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[Report No. 118–300]

To establish and maintain a database within each agency for executive branch ethics records of noncareer appointees.

IN THE SENATE OF THE UNITED STATES

JULY 12, 2023

Mr. GRASSLEY (for himself, Mr. PETERS, Mr. PADILLA, Mr. LANKFORD, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 17 (legislative day, DECEMBER 16), 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish and maintain a database within each agency for executive branch ethics records of noncareer appointees.

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 “~~Executive Branch Ac-~~
5 ~~countability and Transparency Act of 2023~~”.

1 **SEC. 2. AGENCY DATABASES FOR PUBLICLY AVAILABLE**
2 **GOVERNMENT ETHICS RECORDS.**

3 (a) **DEFINITIONS.**—In this section:

4 (1) **AGENCY.**—The term “agency” means each
5 Executive agency, as defined in section 105 of title
6 5, United States Code, and each component of the
7 Executive Office of the President, including those
8 components established under title 3, United States
9 Code.

10 (2) **COVERED EMPLOYEE.**—

11 (A) **INCLUSIONS.**—The term “covered em-
12 ployee” includes the following individuals:

13 (i) Each individual who is—

14 (I) a noncareer employee; and

15 (II) is described in paragraphs
16 (3) through (8) of section 13103(f) of
17 title 5, United States Code.

18 (ii) Each individual serving in a posi-
19 tion with respect to which a determination
20 has been made under section 7511(b)(2) of
21 title 5, United States Code.

22 (iii) Each special Government em-
23 ployee, as defined in section 202(a) of title
24 18, United States Code, who is employed
25 in the Executive Office of the President,
26 other than a special Government employee

1 serving solely on a Federal advisory com-
 2 mittee or presidential advisory committee.

3 (iv) An individual who previously
 4 served in the Federal Government in a ca-
 5 pacity described in clause (i), (ii), or (iii)
 6 during the preceding 10-year period.

7 (B) EXCLUSION.—The term “covered em-
 8 ployee” excludes any individual described in
 9 section 13107(a)(1) of title 5, United States
 10 Code.

11 (3) COVERED ETHICS RECORD.—

12 (A) INCLUSIONS.—The term “covered eth-
 13 ics record”—

14 (i) with respect to any individual,
 15 means—

16 (I) each approval granted pursu-
 17 ant to subsection (b) or subsection (c)
 18 of section 908 of title 37, United
 19 States Code; and

20 (II) each report to Congress re-
 21 quired under section 908(d) of title
 22 37, United States Code; and

23 (ii) with respect to a covered em-
 24 ployee, means—

1 (I) each public financial disclosure report filed pursuant to section
2 ~~13103~~ or section ~~13105(1)~~ of title ~~5~~,
3 United States Code;

4 (II) each amendment to a public
5 financial disclosure report filed pursuant
6 to section ~~13103~~ or section
7 ~~13105(1)~~ of title ~~5~~, United States
8 Code;

9 (III) each waiver of—

10 (aa) a post-employment restriction, pursuant to subsection
11 (c)(2)(C) or subsection (k) of section
12 207 of title 18, United
13 States Code;

14 (bb) section 208(a) of title
15 18, United States Code, that has
16 been issued pursuant to section
17 208(b)(1) of title 18, United
18 States Code;

19 (cc) the cover letter regarding
20 a public financial disclosure
21 requirement, pursuant to section
22 ~~13103(h)(2)(i)~~ of title ~~5~~, United
23 States Code;

1 (dd) the cover letter regard-
2 ing the requirement to disclose a
3 gift, pursuant to section
4 13104(a)(2)(C) of title 5, United
5 States Code; and

6 (ee) a provision of any regu-
7 lation of the Office of Govern-
8 ment Ethics, supplemental agen-
9 cy ethics regulation, or executive
10 order pertaining to Government
11 ethics; or any successor thereto;

