

115TH CONGRESS
2D SESSION

H. R. 4826

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 2018

Mr. CUMMINGS (for himself, Mrs. CAROLYN B. MALONEY of New York, Ms. NORTON, Mr. CLAY, Mr. LYNCH, Mr. COOPER, Mr. CONNOLLY, Ms. KELLY of Illinois, Mrs. LAWRENCE, Mrs. WATSON COLEMAN, Mr. KRISHNAMOORTHY, Mr. RASKIN, Mr. WELCH, Mr. DESAULNIER, and Mr. GOMEZ) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transition Team Eth-

5 ics Improvement Act”.

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

7 The Presidential Transition Act of 1963 (3 U.S.C.

8 102 note) is amended—

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

3 “(3) The President-elect shall submit to the Com-
4 mittee on Oversight and Government Reform of the House
5 of Representatives and the Committee on Homeland Secu-
6 rity and Governmental Affairs of the Senate a report with
7 a list of—

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

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

15 (2) in section 4—

16 (A) in subsection (a)—

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

19 (ii) by redesignating paragraph (4) as
20 paragraph (5); and

21 (iii) by inserting after paragraph (3)
22 the following:

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

24 “(A) means information from the Federal
25 Government that a transition team member ob-

1 tains as part of the employment of such mem-
2 ber that the member knows or reasonably
3 should know has not been made available to the
4 general public; and

5 “(B) includes information that a transition
6 team member knows or reasonably should
7 know—

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

12 “(ii) is not authorized by the appro-
13 priate agency or official to be released to
14 the public; and”; and

15 (B) in subsection (g)—

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

18 (ii) by adding at the end the fol-
19 lowing:

20 “(3) ETHICS PLAN.—

21 “(A) IN GENERAL.—Each memorandum of
22 understanding under paragraph (1) shall in-
23 clude an agreement that the eligible candidate
24 will implement and enforce an ethics plan to
25 guide the conduct of the transition beginning on

1 the date on which the eligible candidate be-
2 comes the President-elect.

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

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

11 “(ii) a description of how the transi-
12 tion team will—

13 “(I) address the role on the tran-
14 sition team of—

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

21 “(bb) persons registered
22 under the Foreign Agents Reg-
23 istration Act, as amended (22
24 U.S.C. 611 et seq.), foreign na-

1 tionals, and other foreign agents;
2 and

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

7 “(II) prohibit a transition team
8 member with conflicts of interest, in-
9 cluding conflicts described in section
10 2635.402(a) and section 2635.502(a)
11 of title 5, Code of Federal Regula-
12 tions, related to current or former em-
13 ployment, affiliations, clients, or in-
14 vestments, from working on particular
15 matters involving specific parties that
16 affect the interests of such member;
17 and

18 “(III) address how the covered
19 eligible candidate will address their
20 own conflicts of interest during a
21 Presidential term if the covered eligi-
22 ble candidate becomes the President-
23 elect;

24 “(iii) a Code of Ethical Conduct, to
25 which each transition team member will

1 sign and be subject to, that reflects the
2 content of the ethics plans under this para-
3 graph and at a minimum requires each
4 transition team member to—

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

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

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

22 “(iv) a description of how the transi-
23 tion team will enforce the Code of Ethical
24 Conduct, including the names of the tran-

1 sition team members responsible for en-
2 forcement, oversight, and compliance.

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

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

10 “(ii) October 1.”; and

11 (3) in section 6(b)—

12 (A) in paragraph (1)—

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

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

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

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

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

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

9 “(F) a list of any issues from which each tran-
10 sition team member will be recused while serving as
11 a member of the transition team pursuant to the
12 transition team ethics plan outlined in section
13 4(g)(3); and

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

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

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

21 “(3) The head of a Federal department or agency,
22 or their designee, shall not permit access to the Federal
23 department or agency, or employees of such department
24 or agency, that would not be provided to a member of the

- 1 public for any transition team member who does not make
- 2 the disclosures listed under paragraph (1).”.

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