

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 964**

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 “Transition Team Eth-
3 ics Improvement Act”.

4 SEC. 2. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.

5 The Presidential Transition Act of 1963 (3 U.S.C.
6 102 note) is amended—

7 (1) in section 3(f), by adding at the end the fol-
8 lowing:

9 “(3) Not later than 10 days after submitting an ap-
10 plication for a security clearance for any individual, and
11 not later than 10 days after any such individual is granted
12 a security clearance (including an interim clearance), each
13 eligible candidate (as that term is described in subsection
14 (h)(4)(A)) or the President-elect (as the case may be) shall
15 submit a report containing the name of such individual
16 to the Committee on Oversight and Reform of the House
17 of Representatives and the Committee on Homeland Secu-
18 rity and Governmental Affairs of the Senate.”;

1 (2) in section 4—

2 (A) in subsection (a)—

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

5 (ii) by redesignating paragraph (4) as
6 paragraph (5); and

7 (iii) by inserting after paragraph (3)
8 the following:

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

10 “(A) means information from the Federal
11 Government that a transition team member ob-
12 tains as part of the employment of such mem-
13 ber that the member knows or reasonably
14 should know has not been made available to the
15 general public; and

16 “(B) includes information that has not
17 been released to the public that a transition
18 team member knows or reasonably should
19 know—

20 “(i) is exempt from disclosure under
21 section 552 of title 5, United States Code,
22 or otherwise protected from disclosure by
23 law; and

1 “(ii) is not authorized by the appro-
2 priate agency or official to be released to
3 the public; and”); and

4 (B) in subsection (g)—

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

7 (ii) by adding at the end the fol-
8 lowing:

9 “(3) ETHICS PLAN.—

10 “(A) IN GENERAL.—Each memorandum of
11 understanding under paragraph (1) shall in-
12 clude an agreement that the eligible candidate
13 will implement and enforce an ethics plan to
14 guide the conduct of the transition beginning on
15 the date on which the eligible candidate be-
16 comes the President-elect.

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

19 “(i) a description of the ethics re-
20 quirements that will apply to all transition
21 team members, including specific require-
22 ments for transition team members who
23 will have access to nonpublic or classified
24 information;

1 “(ii) a description of how the transi-
2 tion team will—
3 “(I) address the role on the tran-
4 sition team of—
5 “(aa) registered lobbyists
6 under the Lobbying Disclosure
7 Act of 1995 (2 U.S.C. 1601 et
8 seq.) and individuals who were
9 formerly registered lobbyists
10 under that Act;
11 “(bb) persons registered
12 under the Foreign Agents Reg-
13 istration Act, as amended (22
14 U.S.C. 611 et seq.), foreign na-
15 tionals, and other foreign agents;
16 and
17 “(cc) transition team mem-
18 bers with sources of income or
19 clients that are not disclosed to
20 the public;
21 “(II) prohibit a transition team
22 member with personal financial con-
23 flicts of interest as described in sec-
24 tion 208 of title 18, United States
25 Code, from working on particular

1 matters involving specific parties that
2 affect the interests of such member;
3 and

4 “(III) address how the covered
5 eligible candidate will address their
6 own personal financial conflicts of in-
7 terest during a Presidential term if
8 the covered eligible candidate becomes
9 the President-elect;

10 “(iii) a Code of Ethical Conduct, to
11 which each transition team member will
12 sign and be subject to, that reflects the
13 content of the ethics plans under this para-
14 graph and at a minimum requires each
15 transition team member to—

16 “(I) seek authorization from
17 transition team leaders or their des-
18 ignees before seeking, on behalf of the
19 transition, access to any nonpublic in-
20 formation;

21 “(II) keep confidential any non-
22 public information provided in the
23 course of the duties of the member
24 with the transition and exclusively use

1 such information for the purposes of
2 the transition; and

3 “(III) not use any nonpublic in-
4 formation provided in the course of
5 transition duties, in any manner, for
6 personal or private gain for the mem-
7 ber or any other party at any time
8 during or after the transition; and

9 “(iv) a description of how the transi-
10 tion team will enforce the Code of Ethical
11 Conduct, including the names of the tran-
12 sition team members responsible for en-
13 forcement, oversight, and compliance.

14 “(C) PUBLICLY AVAILABLE.—The transi-
15 tion team shall make the ethics plan described
16 in this paragraph publicly available on the
17 website of the General Services Administration
18 the earlier of—

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

21 “(ii) October 1.”; and

22 (3) in section 6(b)—

23 (A) in paragraph (1)—

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

1 (ii) in subparagraph (B), by striking
2 the period at the end and inserting a semi-
3 colon; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(C) a list of all positions each transition team
7 member has held outside the Federal Government
8 for the previous 12-month period, including paid and
9 unpaid positions;

10 “(D) sources of compensation for each transi-
11 tion team member exceeding \$5,000 a year for the
12 previous 12-month period;

13 “(E) a description of the role of each transition
14 team member, including a list of any policy issues
15 that the member expects to work on, and a list of
16 agencies the member expects to interact with, while
17 serving on the transition team;

18 “(F) a list of any issues from which each tran-
19 sition team member will be recused while serving as
20 a member of the transition team pursuant to the
21 transition team ethics plan outlined in section
22 4(g)(3); and

23 “(G) an affirmation that no transition team
24 member has a financial conflict of interest that pre-

1 cludes the member from working on the matters de-
2 scribed in subparagraph (E).”;

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

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

6 “(3) The head of a Federal department or agency,
7 or their designee, shall not permit access to the Federal
8 department or agency, or employees of such department
9 or agency, that would not be provided to a member of the
10 public for any transition team member who does not make
11 the disclosures listed under paragraph (1).”.

