

**Suspend the Rules and Pass the Bill, H.R. 2711, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2711

To amend title 5, United States Code, to establish certain procedures for conducting in-person or telephonic interactions by Executive branch employees with individuals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2013

Ms. JENKINS (for herself and Mr. BRADY of Texas) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 5, United States Code, to establish certain procedures for conducting in-person or telephonic interactions by Executive branch employees with individuals, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Citizen Empowerment  
3 Act”.

4 **SEC. 2. AMENDMENTS.**

5 (a) IN GENERAL.—Part III of title 5, United States  
6 Code, is amending after inserting after chapter 79, the  
7 following:

8 **“CHAPTER 79A—SERVICES TO MEMBERS**  
9 **OF THE PUBLIC**

“Sec.

“7921. Procedure for in-person and telephonic interactions conducted by Execu-  
tive Branch employees.

10 **“§ 7921. Procedure for in-person and telephonic inter-**  
11 **actions conducted by Executive Branch**  
12 **employees**

13 “(a) PURPOSE.—The purpose of this section is to en-  
14 sure that individuals have the right to record in-person  
15 and telephonic interactions with Executive agency employ-  
16 ees and to ensure that individuals who are the target of  
17 enforcement actions conducted by Executive agency em-  
18 ployees are notified of such right.

19 “(b) DEFINITIONS.—For purposes of this section—

20 “(1) the term ‘telephonic’ means by telephone  
21 or other similar electronic device; and

22 “(2) the term ‘employee’ means an employee of  
23 an Executive agency.

1       “(c) CONSENT OF EXECUTIVE AGENCY EMPLOY-  
2 EES.—Participation by an employee, acting in an official  
3 capacity, in an in-person or telephonic interaction shall  
4 constitute consent by the employee to a recording of that  
5 interaction by any participant in the interaction.

6       “(d) NOTICE OF RIGHTS WHEN FEDERAL EMPLOY-  
7 EES ENGAGED IN CERTAIN ACTIONS.—A notice of an in-  
8 dividual’s right to record conversations with employees  
9 shall be included in any written material provided by an  
10 Executive agency to the individual concerning an audit,  
11 investigation, inspection, or enforcement action that could  
12 result in the imposition of a fine, forfeiture of property,  
13 civil monetary penalty, or criminal penalty against, or the  
14 collection of an unpaid tax, fine, or penalty from, such  
15 individual or a business owned or operated by such indi-  
16 vidual.

17       “(e) OFFICIAL REPRESENTATIVE.—Any person who  
18 is permitted to represent before an Executive agency an  
19 individual under this section shall receive the same notice  
20 as required under subsection (d) with respect to such indi-  
21 vidual.

22       “(f) NO CAUSE OF ACTION.—This section does not  
23 create any express or implied private right of action.

24       “(g) DISCIPLINARY ACTION.—An employee who vio-  
25 lates this section shall be subject to appropriate discipli-

1 nary action in accordance with otherwise applicable provi-  
2 sions of law.

3 “(h) PUBLIC INFORMATION CONCERNING RIGHT TO  
4 RECORD.—

5 “(1) POSTING ON AGENCY WEB SITES.—Within  
6 180 days after the date of the enactment of this Act,  
7 each Executive agency shall post prominently on its  
8 Web site information explaining the right of individ-  
9 uals to record interactions with employees.

10 “(2) OMB GUIDANCE.—Within 90 days after  
11 the date of the enactment of this Act, the Office of  
12 Management and Budget shall issue guidance to Ex-  
13 ecutive agencies concerning implementation of para-  
14 graph (1).”.

15 (b) CLERICAL AMENDMENT.—The analysis for part  
16 III of title 5, United States Code, is amended by inserting  
17 after the item relating to chapter 79 the following:

“79A. Services to members of the public ..... 7921”.