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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend title 5, United States Code, to require additional ethics disclosures for the President, Vice President, and their family members, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. COMER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 5, United States Code, to require additional ethics disclosures for the President, Vice President, and their family members, 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 “Presidential Ethics Re-
5 form Act”.

1 **SEC. 2. ADDITIONAL REPORTING REQUIREMENTS FOR**
2 **PRESIDENTS AND VICE PRESIDENTS.**

3 (a) ADDITIONAL ETHICS REPORTING REQUIRE-
4 MENTS FOR PRESIDENTS AND VICE PRESIDENTS.—Sec-
5 tion 13103 of title 5, United States Code, is amended—

6 (1) by redesignating subsection (i) as subsection
7 (j);

8 (2) by inserting after subsection (h) the fol-
9 lowing new subsection:

10 “(i) ADDITIONAL ETHICS REPORTS FOR PRESIDENTS
11 AND VICE PRESIDENTS.—

12 “(1) UPON ENTERING.—Within 30 days of as-
13 suming the office of President or Vice President, an
14 individual shall file a report containing the informa-
15 tion described in each of subsections (j) through (m)
16 of section 13104 with respect to the 2 years pre-
17 ceding the assumption of such office.

18 “(2) ADDITIONAL ANNUAL REPORTS.—Any in-
19 dividual who occupies the office of President or Vice
20 President shall file on or before May 15 a report
21 containing, with respect to the prior calendar year
22 for which such individual occupies the office, the in-
23 formation described in each of subsections (j)
24 through (o) of section 13104.

25 “(3) POST-DEPARTURE REPORTS.—

1 “(A) INITIAL POST-DEPARTURE REPORT.—
2 Following the date on which an individual
3 ceases to occupy the office of President or Vice
4 President, such individual shall file a report
5 containing, with respect to the final calendar
6 year during which such individual occupied the
7 office and any applicable partial calendar year
8 immediately preceding such date, the informa-
9 tion described in each of subsections (j) through
10 (o) of section 13104—

11 “(i) on or before the first-occurring
12 May 15 after the full regular term in office
13 of the individual has ended; or

14 “(ii) within 30 calendar days of the
15 date that such individual ceases to occupy
16 office if such date is prior to the end of
17 their full regular term in office.

18 “(B) SUBSEQUENT POST-DEPARTURE RE-
19 PORTS.—Beginning on the date that is one year
20 after the date on which an individual ceased to
21 occupy the office of President or Vice President
22 and annually thereafter, such individual shall
23 file on or before May 15 a report containing,
24 with respect to the prior year, the information

1 described in each of subsections (j) through (m)
2 of section 13104.

3 “(C) DURATION.—The requirement under
4 subparagraph (B) ends on the first-occurring
5 May 15 following the date that is 2 years after
6 the date on which such individual ceased to oc-
7 cupy such office.

8 “(4) REPORTS REQUIRING PERIODIC UP-
9 DATES.—With respect to an individual required to
10 submit a report under paragraphs (1) through (3),
11 such individual shall—

12 “(A) with respect to subsection (n), submit
13 an addendum to the report required under
14 paragraphs (2) and (3)(A) to the entities under
15 paragraph (5)(A) within 30 days of a new con-
16 flict of interest becoming known; and

17 “(B) with respect to subsection (o), submit
18 an addendum to the report required under
19 paragraphs (2) and (3)(A) to the entities des-
20 ignated under paragraph (5) within 30 days of
21 a relative accompanying such individual on offi-
22 cial travel.

23 “(5) SUBMISSION OF REPORTS.—

24 “(A) IN GENERAL.—Each report or adden-
25 dum required to be submitted under this sub-

1 section shall be submitted to the following enti-
2 ties:

3 “(i) The Committee on Oversight and
4 Accountability of the House of Representa-
5 tives.

6 “(ii) The Judiciary Committee of the
7 Senate.

8 “(iii) The Director of the Office of
9 Government Ethics to be made publicly
10 available by the Director within 30 days of
11 receipt, in conformity with the require-
12 ments under paragraph (6).

13 “(B) ADDITIONAL ENTITIES.—In the case
14 of subsection (o), the report or addendum shall
15 also be submitted to the following:

16 “(i) The Committee on Armed Serv-
17 ices of the House of Representatives.

18 “(ii) The Permanent Select Com-
19 mittee on Intelligence of the House of Rep-
20 resentatives.

21 “(iii) The Committee on Armed Serv-
22 ices of the Senate.

23 “(iv) The Select Committee on Intel-
24 ligence of the Senate.