12 (IV) each written authorization
13 of an individual to participate in a
14 matter from which recusal would oth-
15 erwise be required under any provi-
16 sion of law, regulation, executive
17 order, or policy pertaining to Govern-
18 ment ethics and applicable to the indi-
19 vidual as an employee of the executive
20 branch;

21 (V) each written approval or
22 written authorization permitting an
23 individual to accept a gift from an
24 outside source that would otherwise be
25 prohibited under section 7353 of title

1 5, United States Code, or any other
2 provision of law, regulation, executive
3 order, or policy pertaining to govern-
4 ment ethics and applicable to the indi-
5 vidual as an employee of the executive
6 branch;

7 (VI) each written determina-
8 tion—

9 (aa) that a position may be
10 excluded from otherwise applica-
11 ble public financial disclosure re-
12 quirements, pursuant to section
13 13103(f)(5) of title 5, United
14 States Code;

15 (bb) that an employee of the
16 executive branch, or the spouse
17 or minor child of an employee of
18 the executive branch, must divest
19 a financial interest; or

20 (cc) regarding an individual
21 that is required to be made pur-
22 suant to any other provision of
23 law, regulation, executive order,
24 or policy pertaining to Govern-
25 ment ethics and applicable to the

1 individual as an employee or
2 former employee of the executive
3 branch;

4 (VII) each written ethics agree-
5 ment, recusal, or screening arrange-
6 ment pertaining to employment in the
7 executive branch;

8 (VIII) each record of the comple-
9 tion by a presidential appointee of
10 ethics training required under a regu-
11 lation of the Office of Government
12 Ethics;

13 (IX) each certificate of divesti-
14 ture issued pursuant to section 1043
15 of the Internal Revenue Code of 1986
16 and each request that resulted in the
17 issuance of a certificate of divestiture;

18 (X) each qualified blind trust
19 agreement and each record described
20 in section 13104(f)(5)(D) of title 5,
21 United States Code;

22 (XI) each record submitted pur-
23 suant to section 13103(b)(1) of title
24 5, United States Code, for the pur-
25 pose of making current, with respect

1 to income and honoraria, a financial
2 disclosure filed pursuant to that para-
3 graph;

4 (XII) each notice submitted pur-
5 suant to section ~~13111~~ of title 5,
6 United States Code, and any certifi-
7 cation by a Senate-confirmed presi-
8 dential appointee as to compliance
9 with an ethics agreement, whether
10 submitted to the respective agency,
11 the Office of Government Ethics, or
12 the Senate;

13 (XIII) any written opinion issued
14 pursuant to section 847 of the Na-
15 tional Defense Authorization Act for
16 Fiscal Year 2008 (Public Law 110-
17 181; 10 U.S.C. 1701 note), except
18 that the agency may redact the name
19 of an individual or organization with
20 whom an individual has not yet ac-
21 cepted an offer of employment or
22 compensation;

23 (XIV) any notification filed pur-
24 suant to section 17 of the STOCK
25 Act (~~5~~ U.S.C. ~~13103~~ note), except

1 that the agency may withhold the
2 public release of any such notification
3 unless and until such time as the em-
4 ployee has accepted an offer of em-
5 ployment or compensation from an in-
6 dividual or organization that is the
7 subject of the notification;

8 (XV) each certification made
9 pursuant to—

10 (aa) section 203(e) of title
11 18, United States Code;

12 (bb) section 205(f) of title
13 18, United States Code; or

14 (cc) section 207(j)(5) of title
15 18, United States Code; and

16 (XVI) any other category of
17 records that the Director of the Office
18 of Government Ethics determines is
19 appropriate for inclusion in the data-
20 base of an agency under this Act.

