

115TH CONGRESS
2D SESSION

H. R. 6260

To ensure Members of Congress have access to Federal facilities in order to exercise their Constitutional oversight responsibilities.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2018

Mr. CASTRO of Texas (for himself, Ms. BASS, Mr. JOHNSON of Georgia, Mr. BUTTERFIELD, Mr. NORCROSS, Mr. SEAN PATRICK MALONEY of New York, Mr. BEN RAY LUJÁN of New Mexico, Mr. MCGOVERN, Mr. CAPUANO, Ms. NORTON, Mr. VELA, Mr. SOTO, Mr. SIRES, Mr. VARGAS, Mrs. BUSTOS, Mr. CARBAJAL, Mr. GOMEZ, Ms. VELÁZQUEZ, Mr. AGUILAR, Mr. GONZALEZ of Texas, Mr. CORREA, Mr. SWALWELL of California, Mr. GENE GREEN of Texas, Mr. RUIZ, Mrs. NAPOLITANO, Mr. FOSTER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. SERRANO, Mr. VEASEY, and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To ensure Members of Congress have access to Federal facilities in order to exercise their Constitutional oversight responsibilities.

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 “Restoring Oversight
5 for Members of Congress Act”.

1 **SEC. 2. RESTORING OVERSIGHT THROUGH ACCESS TO FED-**
2 **ERAL FACILITIES FOR MEMBERS.**

3 (a) DEFINITIONS.—In this section—

4 (1) the term “committee of jurisdiction”, with
5 respect to a Federal facility, means the committee of
6 the Senate or the House of Representatives with ju-
7 risdiction of the activities carried out at the Federal
8 facility;

9 (2) the term “Federal facility”—

10 (A) means a facility, or portion of a facil-
11 ity, that is owned or controlled by the Federal
12 Government; and

13 (B) includes—

14 (i) a facility, or portion of a facility,
15 used by the Federal Government under a
16 contract or lease; and

17 (ii) a facility, or portion of a facility,
18 at which operations are carried out under
19 the authority of the Federal Government
20 granted under a contract or other agree-
21 ment with the Federal Government; and

22 (3) the term “Member of Congress”—

23 (A) has the meaning given that term under
24 section 2106 of title 5, United States Code; and

25 (B) does not include the Vice President.

1 (b) ACCESS TO FACILITIES.—Subject to subsection
2 (c)(4), the head of the agency that controls access to a
3 Federal facility, or the manager of the Federal facility,
4 shall provide a Member of Congress seeking access to the
5 Federal facility with immediate access to the Federal facil-
6 ity.

7 (c) RESTRICTIONS OF ACCESS FOR NATIONAL SECU-
8 RITY REASONS.—

9 (1) IN GENERAL.—If the head of an agency
10 wishes to restrict the access of Members of Congress
11 to a Federal facility for national security reasons,
12 the head of the agency shall submit to the committee
13 of jurisdiction of each House of Congress a report
14 explaining the articulable national security damage
15 that would result from providing access to the Fed-
16 eral facility to a Member of Congress.

17 (2) NEGOTIATED PROTOCOLS.—If the head of
18 an agency submits a report under paragraph (1)
19 with respect to a Federal facility, the committees of
20 jurisdiction shall seek to negotiate with the head of
21 the agency protocols under which all Members of
22 Congress may access the Federal facility.

23 (3) REPORT SEEKING TO LIMIT ACCESS.—If the
24 head of an agency determines that the agency does
25 not believe protocols can be established under which

1 all Members of Congress may access the Federal fa-
2 cility, the head of the agency shall submit to the
3 committee of jurisdiction of each House of Congress
4 a report explaining the national security reasons
5 that such protocols cannot be established.

6 (4) LIMIT ON ACCESS.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (B), for a Federal facility with
9 respect to which the head of an agency submits
10 a report under paragraph (3), with the approval
11 of the Chairman and Ranking Member of the
12 committee of jurisdiction of each House of Con-
13 gress, access to the Federal facility may be lim-
14 ited for national security reasons to Members of
15 Congress who are members of a committee of
16 jurisdiction.

17 (B) CERTAIN OVERSEAS FACILITIES.—For
18 a Federal facility that is located outside the
19 United States and presents exceptional physical
20 security concerns with respect to which the
21 head of an agency submits a report under para-
22 graph (3), with the approval of the Chairman
23 and Ranking Member of the committee of juris-
24 diction of each House of Congress, the Federal
25 facility may be restricted for national security

1 reasons from all access by Members of Con-
2 gress.

3 (5) ACCESS TO FACILITIES.—

4 (A) PROTOCOLS.—If the head of an agency
5 and the committees of jurisdiction negotiate
6 protocols under paragraph (2) with respect to a
7 Federal facility, the head of the agency that
8 controls access to a Federal facility, or the
9 manager of the Federal facility, shall provide a
10 Member of Congress seeking access to the Fed-
11 eral facility with immediate access to the Fed-
12 eral facility in accordance with such protocols.

13 (B) DISAPPROVAL.—If the Chairman and
14 Ranking Member of the committee of jurisdic-
15 tion of each House of Congress do not approve
16 restricting access to a Federal facility under
17 subparagraph (A) or (B) of paragraph (4), the
18 head of the agency that controls access to a
19 Federal facility, or the manager of the Federal
20 facility, shall provide a Member of Congress
21 seeking access to the Federal facility with im-
22 mediate access to the Federal facility in accord-
23 ance with subsection (b).

1 (6) NONDELEGATION.—The duties and authori-
2 ties of the head of an agency under paragraphs (1)
3 through (4) may not be delegated.

4 (d) CONTRACTS.—The head of each agency shall en-
5 sure that any contract, lease, or other agreement with a
6 non-Federal individual or entity relating to a Federal facil-
7 ity that is entered into or modified after the date of enact-
8 ment of this Act includes a requirement to provide access
9 to Members of Congress in accordance with this Act.

10 (e) PENALTIES.—Any person who violates this Act,
11 including the head of an agency, any officer or employee
12 to whom duties under this Act are delegated, and any indi-
13 vidual or entity entering a contract or lease with the Fed-
14 eral Government relating to a Federal facility, shall be
15 fined under title 18, United States Code, imprisoned for
16 not more than 1 year, or both.

17 (f) FINDINGS.—A Member of Congress may enter a
18 statement into the Congressional Record detailing the
19 findings of the Member of Congress based on accessing
20 a Federal facility.

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