1 “(v) The Director of the White House
2 Military Office to be made publicly avail-
3 able by the Director within 30 days of re-
4 ceipt, in conformity with the requirements
5 under paragraph (6).

6 “(6) AVAILABILITY OF REPORTS.—The applica-
7 ble reports under paragraph (5) shall be made pub-
8 licly available on a website, which may utilize an ex-
9 isting government website, in a manner that—

10 “(A) allows the public to search, sort, fil-
11 ter, and download reports by the category of
12 additional reports required under this sub-
13 section, the filer name or name of the filer’s rel-
14 ative, or a date or the date range of the period
15 covered by the report; and

16 “(B) is fully compliant with the web design
17 requirements under subsection (a) of section 3
18 of the 21st Century Integrated Digital Experi-
19 ence Act (44 U.S.C. 3501 note).”; and

20 (3) in subsection (j) as redesignated by para-
21 graph (1), by inserting “, except subsection (i),”
22 after “under this section”.

23 (b) CONTENTS OF ADDITIONAL ETHICS REPORTS.—
24 Section 13104 of title 5, United States Code, is amended
25 by adding at the end the following new subsections:

1 “(j) GIFTS.—Each report filed pursuant to section
2 13103(i) shall include a full and complete statement with
3 respect to each gift valued at more than \$10,000—

4 “(1) received by such individual during the ap-
5 plicable time period from a relative; and

6 “(2) received by a relative during the applicable
7 time period.

8 “(k) LOANS.—Each report filed pursuant to section
9 13103(i) shall include a full and complete statement with
10 respect to all loans or loan repayments, including the
11 terms and repayment schedules of each such loan or loan
12 repayment, made during the applicable time period—

13 “(1) to such individual by a relative; or

14 “(2) to a relative of such an individual in an
15 amount greater than \$10,000, other than commer-
16 cial loans or repayments thereof, which may include
17 loans that have customary interest rates based on
18 commonly accepted categories of loans and that are
19 evidenced by a written instrument between parties
20 that defines the terms of repayment.

21 “(l) FOREIGN PAYMENTS.—

22 “(1) Each report filed pursuant to section
23 13103(i) shall include a full and complete statement
24 with respect to any payment, transfer, or other item
25 of value received during the applicable time period

1 by such individual or a relative of such individual
2 from a foreign principal or a foreign principal's
3 agent, representative, employee, or servant.

4 “(2) In this subsection, the term ‘foreign prin-
5 cipal’ includes—

6 “(A) a government of a foreign country
7 and a foreign political party;

8 “(B) a person outside of the United
9 States, unless it is established that such person
10 is an individual and a citizen of and domiciled
11 within the United States, or that such person is
12 not an individual and is organized under or cre-
13 ated by the laws of the United States or of any
14 State or other place subject to the jurisdiction
15 of the United States and has its principal place
16 of business within the United States; and

17 “(C) a partnership, association, corpora-
18 tion, organization or other combination of per-
19 sons organized under the laws of or having its
20 principal place of business in a foreign country.

21 “(m) FEDERAL INCOME TAX RETURNS.—

22 “(1) IN GENERAL.—Each report filed pursuant
23 to section 13103(i) shall include a copy of each ap-
24 plicable Federal income tax return with respect to
25 the reporting individual for any taxable year which

1 ends in or with the time period covered by such re-
2 port. In the case of any such income tax return
3 which is not filed with the Internal Revenue Service
4 before the date on which such report is filed, such
5 return shall be submitted under section 13103(i) not
6 later than 30 days after the date that such income
7 tax return is filed with the Internal Revenue Service.

8 “(2) CONFIDENTIALITY.—Before making pub-
9 licly available any income tax return under this sub-
10 chapter, the Director of the Office of Government
11 Ethics shall redact such information as the Director
12 determines is necessary for protecting against iden-
13 tity theft, such as social security numbers.

14 “(3) APPLICABLE FEDERAL INCOME TAX RE-
15 TURN.—For purposes of this subsection, the term
16 ‘applicable Federal income tax return’ means any
17 Federal income tax return of—

18 “(A) a reporting individual;

19 “(B) an individual who is married (within
20 the meaning of section 7703(a) of the Internal
21 Revenue Code of 1986) to a reporting indi-
22 vidual for the taxable year to which such return
23 relates;

24 “(C) any corporation or partnership which
25 is controlled by any individual described in sub-

1 paragraph (A) or (B) at any time during the
2 taxable year to which such return relates;

3 “(D) the estate of any person described in
4 (A) or (B) or any estate with respect to which
5 any person described in subparagraph (A), (B),
6 or (C) is an executor, or beneficiary at any time
7 during the taxable year to which such return
8 relates; and

9 “(E) any trust with respect to which any
10 person described in subparagraph (A), (B), (C),
11 or (D) is a grantor, fiduciary or beneficiary, or
12 for which another trust described in this sub-
13 paragraph is a grantor or beneficiary, at any
14 time during the taxable year to which such re-
15 turn relates.