21 (B) EXCLUSIONS.—The term “covered eth-
22 ics record” excludes—

23 (i) classified information, as defined
24 in section 798 of title 18, United States
25 Code;

1 (ii) the subject of any ongoing law en-
2 forcement matter that, in the opinion of
3 the agency, requires the information or
4 record to be kept confidential;

5 (iii) information, including any con-
6 fidential financial disclosure report, filed
7 pursuant to section 13109 of title 5,
8 United States Code, except that such ex-
9 clusion shall not be construed to exclude
10 from inclusion in any database established
11 under this Act, or to authorize redaction
12 of, any conflict of interest waiver issued to
13 the filer of the confidential financial disclo-
14 sure report; or

15 (iv) individualized ethics counseling or
16 advice concerning an interpretation of ap-
17 plicable legal requirements that has been
18 provided by an ethics official to an indi-
19 vidual, except that such information or
20 record shall not be excluded if such infor-
21 mation or record is a covered record under
22 subparagraph (A).

23 (4) NONCAREER EMPLOYEE.—The term “non-
24 career employee” means an individual who is—

1 (A) serving in a position to which the
2 President appointed the individual (without re-
3 gard to whether the advice and consent of the
4 Senate was required with respect to that ap-
5 pointment); other than an individual who is—

6 (i) a member of a uniformed service,
7 as that term is defined in section 210(m)
8 of the Social Security Act (42 U.S.C.
9 410(m)); or

10 (ii) a member of the Foreign Service
11 serving under a career appointment, as de-
12 scribed in section 301 of the Foreign Serv-
13 ice Act of 1980 (22 U.S.C. 3941);

14 (B) a noncareer appointee, as that term is
15 defined in section 3132(a) of title 5, United
16 States Code;

17 (C) serving in a position in a Federal exec-
18 utive system that is comparable to the Senior
19 Executive Service, the appointment to which is
20 not made through merit-based procedures, such
21 as a position in the Transportation Security
22 Executive Service; or

23 (D) serving in a position with respect to
24 which a determination has been made under

1 section 7511(b)(2) of title 5, United States
2 Code.

3 (b) SPECIFICATIONS OF DATABASES.—Not later than
4 120 days after the date of enactment of this Act, the Di-
5 rector of the Office of Government Ethics shall publish
6 guidance for a searchable, sortable database created by
7 each agency through which members of the public can ac-
8 cess covered ethics records and that shall each be—

9 (1) hosted on an official website of each agency
10 without charge and without a requirement that
11 members of the public register for access;

12 (2) accessible through an application program-
13 ming interface;

14 (3) fully compliant with—

15 (A) section 508 of the Rehabilitation Act
16 of 1973 (29 U.S.C. 794d); and

17 (B) the most recent Web Content Accessi-
18 bility Guidelines (or any successor guidelines);
19 and

20 (4) accessible through the website of each agen-
21 cy and through a single webpage operated by the Of-
22 fice of Government Ethics.

23 (c) ASSEMBLY OF COVERED ETHICS RECORDS.—Ex-
24 cept as provided in subsection (f), the head of each agency
25 shall—

1 (1) not later than 270 days after publication of
2 guidance under subsection (b); compile electronic
3 copies of covered ethics records that originated with
4 the agency, in such format and through such means
5 as is necessary to permit their inclusion in the data-
6 base of the agency pursuant to the requirements
7 published under subsection (b); and

8 (2) ensure that the contents of all such records
9 are machine-readable and compliant with the re-
10 quirements published under subsection (b).

11 (d) ESTABLISHMENT OF DATABASES.—Not later
12 than 1 year after the date on which the Director of the
13 Office of Government Ethics publishes the guidance under
14 subsection (b), each agency shall create a database that
15 complies with all requirements under the guidance pub-
16 lished under subsection (b).

17 (e) APPLICABILITY OF OTHER INSPECTION PROCE-
18 DURES.—

19 (1) IN GENERAL.—Subject to paragraph (2), no
20 identifier shall be required to search or sort the data
21 contained in the databases established pursuant to
22 subsection (d).

