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S. 1196

To require Executive agencies to limit the use of special Government employees to 130 days, to require the maintenance of a public database of certain special Government employees, to require the release of financial disclosures filed by certain special Government employees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2025

Mr. LUJÁN (for himself, Ms. WARREN, Mr. SCHIFF, Mr. WYDEN, Mr. KELLY, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require Executive agencies to limit the use of special Government employees to 130 days, to require the maintenance of a public database of certain special Government employees, to require the release of financial disclosures filed by certain special Government employees, 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 “Special Government
5 Employees Transparency Act of 2025”.

1 **SEC. 2. LIMITATION ON THE USE OF SPECIAL GOVERN-**
2 **MENT EMPLOYEES.**

3 (a) DEFINITION.—In this section, the term “special
4 Government employee” means an individual who—

5 (1) qualifies as a special Government employee
6 under section 202(a) of title 18, United States Code,
7 or any other provision of Federal law; and

8 (2) is employed by an agency, department, of-
9 fice, or other entity within the executive branch of
10 the United States Government, without regard to
11 whether employees of that agency, department, of-
12 fice, or entity are subject to the requirements of title
13 5, United States Code.

14 (b) ESTABLISHMENT OF LIMIT.—Notwithstanding
15 any other provision of law—

16 (1) an individual who otherwise qualifies as a
17 special Government employee shall cease to be a spe-
18 cial Government employee after having served as a
19 special Government employee for 130 days, regard-
20 less of whether those days were consecutive, during
21 any period of 365 consecutive days; and

22 (2) if an individual described in paragraph (1)
23 exceeds the 130-day threshold described in that
24 paragraph—

25 (A) the employing authority of the indi-
26 vidual shall, not later than 30 days after the

1 date of cessation of such special Government
2 employee status—

3 (i) determine the appropriate employ-
4 ment classification for the individual in ac-
5 cordance with applicable civil service laws
6 and regulations, including which position
7 the individual shall be considered to occupy
8 beginning on the date of that determina-
9 tion;

10 (ii) with respect to the individual, fol-
11 low an appropriate applicable Federal per-
12 sonnel framework in a manner consistent
13 with the duties and responsibilities of the
14 position in which the individual is serving
15 as determined under clause (i) and with
16 the personnel management policies of the
17 employing authority; and

18 (iii) provide written notice to the indi-
19 vidual—

20 (I) of the new classification de-
21 termination required under clause (i);
22 and

23 (II) that the individual may ap-
24 peal or seek review of the new classi-
25 fication determination through appeal

1 and review procedures applicable to
2 the position in which the individual is
3 serving as determined under clause
4 (i); and

5 (B) the individual shall be subject to all
6 applicable provisions of law, including legal obli-
7 gations and rights, relating to employees occu-
8 pying the position in which the individual is
9 serving as determined under subparagraph
10 (A)(i).

11 (c) COUNTING DAYS OF SERVICE.—For purposes of
12 subsection (b), 1 full day of service shall be counted to-
13 ward the 130-day limit described in subsection (b)(1) for
14 each day—

15 (1) during which an individual has provided any
16 service as a special Government employee that is
17 purely administrative in nature, such as making a
18 brief telephone call to confirm the date of a meeting
19 or completing and filing personnel paperwork, for
20 more than 1 hour;

21 (2) during which the individual has performed
22 any service as a special Government employee, such
23 as reading official materials or substantively pre-
24 paring for a meeting, that is not purely administra-

1 (2) APPROPRIATE CONGRESSIONAL PARTIES.—

2 The term “appropriate congressional parties”
3 means—

4 (A) the Committee on Homeland Security
5 and Governmental Affairs of the Senate;

6 (B) the Committee on Oversight and Gov-
7 ernment Reform of the House of Representa-
8 tives;

9 (C) the majority leader of the Senate;

10 (D) the Speaker of the House of Rep-
11 resentatives;

12 (E) the minority leader of the Senate; and

13 (F) the minority leader of the House of
14 Representatives.

15 (3) COVERED SPECIAL GOVERNMENT EM-
16 PLOYEE.—The term “covered special Government
17 employee” means any individual—

18 (A) who qualifies as a special Government
19 employee under section 202(a) of title 18,
20 United States Code, or any other provision of
21 Federal law; and

22 (B)(i) who is not serving on an advisory
23 committee;

1 (ii) whose responsibilities are substantially
2 comparable to the types of duties that are clas-
3 sified at the GS-11 level or above; and

4 (iii) who is not appointed to a position in
5 the civil service that may only be filled by a
6 full-time student enrolled in an institution of
7 higher education, as defined in section 102 of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1002).

