

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 2711**  
**OFFERED BY MR. ISSA OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**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 Executive 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

1 enforcement actions conducted by Executive agency em-  
2 ployees are notified of such right.

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

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

6 “(2) the term ‘employee’ means an employee of  
7 an Executive agency.

8 “(c) CONSENT OF EXECUTIVE AGENCY EMPLOY-  
9 EES.—Participation by an employee, acting in an official  
10 capacity, in an in-person or telephonic interaction shall  
11 constitute consent by the employee to a recording of that  
12 interaction by any participant in the interaction.

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

24 “(e) OFFICIAL REPRESENTATIVE.—Any person who  
25 is permitted to represent before an Executive agency an

1 individual under this section shall receive the same notice  
2 as required under subsection (d) with respect to such indi-  
3 vidual.

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

6 “(g) DISCIPLINARY ACTION.—An employee who vio-  
7 lates this section shall be subject to appropriate discipli-  
8 nary action in accordance with otherwise applicable provi-  
9 sions of law.

10 “(h) PUBLIC INFORMATION CONCERNING RIGHT TO  
11 RECORD.—

12 “(1) POSTING ON AGENCY WEB SITES.—Within  
13 180 days after the date of the enactment of this Act,  
14 each Executive agency shall post prominently on its  
15 Web site information explaining the right of individ-  
16 uals to record interactions with employees.

17 “(2) OMB GUIDANCE.—Within 90 days after  
18 the date of the enactment of this Act, the Office of  
19 Management and Budget shall issue guidance to Ex-  
20 ecutive agencies concerning implementation of para-  
21 graph (1).”.

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

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