23 (2) DOWNLOADING DATA.—A login protocol
24 that includes the name of the user shall be utilized

1 by any person downloading data contained in the
2 records compiled pursuant to subsection (e).

3 ~~(3) INSPECTION OF REPORTS.—~~For purposes of
4 this section, section 13107(b) of title 5, United
5 States Code, shall not apply to any records compiled
6 pursuant to subsection (e).

7 ~~(f) REDACTIONS.—~~

8 ~~(1) CONTENTS OF REPORTS.—~~Nothing in this
9 section shall be construed to permit the redaction of
10 any information required to be released pursuant to
11 section 13104 of title 5, United States Code.

12 ~~(2) PROHIBITIONS.—~~Covered ethics records
13 may not be redacted except to the extent necessary
14 to—

15 ~~(A) ensure the exclusion of information de-~~
16 ~~scribed in subsection (a)(3)(B);~~

17 ~~(B) prevent the release of trade secrets or~~
18 ~~commercial information that is privileged or~~
19 ~~confidential, unless the disclosure of such infor-~~
20 ~~mation is required pursuant to section 13104 of~~
21 ~~title 5, United States Code; or~~

22 ~~(C) prevent the release of information,~~
23 ~~other than information required to be reported~~
24 ~~under section 13104 of title 5, United States~~
25 ~~Code, that, in the opinion of the agency, poses~~

1 an identifiable risk to the safety of an indi-
2 vidual, such as a street address, the name of a
3 minor, or a brokerage account number.

4 ~~(g) RECORDS PREDATING ESTABLISHMENT OF THE~~
5 ~~DATABASE.—~~

6 ~~(1) SEARCH FOR OLDER INFORMATION.—~~Not
7 later than 18 months after the publication of guid-
8 ance under subsection (b), each agency shall com-
9 plete a search reasonably calculated to find covered
10 ethics records that were created during the 9-year
11 period preceding the date of enactment of this Act.

12 ~~(2) INCLUDED INFORMATION AND CERTIFI-~~
13 ~~CATION.—~~Each search carried out pursuant to para-
14 graph (1) shall include all materials in the posses-
15 sion of the ethics office of an agency or readily ac-
16 cessible materials in any other office within the
17 agency that the designated agency ethics official cer-
18 tifies in writing is the most likely office to possess
19 covered ethics records.

20 ~~(3) EXCLUSION FROM SEARCH.—~~In carrying
21 out this subsection, each agency shall exclude infor-
22 mation described in subsection (a)(3)(B) from the
23 search carried out pursuant to paragraph (1).

24 ~~(4) REPORT.—~~Not later than 30 days after the
25 completion of the search carried out pursuant to

1 paragraph (1); each designated agency ethics official
2 shall provide the Director of the Office of Govern-
3 ment Ethics with a report that describes—

4 (A) the scope of the search and steps un-
5 dertaken to identify information;

6 (B) a copy of the certification required
7 under paragraph (2);

8 (C) the best estimate as to the complete-
9 ness of the collection of information provided to
10 the Director of the Office of Government Eth-
11 ics;

12 (D) an identification of any categories of
13 information known to the agency that the agen-
14 cy was unable to find; and

15 (E) a certification signed by the designated
16 agency ethics official affirming that the agency
17 made reasonable efforts in good faith to identify
18 and obtain covered ethics records.

19 (5) PUBLICATION.—The Director of the Office
20 of Government Ethics shall publish the report under
21 paragraph (4) on the official website of the Office of
22 Government Ethics.

23 (h) REMOVAL OF RECORDS.—Notwithstanding any
24 other law regarding the disposition of records or informa-
25 tion, all covered ethics records relating to noncareer em-

1 ployees that are required to be included in the database
2 of an agency pursuant to this section shall remain publicly
3 available through the database for a period of not less
4 than 10 years after the date on which the covered ethics
5 record is first published in the database.