16 Such term shall include any schedule, attachment, or
17 other document filed with such return.

18 “(4) CONTROL.—For purposes of paragraph
19 (3)(C)—

20 “(A) IN GENERAL.—Except as otherwise
21 provided in this paragraph, control shall be de-
22 termined under the rules of paragraphs (2) and
23 (3) of section 6038(e) of the Internal Revenue
24 Code of 1986 (determined without regard to
25 subparagraphs (A) and (B) of such paragraph

1 (2) and without regard to subparagraph (C) of
2 paragraph (3) thereof).

3 “(B) RESTRICTION ON FAMILY ATTRIBU-
4 TION.—

5 “(i) IN GENERAL.—Except as pro-
6 vided in clause (ii), for purposes of apply-
7 ing subparagraph (A)—

8 “(I) section 318 of the Internal
9 Revenue Code of 1986 shall be ap-
10 plied without regard to subsection
11 (a)(1)(A)(ii) thereof; and

12 “(II) section 267(c) of the Inter-
13 nal Revenue Code of 1986 shall be ap-
14 plied by treating the family of an indi-
15 vidual as including only such individ-
16 ual’s spouse (in lieu of the application
17 of paragraph (4) thereof).

18 “(ii) EXCEPTION FOR RECENT TRANS-
19 FER TO FAMILY MEMBERS.—For purposes
20 of determining whether any corporation or
21 partnership is controlled by a reporting in-
22 dividual under paragraph (3)(C) for any
23 taxable year, clause (i) shall not apply if
24 such corporation or partnership was con-
25 trolled by such reporting individual (after

1 application of clause (i)) at any time dur-
2 ing the 4 immediately preceding taxable
3 years.

4 “(5) APPLICATION TO AMENDED RETURNS.—
5 For purposes of this paragraph (1), any amendment
6 or supplement to a return of tax shall be treated as
7 for the taxable year to which the underlying return
8 relates.

9 “(n) CONFLICTS OF INTEREST.—

10 “(1) IN GENERAL.—Each report filed pursuant
11 to section 13103(i) shall include a full and complete
12 statement with respect to each instance during the
13 applicable time period in which the reporting indi-
14 vidual or a relative of such individual—

15 “(A) knows that a particular matter in-
16 volving specific parties had a direct effect or is
17 likely to have both a direct and predictable ef-
18 fect on the financial interest of such individual
19 or such relative; or

20 “(B) knows that a person with whom the
21 individual or such relative has a covered rela-
22 tionship, as described in paragraph (2), is or
23 represents a party to such matter.

24 “(2) COVERED RELATIONSHIP.—With respect
25 to a particular matter involving specific parties, an

1 individual or relative has a covered relationship with
2 such a party or a representative of such a party if
3 the individual or relative—

4 “(A) has served, is serving, or is seeking to
5 serve as an officer, director, trustee, general
6 partner, agent, attorney, consultant, contractor
7 or employee of the party or a representative;

8 “(B) otherwise has or seeks a business,
9 contractual, or other financial relationship with
10 the party or a representative that involves other
11 than a routine consumer transaction;

12 “(C) is a member of the household of the
13 party or is otherwise a family member of the
14 party or a representative with a close personal
15 relationship; or

16 “(D) is otherwise an active participant in
17 an organization in which the party or a rep-
18 resentative is also an active participant.

19 “(3) DEFINITIONS.—In this subsection:

20 “(A) DIRECT AND PREDICTABLE EF-
21 FECT.—For the purposes of the term ‘direct
22 and predictable effect’—

23 “(i) a ‘direct effect’ (of a particular
24 matter on a financial interest)—

1 “(I) is characterized by a close
2 causal link between any decision or
3 action to be taken in the matter and
4 any effect or expected effect of the
5 matter on the financial interest, even
6 if the effect does not occur imme-
7 diately;

8 “(II) is not characterized by—

9 “(aa) an attenuated chain of
10 causation or a chain of causation
11 contingent upon the occurrence
12 of events that are speculative or
13 that are independent of, and un-
14 related to, the matter; or

15 “(bb) an effect on a finan-
16 cial interest only as a con-
17 sequence of effects on the general
18 economy; and

19 “(ii) a ‘predictable effect’ (of a par-
20 ticular matter on a financial interest) is
21 characterized by a reasonable expectation
22 of a real, as opposed to a speculative possi-
23 bility, that the matter will affect the finan-
24 cial interest regardless of whether the mag-
25 nitude of the gain or loss be known, or the

1 dollar amount of the gain or loss is imma-
2 terial.

