

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 391
OFFERED BY MR. CUMMINGS OF MARYLAND

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “White House Ethics
3 Transparency Act of 2019”.

4 SEC. 2. PROCEDURE FOR WAIVERS AND AUTHORIZATIONS
5 RELATING TO ETHICS REQUIREMENTS.

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, not later than 30 days after an officer or em-
8 ployee issues or approves a waiver or authorization pursu-
9 ant to section 3 of Executive Order No. 13770 (82 6 Fed.
10 Reg. 9333), or any subsequent similar order, such officer
11 or employee shall—

12 (1) transmit a written copy of such waiver or
13 authorization to the Director of the Office of Gov-
14 ernment Ethics; and

15 (2) make a written copy of such waiver or au-
16 thorization available to the public on the website of
17 the employing agency of the covered employee.

1 (b) RETROACTIVE APPLICATION.—In the case of a
2 waiver or authorization described in subsection (a) issued
3 during the period beginning on January 20, 2017, and
4 ending on the date of enactment of this Act, the issuing
5 officer or employee of such waiver or authorization shall
6 comply with the requirements of paragraphs (1) and (2)
7 of such subsection not later than 30 days after the date
8 of enactment of this Act.

9 (c) OFFICE OF GOVERNMENT ETHICS PUBLIC AVAIL-
10 ABILITY.—Not later than 30 days after receiving a written
11 copy of a waiver or authorization under subsection (a)(1),
12 the Director of the Office of Government Ethics shall
13 make such waiver or authorization available to the public
14 on the website of the Office of Government Ethics.

15 (d) REPORT TO CONGRESS.—Not later than 45 days
16 after the date of enactment of this Act, the Director of
17 the Office of Government Ethics shall submit a report to
18 Congress on the impact of the application of subsection
19 (b), including the name of any individual who received a
20 waiver or authorization described in subsection (a) and
21 who, by operation of subsection (b), submitted the infor-
22 mation required by such subsection.

23 (e) DEFINITION OF COVERED EMPLOYEE.—In this
24 section, the term “covered employee”—

1 (1) means a non-career Presidential or Vice
2 Presidential appointee, non-career appointee in the
3 Senior Executive Service (or other SES-type sys-
4 tem), or an appointee to a position that has been ex-
5 cepted from the competitive service by reason of
6 being of a confidential or policymaking character
7 (Schedule C and other positions excepted under com-
8 parable criteria) in an executive agency; and
9 (2) does not include any individual appointed as
10 a member of the Senior Foreign Service or solely as
11 a uniformed service commissioned officer.

