 For purposes of publishing the information
5 under clause (i), the Administrator shall,
6 at the time at which the borrower applies
7 for loan forgiveness under section 1106 of
8 the CARES Act (Public Law 116–136), re-
9 quest that the borrower provide to the Ad-
10 ministrator any information described in
11 that clause that was not otherwise pro-
12 vided by the borrower at the time of the
13 initial application for the covered loan.”.

14 (c) PUBLICATION OF PANDEMIC RESPONSE AC-
15 COUNTABILITY COMMITTEE REPORTS.—Section
16 15010(d)(2)(C)(i) of division B of the CARES Act (Public
17 Law 116–136) is amended by inserting “not later than
18 7 days after the date on which the report is submitted”
19 before the period at the end.

20 (d) PUBLICATION OF MAJOR CONTRACTS OF THE
21 PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE.—
22 Section 15010(g)(3)(A) of division B of the CARES Act
23 (Public Law 116–136) is amended—

24 (1) by redesignating clause (xiii) as clause (xiv);

25 and

1 (2) by inserting after clause (xii) the end the
2 following:

3 “(xiii) Notwithstanding paragraph (4), the
4 website shall include a machine-readable and
5 searchable copy of each contract with a value
6 greater than \$150,000 that is awarded under
7 this Act or under any other Act related to the
8 Coronavirus response and that is entered into
9 by an agency after the date of enactment of
10 this clause. The copy of a contract described in
11 the preceding sentence shall be posted not later
12 than 30 days after the date on which the agen-
13 cy enters into the contract. The contractor pro-
14 viding property or services under a contract
15 posted under this clause may request to redact
16 from such contract any national security, sen-
17 sitive, or classified information. An agency may
18 not redact from a contract posted under this
19 clause any information that would be required
20 to be made available to the public under section
21 552 of title 5, United States Code (commonly
22 known as the ‘Freedom of Information Act’).”.

23 **SEC. 13. STRENGTHENING ENFORCEMENT.**

24 Section 4003 of the CARES Act is amended by add-
25 ing at the end the following:

1 “(i) ENFORCEMENT.—

2 “(1) PRIVATE RIGHT OF ACTION.—

3 “(A) IN GENERAL.—Any person harmed
4 by a violation of the terms and conditions of
5 subsection (c) of an eligible business may bring
6 an action in an appropriate district court of the
7 United States.

8 “(B) AWARD OF PORTION OF FINE.—The
9 court may award a plaintiff who prevails in an
10 action under subparagraph (A) a portion of any
11 fine imposed on an eligible business for a viola-
12 tion of the terms and conditions of subsection
13 (c).

14 “(2) DISGORGEMENT.—The Secretary or the
15 Special Inspector General for Pandemic Recovery
16 shall require disgorgement from any senior executive
17 of an eligible business that receives a loan, loan
18 guarantee, or other investment authorized under this
19 section that violates the terms and conditions estab-
20 lished under subsection (c).”.

○