6 (i) REPORTS.—

7 (1) INITIAL REPORT.—Not later than 30 days
8 after the establishment of a database under sub-
9 section (d), the relevant designated agency ethics of-
10 ficial shall provide the Director of the Office of Gov-
11 ernment Ethics with a report that certifies the com-
12 pleteness of records in the database of the agency
13 and any information that is known to be incomplete
14 under the guidance published under subsection (b).

15 (2) ANNUAL REPORTS.—Based on the informa-
16 tion collected under subsection (g)(4), and as nec-
17 essary under section 2638.207 of title 5, Code of
18 Federal Regulations, the Director of the Office of
19 Government Ethics shall report to the Committee on
20 Homeland Security and Governmental Affairs of the
21 Senate and the Committee on Oversight and Ac-
22 countability of the House of Representatives regard-
23 ing compliance with the requirements under this Act
24 each year until each agency has complied with sub-
25 sections (d) and (g).

1 (j) SEVERABILITY.—If any provision of this Act or
 2 the application of such provision to any person or cir-
 3 cumstance is held to be unconstitutional, the remainder
 4 of this Act, and the application of the remaining provisions
 5 of this Act to any person or circumstance, shall not be
 6 affected.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Executive Branch Ac-
 9 countability and Transparency Act of 2024”.*

10 **SEC. 2. AGENCY DATABASES FOR PUBLICLY AVAILABLE**
 11 **GOVERNMENT ETHICS RECORDS.**

12 (a) DEFINITIONS.—*In this section:*

13 (1) AGENCY.—*The term “agency” means each*
 14 *Executive agency, as defined in section 105 of title 5,*
 15 *United States Code, and each component of the Exec-*
 16 *utive Office of the President, including those compo-*
 17 *nents established under title 3, United States Code.*

18 (2) COVERED EMPLOYEE.—

19 (A) INCLUSIONS.—*The term “covered em-*
 20 *ployee” includes the following individuals:*

21 (i) *Each individual who is—*

22 (I) *a noncareer employee; and*

23 (II) *described in paragraphs (3)*
 24 *through (8) of section 13103(f) of title*
 25 *5, United States Code.*

1 (ii) *Each individual serving in a posi-*
 2 *tion with respect to which a determination*
 3 *has been made under section 7511(b)(2) of*
 4 *title 5, United States Code.*

5 (iii) *Each special Government em-*
 6 *ployee, as defined in section 202(a) of title*
 7 *18, United States Code, who is employed in*
 8 *the Executive Office of the President, other*
 9 *than a special Government employee serving*
 10 *solely on a Federal advisory committee or*
 11 *presidential advisory committee.*

12 (iv) *An individual who previously*
 13 *served in the Federal Government in a ca-*
 14 *capacity described in clause (i), (ii), or (iii)*
 15 *during the preceding 6-year period.*

16 (B) *EXCLUSION.—The term “covered em-*
 17 *ployee” excludes any individual described in sec-*
 18 *tion 13107(a)(1) of title 5, United States Code.*

19 (3) *COVERED ETHICS RECORD.—*

20 (A) *INCLUSIONS.—The term “covered ethics*
 21 *record”—*

22 (i) *with respect to any individual,*
 23 *means—*

24 (I) *each approval granted pursu-*
 25 *ant to subsection (b) or subsection (c)*

1 *of section 908 of title 37, United States*
2 *Code; and*

3 *(II) each report to Congress re-*
4 *quired under section 908(d) of title 37,*
5 *United States Code; and*

6 *(ii) with respect to a covered employee,*
7 *means—*

8 *(I) each public financial disclo-*
9 *sure report filed pursuant to section*
10 *13103 or section 13105(l) of title 5,*
11 *United States Code;*

12 *(II) each amendment to a public*
13 *financial disclosure report filed pursu-*
14 *ant to section 13103 or section*
15 *13105(l) of title 5, United States Code;*

