

Transition Team Ethics Improvement Act

Section 1. Short Title.

Identifies the act as the “Transition Team Ethics Improvement Act.”

Section 2. Presidential Transition Ethics Plans.

Amends the Presidential Transition Act of 1963 (3 U.S.C. 102) by inserting:

In Subsection 3(f). Requires the President-elect to submit the names of transition team members who apply for security clearances, as well as the names of individuals who receive security clearances, to the Senate Committee on Homeland Security and Government Affairs and the House Committee on Oversight and Government Reform.

In Subsection 4(a). Defines “nonpublic information” as information that a transition team member gains by reason of his or her interactions with the Federal Government as part of employment on the transition that the transition team member knows, or reasonably should know, has not been made available to the general public. The definition includes information that a transition team member knows, or reasonably should know, is exempt from disclosure under the law governing agency disclosure of information (5 U.S.C. § 552) or is otherwise protected by law from disclosure or that is not authorized by the appropriate government agency or official to be released to the public.

In Subsection 4(g). Requires eligible candidates, as part of the memorandum of understanding each candidate must negotiate with the existing Administration by October 1st of an election year, to agree to implement and enforce ethics plans during the transition period. Ethics plans should include, at a minimum, a description of ethics requirements that will apply to the transition team; how the transition team will enforce its ethics plan; and how the transition team will address a variety of conflicts of interests, including those posed by lobbyists and foreign agents registered under the Foreign Agents Registration Act (FARA). In addition, ethics plans must be posted publicly and include a formal code of ethical conduct that transition team members must sign that includes, at a minimum, restrictions on the use of nonpublic information.

In Subsection 6(b). Expands the disclosures required of transition team members designated to a Federal department or agency transition team (“landing team members”). Additional disclosures include all positions the transition team member has held outside the Federal government in the previous 12-month period; sources of compensation exceeding \$5,000 a year for the previous 12-month period; a description of the member’s role on the transition and any expected recusals; and affirmation that the individual has no conflicts of interest. This section also prohibits the head of any Federal agency or their designee from permitting a transition team members’ access to the agency or agency employees until making the disclosures required above.