

115TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Presidential Transition Act of 1963 to require the development of ethics plans for certain transition teams, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Ms. WARREN (for herself, Mr. CARPER, Mr. UDALL, Ms. HASSAN, Mr. MARKEY, Ms. HIRONO, Ms. KLOBUCHAR, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Presidential Transition Act of 1963 to require the development of ethics plans for certain transition teams, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transition Team Eth-

5 ics Improvement Act”.

6 **SEC. 2. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.**

7 The Presidential Transition Act of 1963 (3 U.S.C.

8 102 note) is amended—

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

3           “(3) The President-elect shall submit to the Com-  
4           mittee on Homeland Security and Governmental Affairs  
5           of the Senate and the Committee on Oversight and Gov-  
6           ernment Reform of the House of Representatives a list  
7           of—

8           “(A) any individual for whom an application for  
9           a security clearance was submitted, not later than  
10          10 days after the date on which the application was  
11          submitted; and

12          “(B) any individual provided a security clear-  
13          ance, not later than 10 days after the date on which  
14          the security clearance was provided.”;

15          (2) in section 4—

16                 (A) in subsection (a)—

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

19                         (ii) by redesignating paragraph (4) as  
20                         paragraph (5); and

21                         (iii) by inserting after paragraph (3)  
22                         the following:

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

24                                 “(A) means information from the Federal  
25                                 Government that a transition member obtains

1 as part of the employment of the member that  
2 such member knows or reasonably should know  
3 has not been made available to the general pub-  
4 lic; and

5 “(B) includes information that a member  
6 of the transition team knows or reasonably  
7 should know—

8 “(i) is exempt from disclosure under  
9 section 552 of title 5, United States Code,  
10 or otherwise protected from disclosure by  
11 law; and

12 “(ii) is not authorized by the appro-  
13 priate government agency or official to be  
14 released to the public; and”;

15 (B) in subsection (g)—

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

18 (ii) by adding at the end the fol-  
19 lowing:

20 “(3) ETHICS PLAN.—

21 “(A) IN GENERAL.—Each memorandum of  
22 understanding under paragraph (1) shall in-  
23 clude an agreement that the eligible candidate  
24 will implement and enforce an ethics plan to  
25 guide the conduct of the transition beginning on

1 the date on which the eligible candidate be-  
2 comes the President-elect.

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

5 “(i) a description of the ethics re-  
6 quirements that will apply to all members  
7 of the transition team, including any spe-  
8 cific requirement for transition team mem-  
9 bers who will have access to nonpublic or  
10 classified information;

11 “(ii) a description of how the transi-  
12 tion team will—

13 “(I) address the role on the tran-  
14 sition team of—

15 “(aa) lobbyists registered  
16 under the Lobbying Disclosure  
17 Act of 1995 (2 U.S.C. 1601 et  
18 seq.) and individuals who were  
19 former lobbyists registered under  
20 that Act;

21 “(bb) persons registered  
22 under the Foreign Agents Reg-  
23 istration Act (22 U.S.C. 611 et  
24 seq.), foreign nationals, and other  
25 foreign agents; and

1                   “(cc) transition team mem-  
2                   bers with sources of income or  
3                   clients that are not disclosed to  
4                   the public;

5                   “(II) prohibit a transition team  
6                   member with conflicts of interest, in-  
7                   cluding conflicts, as described in sec-  
8                   tion 2635.402(a) and section  
9                   2635.502(a) of title 5, Code of Fed-  
10                  eral Regulations, related to current or  
11                  former employment, affiliations, cli-  
12                  ents, or investments, from working on  
13                  particular matters involving specific  
14                  parties that affect the interests of  
15                  such member; and

16                  “(III) address how the covered  
17                  eligible candidate will address their  
18                  own conflicts of interest during a  
19                  Presidential term if the covered eligi-  
20                  ble candidate becomes the President-  
21                  elect;

22                  “(iii) a Code of Ethical Conduct, to  
23                  which each member of the transition team  
24                  will sign and be subject to, that reflects  
25                  the content of the ethics plans under this

1 paragraph and at a minimum requires  
2 transition team members to—

3 “(I) seek authorization from  
4 transition team leaders or their des-  
5 ignees before seeking, on behalf of the  
6 transition, access to any nonpublic in-  
7 formation;

8 “(II) keep confidential any non-  
9 public information provided in the  
10 course of the duties of the member  
11 with the transition and exclusively use  
12 such information for the purposes of  
13 the transition; and

14 “(III) not use any nonpublic in-  
15 formation provided in the course of  
16 transition duties, in any manner, for  
17 personal or private gain for the mem-  
18 ber or any other party at any time  
19 during or after the transition; and

20 “(iv) a description of how the transi-  
21 tion team will enforce the Code of Ethical  
22 Conduct, including the names of the mem-  
23 bers of the transition team responsible for  
24 enforcement, oversight, and compliance.

1           “(C) PUBLICLY AVAILABLE.—The transi-  
2           tion team shall make the ethics plan described  
3           in this paragraph publicly available on the  
4           Internet website of the General Services Admin-  
5           istration the earlier of—

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

8                   “(ii) October 1.”; and

9           (3) in section 6(b)—

10                   (A) in paragraph (1)—

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

13                           (ii) in subparagraph (B), by striking  
14                           the period at the end and inserting a semi-  
15                           colon; and

16                           (iii) by adding at the end the fol-  
17                           lowing:

18                   “(C) a list of all positions each transition  
19                   team member has held outside the Federal Gov-  
20                   ernment for the previous 12-month period, in-  
21                   cluding paid, unpaid and uncompensated posi-  
22                   tions;

23                   “(D) sources of compensation of each tran-  
24                   sition team member exceeding \$5,000 a year for  
25                   the previous 12-month period;

1           “(E) a description of the role of the mem-  
2           ber on the transition team, including a list of  
3           any policy issues that the member expects to  
4           work on, and a list of agencies the member ex-  
5           pects to interact with, while serving on the  
6           transition team;

7           “(F) a list of any issues from which each  
8           transition team member will be recused while  
9           serving as a member of the transition team pur-  
10          suant to the transition team ethics plan out-  
11          lined in section 4(g)(3); and

12          “(G) an affirmation that the transition  
13          team member does not have a financial conflict  
14          of interest that precludes the member from  
15          working on the matters described in subpara-  
16          graph (E).”;

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

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

20          “(3) The head of a Federal department or  
21          agency, or their designee, shall not permit access to  
22          the agency or employees of the agency that would  
23          not be provided to a member of the public for any  
24          transition team member who does not make the dis-  
25          closures listed under paragraph (1).”.