16 *(III) each waiver of—*

17 *(aa) a post-employment re-*
18 *striction, pursuant to subsection*
19 *(c)(2)(C) or subsection (k) of sec-*
20 *tion 207 of title 18, United States*
21 *Code;*

22 *(bb) section 208(a) of title*
23 *18, United States Code, that has*
24 *been issued pursuant to section*

1 208(b)(1) of title 18, United
2 States Code;

3 (cc) a publicly available re-
4 quest for a waiver of any public
5 financial disclosure requirement
6 made pursuant to section 13103(i)
7 of title 5, United States Code; and

8 (dd) a publicly available re-
9 quest for a waiver of the require-
10 ment to aggregate a gift for re-
11 porting purposes made pursuant
12 to section 13104(a)(2)(C) of title
13 5, United States Code;

14 (IV) any written authorization, as
15 applicable, of an individual to partici-
16 pate in a matter from which recusal
17 would otherwise be required under any
18 provision of law, regulation, executive
19 order, or policy pertaining to Govern-
20 ment ethics and applicable to the indi-
21 vidual as an employee of the executive
22 branch;

23 (V) each written approval or writ-
24 ten authorization permitting an indi-
25 vidual to accept a gift from an outside

1 source that would otherwise be prohib-
2 ited under section 7353 of title 5,
3 United States Code, or any other pro-
4 vision of law, regulation, executive
5 order, or policy pertaining to Govern-
6 ment ethics and applicable to the indi-
7 vidual as an employee of the executive
8 branch;

9 (VI) each written determination—

10 (aa) that a position may be
11 excluded from otherwise applica-
12 ble public financial disclosure re-
13 quirements, pursuant to section
14 13103(f)(5) of title 5, United
15 States Code; or

16 (bb) that an employee of the
17 executive branch, or the spouse or
18 minor child of an employee of the
19 executive branch, must divest a fi-
20 nancial interest;

21 (VII) each written ethics agree-
22 ment, recusal, or screening arrange-
23 ment pertaining to employment in the
24 executive branch;

1 (VIII) each record of the comple-
2 tion by a presidential appointee of eth-
3 ics training required under a regula-
4 tion of the Office of Government Eth-
5 ics;

6 (IX) each certificate of divestiture
7 issued pursuant to section 1043 of the
8 Internal Revenue Code of 1986 and
9 each request that resulted in the
10 issuance of a certificate of divestiture;

11 (X) each qualified blind trust
12 agreement and each record described in
13 section 13104(f)(5)(D) of title 5,
14 United States Code;

15 (XI) each record submitted pursu-
16 ant to section 13103(b)(1) of title 5,
17 United States Code, for the purpose of
18 making current, with respect to income
19 and honoraria, a financial disclosure
20 filed pursuant to that paragraph;

21 (XII) each notice submitted pur-
22 suant to section 13111 of title 5,
23 United States Code, and any certifi-
24 cation by a Senate-confirmed presi-
25 dential appointee as to compliance

1 *with an ethics agreement, whether sub-*
2 *mitted to the respective agency, the Of-*
3 *fice of Government Ethics, or the Sen-*
4 *ate;*

5 *(XIII) any written opinion issued*
6 *pursuant to section 847 of the National*
7 *Defense Authorization Act for Fiscal*
8 *Year 2008 (Public Law 110–181; 10*
9 *U.S.C. 1701 note), except that the*
10 *agency may redact the name of an in-*
11 *dividual or organization with whom*
12 *an individual has not yet accepted an*
13 *offer of employment or compensation;*
14 *and*

15 *(XIV) any notification filed pur-*
16 *suant to section 17 of the STOCK Act*
17 *(5 U.S.C. 13103 note), except that the*
18 *agency may withhold the public release*
19 *of any such notification unless and*
20 *until such time as the employee has ac-*
21 *cepted an offer of employment or com-*
22 *penetration from an individual or orga-*
23 *nization that is the subject of the noti-*
24 *fication.*

