

AMENDMENT TO THE RULES COMMITTEE PRINT

116-7

OFFERED BY MS. TLAIB OF MICHIGAN

After section 8005, insert the following:

1 **SEC. 8006. CONFLICTS OF INTEREST LAW EXPANSIONS.**

2 Section 208 of title 18, United States Code, as
3 amended by section 7301, is further amended by adding
4 at the end the following:

5 “(f)(1) In this subsection, the term ‘Executive agen-
6 cy’ means—

7 “(A) has the meaning given the term in section
8 105 of title 5; and

9 “(B) includes the Executive Office of the Presi-
10 dent.

11 “(2)(A) No individual appointed to a position in an
12 Executive agency by and with the advice and consent of
13 the Senate may own or trade any individual stock, bond,
14 commodity, future, and other form of security, including
15 an interest in a hedge fund, a derivative, option, or other
16 complex investment vehicle if the designated agency ethics
17 official of the agency that employs the individual deter-
18 mines that the value of the stock or security may be di-
19 rectly influenced by an action of the Executive agency.

1 “(B) Subparagraph (A) shall not apply to—

2 “(i) a widely held investment fund described in
3 section 102(f)(8) of the Ethics in Government Act of
4 1978 (5 App. U.S.C. 102(f)(8)), if such investment
5 meets the requirements described in section
6 105(b)(2) of the Anti-Corruption and Public Integ-
7 rity Act;

8 “(ii) shares of Settlement Common Stock issued
9 under section 7(g)(1)(A) of the Alaska Native
10 Claims Settlement Act (43 U.S.C. 1606(g)(1)(A));
11 or

12 “(iii) shares of Settlement Common Stock, as
13 defined in section 3 of the Alaska Native Claims
14 Settlement Act (43 U.S.C. 1602).

15 “(C) Whoever violates subparagraph (A) shall be
16 punished as provided in section 216.

17 “(D) The designated agency ethics official of the
18 agency may waive subparagraph (A) for an officer or em-
19 ployee of an Executive agency on a case-by-case basis if
20 the designated agency ethics official of the agency—

21 “(i) determines that there is no possibility for,
22 or the appearance of, a conflict of interest; or

23 “(ii) approves a plan for necessary recusals that
24 ensures that no conflict of interest exists.

1 “(3)(A) Each officer and employee of any Executive
2 agency shall be recused from, and may not in any way
3 attempt to use their official position to influence, any par-
4 ticular matter, including an adjudication, procurement, or
5 rulemaking, that the officer or employee knows is likely
6 to have a direct and predictable effect on the financial in-
7 terest of—

8 “(i) any person for whom the officer or
9 employee had, during the previous 4-year pe-
10 riod, served as an officer, director, trustee, gen-
11 eral partner, agent, attorney, consultant, con-
12 tractor, employee, or direct competitor; or

13 “(ii) any organization other than a political
14 organization described in section 527(e) of the
15 Internal Revenue Code of 1986 in which the
16 employee is an active participant.”.

