

The Transition Team Ethics Improvement Act

Sponsored by Sen. Elizabeth Warren (D-MA), Sen. Thomas R. Carper (D-DE), and Rep. Elijah E. Cummings (D-MD)

Background

To facilitate the orderly transition of power from one presidential administration to the next, the federal government provides presidential transition teams with financial support, access to executive agencies and non-public documents, and other resources. While federal law requires presidents-elect to provide certain information about their transition team members, including names and most recent employment, transition team members are not categorized as federal government employees. As a result, they are not required to comply with federal ethics laws, including those regarding conflicts of interest.

Although recent presidents-elect have adopted ethics plans, the law does not require it. A recent Government Accountability Office [report](#) revealed that the Trump transition team did not develop an enforcement mechanism for its ethics code—leading to numerous reports of transition team members not signing or failing to comply. President-elect Trump also refused to disclose how he would deal with his own conflicts of interest until just before he was inaugurated when he announced he would not liquidate his assets and place them in an independent blind trust as both Republican and Democratic ethics experts recommended.

Legislation

To provide more accountability and transparency in presidential transitions, Sen. Warren, Sen. Carper, and Rep. Cummings have introduced the *Transition Team Ethics Improvement Act*, which would:

- Require eligible presidential candidates to disclose how they will address their own conflicts of interest;
- Require eligible presidential candidates to develop and publicly release ethics plans for their transition teams;
- Establish a set of minimum requirements for transition team ethics plans, including how the team will prohibit team members from working on any matter in which they have a financial interest and how the team will address the role of lobbyists and persons registered under the Foreign Agents Registration Act;
- Require transition team members to sign an ethical code of conduct, a currently voluntary, but common, practice among transition teams;
- Enhance disclosure requirements for transition team members with non-public access to federal government agencies or documents; and
- Improve Congressional oversight by requiring the President-elect to report to Congress the names of any transition team members who apply for security clearances as well as those who receive clearances.

Endorsements

Citizens for Responsibility and Ethics in Washington (CREW)

Public Citizen

Democracy 21

Project on Government Oversight (POGO)

Norman L. Eisen, Obama White House Ethics Counsel (2009-2011)

Richard Painter, Professor of Law, University of Minnesota, Chief White House Ethics Lawyer for President George W. Bush (2005-2007)