1 (B) *EXCLUSIONS.*—The term “covered ethics
2 record” excludes—

3 (i) *classified information, as defined in*
4 *section 798 of title 18, United States Code;*

5 (ii) *the subject of any ongoing law en-*
6 *forcement matter that, in the opinion of the*
7 *agency, requires the information or record*
8 *to be kept confidential;*

9 (iii) *information, including any con-*
10 *fidential financial disclosure report, filed*
11 *pursuant to section 13109 of title 5, United*
12 *States Code, except that such exclusion shall*
13 *not be construed to exclude from inclusion*
14 *in any database established under this Act,*
15 *or to authorize redaction of, any conflict of*
16 *interest waiver issued to the filer of the con-*
17 *fidential financial disclosure report; or*

18 (iv) *individualized ethics counseling or*
19 *advice concerning an interpretation of ap-*
20 *plicable legal requirements that has been*
21 *provided by an ethics official to an indi-*
22 *vidual, except that such information or*
23 *record shall not be excluded if such informa-*
24 *tion or record is a covered record under sub-*
25 *paragraph (A).*

1 (4) *DIRECTOR.*—*The term “Director” means the*
2 *Director of the Office of Government Ethics.*

3 (5) *NONCAREER EMPLOYEE.*—*The term “non-*
4 *career employee” means an individual who is—*

5 (A) *serving in a position to which the*
6 *President appointed the individual (without re-*
7 *gard to whether the advice and consent of the*
8 *Senate was required with respect to that ap-*
9 *pointment), other than an individual who is—*

10 (i) *a member of a uniformed service, as*
11 *that term is defined in section 210(m) of the*
12 *Social Security Act (42 U.S.C. 410(m)); or*

13 (ii) *a member of the Foreign Service*
14 *serving under a career appointment, as de-*
15 *scribed in section 301 of the Foreign Service*
16 *Act of 1980 (22 U.S.C. 3941);*

17 (B) *a noncareer appointee, as that term is*
18 *defined in section 3132(a) of title 5, United*
19 *States Code;*

20 (C) *serving in a position in a Federal exec-*
21 *utive system that is comparable to the Senior*
22 *Executive Service, the appointment to which is*
23 *not made through merit-based procedures, such*
24 *as a position in the Transportation Security Ex-*
25 *ecutive Service; or*

1 (D) serving in a position with respect to
2 which a determination has been made under sec-
3 tion 7511(b)(2) of title 5, United States Code.

4 (b) SPECIFICATIONS OF DATABASES.—Not later than
5 1 year after the date of the enactment of this Act, the Direc-
6 tor shall publish guidance for a bulk downloadable database
7 created by each agency through which members of the public
8 can access covered ethics records and that shall each be—

9 (1) hosted on an official website of the applicable
10 agency without charge and without a requirement
11 that members of the public register for access;

12 (2) updated quarterly;

13 (3) accessible through an application program-
14 ming interface;

15 (4) fully compliant with—

16 (A) section 508 of the Rehabilitation Act of
17 1973 (29 U.S.C. 794d); and

18 (B) the most recent Web Content Accessi-
19 bility Guidelines (or any successor guidelines);
20 and

21 (5) accessible through the website of each agency
22 and through a single webpage operated by the Office
23 of Government Ethics.