3 “(B) PARTICULAR MATTER INVOLVING
4 SPECIFIC PARTIES.—The term ‘particular mat-
5 ter involving specific parties’ means any judicial
6 or other proceeding, application, request for a
7 ruling or other determination, contract, claim,
8 controversy, investigation, charge, accusation,
9 arrest or other particular matter involving a
10 specific party or parties in which the United
11 States is a party or has a direct and substantial
12 interest.

13 “(o) ACCOMPANIMENT ON OFFICIAL TRAVEL.—

14 “(1) IN GENERAL.—Each report or addendum
15 filed pursuant to section 13103(i) shall, with respect
16 to the applicable time period, include a full and com-
17 plete statement with respect to the following:

18 “(A) Each instance on which a relative
19 (other than a minor child) accompanied the re-
20 porting individual on official travel and a de-
21 scription of the official purpose for the relative
22 to accompany the reporting individual, includ-
23 ing a listing of related events and meetings on
24 the trip which the relative attended.

1 “(B) Each instance on which the accom-
2 paniment of the relative under subparagraph
3 (A) also related to a commercial purpose.

4 “(C) A description of each commercial pur-
5 pose under subparagraph (B) to which the ac-
6 companiment under subparagraph (A) is re-
7 lated.

8 “(D) The name, professional title or role,
9 and associated entity of each person involved in
10 any meeting or other engagement or activity
11 with the relative relating to each commercial
12 purpose described in subparagraph (C).

13 “(E) Each instance on which the accom-
14 paniment of the relative under subparagraph
15 (A) included a meeting with a foreign principal
16 that otherwise exceeded the scope of the official
17 purpose of the travel described in subparagraph
18 (A).

19 “(2) CLASSIFIED ANNEX.—The reporting indi-
20 vidual may submit a classified annex to the report
21 or addendum required under this subsection to pro-
22 tect properly classified national security information.

23 “(p) INFORMATION RELATING TO RELATIVES.—

24 “(1) IN CASE OF ESTRANGEMENT.—With re-
25 spect to each report or addendum required by sec-

1 tion 13103(i) containing the information required in
2 each of subsections (j) through (o), the reporting in-
3 dividual may exclude the information of any relative
4 if the reporting individual—

5 “(A) certifies to the Director of the Office
6 of Government Ethics that the reporting indi-
7 vidual—

8 “(i) engaged in a sustained and dili-
9 gent effort to contact or connect with any
10 such relative in order to acquire the rel-
11 evant information from any such relative;
12 and

13 “(ii) is unable to acquire relevant in-
14 formation from any such relative to comply
15 with the reporting requirements under sub-
16 sections (j) through (o) despite the effort
17 engaged in under clause (i); and

18 “(B) provides documentation of such en-
19 gagement.

20 “(2) IN CASE OF RELATIVE WHO IS A FEDERAL
21 EMPLOYEE OR OFFICEHOLDER.—With respect to
22 each report or addendum required by section
23 13103(i) containing the information required in each
24 of subsections (j) through (o), the reporting indi-
25 vidual may exclude the information of any relative if

1 the reporting individual certifies to the Director of
2 the Office of Government Ethics that such informa-
3 tion is required to be disclosed by such relative
4 under other provisions of this subchapter.

5 “(3) DEFINITION OF RELATIVE.—With respect
6 to each report or addendum required by section
7 13103(i) containing the information required in each
8 of subsections (j) through (o), the term ‘relative’
9 means any of the following:

- 10 “(A) Father.
11 “(B) Mother.
12 “(C) Son.
13 “(D) Daughter.
14 “(E) Brother.
15 “(F) Sister.
16 “(G) Husband.
17 “(H) Wife.
18 “(I) Father-In-Law.
19 “(J) Mother-In-Law.
20 “(K) Son-In-Law.
21 “(L) Daughter-In-Law.
22 “(M) Brother-In-Law.
23 “(N) Sister-In-Law.
24 “(O) Stepfather.
25 “(P) Stepmother.

- 1 “(Q) Stepson.
- 2 “(R) Stepdaughter.
- 3 “(S) Stepbrother.
- 4 “(T) Stepsister.
- 5 “(U) Half-Brother.
- 6 “(V) Half-Sister.”.