10 (4) DIRECTOR.—The term “Director” means
11 the Director of the Office of Personnel Management.

12 (5) EXECUTIVE AGENCY.—The term “Executive
13 agency”—

14 (A) has the meaning given the term in sec-
15 tion 105 of title 5, United States Code; and

16 (B) includes the Executive Office of the
17 President.

18 (6) NATIONAL DEFENSE INFORMATION.—The
19 term “national defense information” has the mean-
20 ing given the term “classified information” in sec-
21 tion 798(b) of title 18, United States Code.

22 (7) SGE DATABASE.—The term “SGE Data-
23 base” means the database established under sub-
24 section (b)(1).

25 (b) SGE DATABASE.—

1 (1) ESTABLISHMENT.—Not later than 210 days
2 after the date of enactment of this Act, the Director,
3 in consultation with the Director of the Office of
4 Government Ethics, shall establish a searchable,
5 sortable database for the public release of, with re-
6 spect to each covered special Government em-
7 ployee—

8 (A) the name of the covered special Gov-
9 ernment employee;

10 (B) the title of the position of the covered
11 special Government employee;

12 (C) the rate of basic pay, if any, of the
13 covered special Government employee;

14 (D) the employing Executive agency of the
15 covered special Government employee;

16 (E) the employing organizational compo-
17 nent of the employing Executive agency of the
18 covered special Government employee;

19 (F) the appointment date of the covered
20 special Government employee; and

21 (G) if applicable, the termination date of
22 the covered special Government employee.

23 (2) PUBLIC AVAILABILITY.—

24 (A) IN GENERAL.—The SGE Database
25 shall be accessible to the public through the of-

1 ficial website of the Office of Personnel Man-
2 agement without charge and without a require-
3 ment that users register for access.

4 (B) REQUIREMENTS.—The Director shall
5 ensure that the SGE Database—

6 (i) allows access through an applica-
7 tion programming interface; and

8 (ii) is fully compliant with—

9 (I) section 508 of the Rehabilita-
10 tion Act of 1973 (29 U.S.C. 794d);
11 and

12 (II) the most recent Web Content
13 Accessibility Guidelines (or successor
14 guidelines).

15 (3) CURRENCY OF INFORMATION.—The head of
16 each Executive agency shall—

17 (A) notify the Director of each appoint-
18 ment, designation, conversion, termination, or
19 other personnel action involving or affecting a
20 covered special Government employee not later
21 than 30 days after the date of such personnel
22 action; and

23 (B) from time to time, review information
24 contained in the SGE Database that pertains to

1 that Executive agency to ensure that the infor-
2 mation is current, complete, and accurate.

3 (4) OVERSIGHT OF SUBMISSIONS.—

4 (A) IN GENERAL.—The Director shall con-
5 duct such periodic audits as may be necessary
6 to ensure that Executive agencies have estab-
7 lished adequate procedures for submitting cur-
8 rent, complete, and accurate information relat-
9 ing to covered special Government employees
10 for inclusion in the SGE Database.

11 (B) REPORT.—Not later than 3 years after
12 the date of enactment of this Act, the Director
13 shall submit a report to the appropriate con-
14 gressional parties that—

15 (i) describes the efforts undertaken to
16 comply with paragraph (1); and

17 (ii) assesses the degree to which infor-
18 mation in the SGE Database is current,
19 complete, and accurate.

20 (c) PUBLIC AVAILABILITY OF FINANCIAL DISCLO-
21 SURE REPORTS.—Notwithstanding section 13109 of title
22 5, United States Code, each Executive agency shall make
23 publicly available any financial disclosure report filed by
24 a covered special Government employee with the Executive
25 agency after the date of enactment of this Act, using the

1 procedures established under section 13107 of title 5,
2 United States Code, except that this subsection shall not
3 apply to any financial disclosure report—

4 (1) that is filed by an individual described in
5 paragraph (1) or (2) of section 13107(a) of title 5,
6 United States Code;

7 (2) that is filed by a special Government em-
8 ployee who is not a covered special Government em-
9 ployee; or

10 (3) that contains national defense information.

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