24 (c) ASSEMBLY OF COVERED ETHICS RECORDS.—Ex-
25 cept as provided in subsection (f), not later than 270 days

1 *after publication of guidance under subsection (b), the head*
2 *of each agency shall compile electronic copies of covered eth-*
3 *ics records that originated with the agency in such format*
4 *and through such means as is necessary to permit their in-*
5 *clusion in the database of the agency pursuant to the re-*
6 *quirements published under subsection (b).*

7 *(d) ESTABLISHMENT OF DATABASES.—Not later than*
8 *3 years after the date on which the Director publishes the*
9 *guidance under subsection (b), each agency shall create a*
10 *database that complies with all requirements under the*
11 *guidance published under subsection (b).*

12 *(e) APPLICABILITY OF OTHER INSPECTION PROCE-*
13 *DURES.—*

14 *(1) IN GENERAL.—Subject to paragraph (2), no*
15 *identifier shall be required to search or sort the data*
16 *contained in the databases established pursuant to*
17 *subsection (d).*

18 *(2) DOWNLOADING DATA.—A login protocol that*
19 *includes the information required under section*
20 *13107(b)(2) of title 5, United States Code, shall be*
21 *utilized by any person downloading data contained*
22 *in the records compiled pursuant to subsection (c) of*
23 *this section.*

24 *(3) INSPECTION OF REPORTS.—Except as pro-*
25 *vided in paragraph (2), section 13107(b) of title 5,*

1 *United States Code, shall not otherwise apply for pur-*
2 *poses of this section to any records compiled pursuant*
3 *to subsection (c).*

4 *(f) REDACTIONS.—*

5 *(1) CONTENTS OF REPORTS.—Nothing in this*
6 *section shall be construed to permit the redaction of*
7 *any information required to be released pursuant to*
8 *section 13104 of title 5, United States Code.*

9 *(2) PROHIBITIONS.—Covered ethics records may*
10 *not be redacted except to the extent necessary to—*

11 *(A) ensure the exclusion of information de-*
12 *scribed in subsection (a)(3)(B);*

13 *(B) prevent the release of trade secrets or*
14 *commercial information that is privileged or*
15 *confidential, unless the disclosure of such infor-*
16 *mation is required pursuant to section 13104 of*
17 *title 5, United States Code; or*

18 *(C) prevent the release of information, other*
19 *than information required to be reported under*
20 *section 13104 of title 5, United States Code, that,*
21 *in the opinion of the agency, poses an identifi-*
22 *able risk to the safety of an individual, such as*
23 *a street address, the name of a minor, or a bro-*
24 *kerage account number.*

1 (g) *REMOVAL OF RECORDS.*—Notwithstanding any
2 other law regarding the disposition of records or informa-
3 tion, all covered ethics records relating to noncareer employ-
4 ees that are required to be included in the database of an
5 agency pursuant to this section shall remain publicly avail-
6 able through the database for a period of 6 years after the
7 date on which the covered ethics record is first published
8 in the database.

9 (h) *REPORTS.*—

10 (1) *INITIAL REPORT.*—Not later than 30 days
11 after the establishment of a database under subsection
12 (d), the relevant designated agency ethics official shall
13 submit a report to the Director that certifies the com-
14 pleteness of records in the database of the agency and
15 any information that is known to be incomplete
16 under the guidance published under subsection (b).

17 (2) *ANNUAL REPORTS.*—The Director shall sub-
18 mit a report to the Committee on Homeland Security
19 and Governmental Affairs of the Senate and the Com-
20 mittee on Oversight and Accountability of the House
21 of Representatives regarding compliance with the re-
22 quirements under this Act each year until each agen-
23 cy has complied with subsection (d). The Director
24 may include in any such annual report any informa-
25 tion contained in any report submitted to the Office

1 *pursuant to section 2638.207 of title 5, Code of Fed-*
2 *eral Regulations.*

3 *(i) SEVERABILITY.—If any provision of this Act or the*
4 *application of such provision to any person or circumstance*
5 *is held to be unconstitutional, the remainder of this Act,*
6 *and the application of the remaining provisions of this Act*
7 *to any person or circumstance, shall not be affected.*

Calendar No. 706

118TH CONGRESS
2^D SESSION

S. 2270

[Report No. 118-300]

A BILL

To establish and maintain a database within each agency for executive branch ethics records of noncareer appointees.

DECEMBER 17 (legislative day, DECEMBER 16), 2024

Reported with an amendment