

S 1811

Presidential Appointments Improvement Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Dec 12, 2001

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 378.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 378. (May 16, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/1811>

Sponsor

Name: Sen. Thompson, Fred [R-TN]

Party: Republican • State: TN • Chamber: Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Akaka, Daniel K. [D-HI]	D · HI		Dec 12, 2001
Sen. Durbin, Richard J. [D-IL]	D · IL		Dec 12, 2001
Sen. Lieberman, Joseph I. [D-CT]	D · CT		Dec 12, 2001
Sen. Lugar, Richard G. [R-IN]	R · IN		Dec 12, 2001
Sen. Voinovich, George V. [R-OH]	R · OH		Dec 12, 2001

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Reported By	May 16, 2002

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

No related bills are listed.

Presidential Appointments Improvement Act of 2002 - Amends the Ethics in Government Act of 1978 to set forth separate, revised financial disclosure reporting requirements for executive branch personnel that eliminate, raise the thresholds for, or reduce the categories of value under specified current requirements.

Requires a person to file a financial disclosure report within 30 days of taking the oath of office of President or Vice President, unless the person is the incumbent in such position.

Revises termination reporting requirements to except from filing a report any individual who, after terminating employment in an executive branch position, takes the oath of office for another executive or legislative branch position.

Requires disclosure of: (1) the source, description, and category of income from any source (other than from current employment by the U.S. Government) aggregating more than \$500 in a year, while continuing to require that honoraria received during Government service include, in addition to the source, the exact amount and date it was received; and (2) the source and description of investment income which exceeds \$500 in a year. Sets forth five (currently, ten) categories for reporting such amounts.

Requires the reporting of the identity and category of value of: (1) any interest in property held in a year in a trade or business or for investment or the production of income which has a fair market value which exceeds \$5,000 (currently, \$1,000), or any deposit accounts aggregating \$100,000 or less in a financial institution, or any Government securities aggregating \$100,000 or less; and (2) total liabilities owed to any creditor other than a spouse, parent, brother, sister, or child which exceed \$20,000 in a year (currently, \$10,000) and revolving charge accounts with an outstanding liability which exceeds \$20,000 (currently \$10,000). Requires Presidential nominees confirmed by the Senate to also report the aggregate sum of the outstanding balances of all such accounts if the aggregate sum of those balances exceeds \$20,000.

Modifies requirements regarding the reporting of any purchase, sale, or exchange which exceeds \$1,000 in real property (other than a personal residence) or stocks, bonds, commodities futures, and other securities to require a brief description of any such property if: (1) purchased, sold, or exchanged; (2) the value of the transaction exceeded \$5,000; and (3) the property or security is not already required to be reported as investment income which exceeds \$500 or as an asset (any interest in property held in a year in a trade or business or for investment or the production of income) which has a fair market value exceeding \$5,000. Repeals the reporting exclusion for any transaction solely by and between the reporting individual, his spouse, or dependent children.

Reduces, with respect to the first report filed by an individual, the looking-back period from two years to one year for reporting the identity of all major positions held in organizations other than the Federal Government. Raises from \$5,000 to \$25,000 the threshold for the reporting by non-elected individuals of compensation received for personal services in the year prior to or the year in which the individual files a first report. Excepts from inclusion in such report any information about which the person for whom the services are provided has a reasonable expectation of privacy.

Repeals the requirement for reporting the dates of agreements or arrangements between a filer and a prior employer, but requires any formal agreement for future employment to include the date on which that agreement was entered into.

Authorizes the Office of Government Ethics (the Office) to require a reporting period with respect to any individual who is an officer or employee and who performs his or her duties in excess of 60 days in a year to include any period in which the individual served as an officer or employee if such period would not otherwise be covered by any public report filed

pursuant to this Act.

Reduces from 11 to 5 the value categories for reporting any interest in property held in a trade or business or for investment or the production of income. Establishes new categories for reporting total liabilities and any interest in a qualified blind trust.

Requires reports with respect to the spouse or dependent child of the reporting individual to include the sources of income earned by the spouse, including honoraria, which exceeds \$500 (currently \$1,000), except that if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported. Allows spouses to report income in valuation categories rather than by exact amount.

Repeals the requirement that a reporting individual, after a qualified blind trust is approved by his or her supervising ethics office, file with such office a copy of a list of the assets which were transferred to such trust and the category of each asset.

Declares that new filers and Presidential nominees will not be required to report the holdings or sources of income of any trust or investment fund where: (1) reporting would result in the disclosure of assets or income of another person whose interests are not required to be reported; (2) the disclosure of information is prohibited by contract or the information is otherwise not publicly available; and (3) the reporting individual agrees to divest the interest within 90 days. Applies such exception to certain other reporting individuals under limited circumstances.

Requires designated agency ethics officers to submit to the Office monthly notification of any waivers of criminal conflict of interest laws respecting a filing that is not confidential. Requires the Office to make publicly available on the Internet all such notifications and notification of all waivers granted by the Office. Requires a full copy of any waiver to be included with any filing required under this Act in the year in which it is granted. Requires the Office to provide any waiver on file for which notice has been published, upon request.

Increases from \$200 to \$500 the fee for filing late reports. Allows the waiver of such fee for good cause shown (currently, in extraordinary circumstances).

Requires the Director, the Secretary concerned, or the designated agency ethics official to notify an individual if additional information is required to complete the form or perform a conflict of interest analysis.

Repeals the requirement that the Comptroller General conduct annual studies to determine compliance with financial disclosure requirements.

Excepts from the definition of "gift" items that are accepted pursuant to or are required to be reported under the Foreign Gifts and Decorations Act. Revises the definition of: (1) "honoraria" to mean a payment of money or anything of value for an appearance, speech, or article; and (2) "income" to include prizes and awards.

Requires an individual to submit monthly notifications of actions taken to comply with this Act or any other laws or regulations governing conflicts of interest or standards of conduct for Government employees until the individual has met the terms of any compliance agreement.

(Sec. 5) Requires the Executive Clerk of the White House, within 15 days after a major party nominates its candidate for President, to transmit to that candidate an electronic record on presidentially appointed positions.

(Sec. 6) Requires each Federal agency to submit to the President and specified congressional committees a plan

providing for the reduction of the number of positions and the levels of positions within that agency that require an appointment by the President.

(Sec. 7) Requires the Director of the Office to review the conflict of interest laws relating to Federal employment and to report recommendations for legislation to improve coordination, uniformity, and efficiency in their administration.

### **Actions Timeline**

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- **May 16, 2002:** Committee on Governmental Affairs. Reported by Senator Lieberman with amendments. With written report No. 107-152. Additional views filed.
- **May 16, 2002:** Committee on Governmental Affairs. Reported by Senator Lieberman with amendments. With written report No. 107-152. Additional views filed.
- **May 16, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 378.
- **Mar 21, 2002:** Committee on Governmental Affairs. Ordered to be reported with amendments favorably.
- **Dec 12, 2001:** Introduced in Senate
- **Dec 12, 2001:** Sponsor introductory remarks on measure. (CR S13053-13057)
- **Dec 12, 2001:** Read twice and referred to the Committee on Governmental Affairs.