

119TH CONGRESS
1ST SESSION

S. 1491

To amend title 18, United States Code, to modify the definition of special Government employee, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2025

Ms. WARREN (for herself, Mr. SCHUMER, Mr. PETERS, Mr. LUJÁN, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Ms. HIRONO, Mr. PADILLA, Mr. SCHIFF, Mr. WELCH, and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 18, United States Code, to modify the definition of special Government employee, 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 “SGE Ethics Enforce-
5 ment Reform Act of 2025” or the “SEER Act 2025”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Some special Government employees have
2 substantial financial conflicts of interest due to their
3 other business activities while in Federal service.

4 (2) Special Government employees are subject
5 to the criminal conflict-of-interest statute applicable
6 to full-time Government employees, section 208 of
7 title 18, United States Code. However, Federal em-
8 ployees, including special Government employees, do
9 not have to resolve conflicts under that provision if
10 the relevant work does not constitute a particular
11 matter.

12 (3) Unlike senior executive branch employees
13 under chapter 131 of title 5, United States Code,
14 the vast majority of special Government employees
15 are not required to make their financial disclosure
16 reports public, thus concealing from the public their
17 potential financial conflicts of interest.

18 (4) The vast majority of special Government
19 employees in the Federal Government serve on advi-
20 sory committees and have a limited role in Govern-
21 ment decision-making. But a select number of spe-
22 cial Government employees have assumed authority
23 within the Federal Government commensurate with
24 a senior or very senior full-time Federal employee.

1 (5) The executive branch has not notified the
2 public or Congress when it uses special Government
3 employees to perform high-level responsibilities.

4 (6) The executive branch has permitted employ-
5 ees to retain special Government employee status be-
6 yond the statutory limit of 130 days during any pe-
7 riod of 365 consecutive days.

8 **SEC. 3. CONFLICTS OF INTEREST.**

9 Title 18, United States Code, is amended—

10 (1) in section 202(a), in the first sentence, by
11 inserting “and who has been designated as a special
12 Government employee on a Notification of Personnel
13 Action (Standard Form 50 or equivalent) of the offi-
14 cer or employee,” after “basis,”; and

15 (2) in section 208—

16 (A) in subsection (a)—

17 (i) by striking “(a) Except” and in-
18 serting “(a)(1) Except”; and

19 (ii) by adding at the end the fol-
20 lowing:

21 “(2) In the case of a special Government employee
22 who is not on an advisory committee or who serves as the
23 chair or vice chair of an advisory committee, paragraph
24 (1) shall apply to a discrete and identifiable component
25 of a matter that on its own would constitute a particular

1 matter in which, to the knowledge of the special Govern-
 2 ment employee, the organization in which the special Gov-
 3 ernment employee is serving as officer, director, trustee,
 4 general partner, or employee has a financial interest.”;

5 (B) in subsection (b)—

6 (i) in paragraph (1), by inserting “,
 7 with the concurrence of a designated offi-
 8 cial at the Office of Government Ethics if
 9 the officer or employee is a special Govern-
 10 ment employee,” after “such official”; and

11 (ii) in paragraph (3), by inserting “,
 12 other than the chair or vice chair of the
 13 committee,” after “committee”;

14 (C) in subsection (d)—

15 (i) in paragraph (1), in the first sen-
 16 tence, by striking “Upon” and inserting
 17 “Except as provided in paragraph (2),
 18 upon”;

19 (ii) by redesignating paragraph (2) as
 20 paragraph (3); and

21 (iii) by inserting after paragraph (1)
 22 the following:

23 “(2) In the case of a special Government employee
 24 who is not serving on an advisory committee within the
 25 meaning of chapter 10 of title 5 or a special Government

1 employee who is serving as chair or vice chair on such
 2 an advisory committee, any waiver or exemption granted
 3 under subsection (b)(1) shall be proactively made publicly
 4 available via a searchable online database not later than
 5 14 days after the date on which the waiver is issued.”.

6 **SEC. 4. RESTRICTION ON COMMUNICATIONS WITH AGEN-**
 7 **CIES.**

8 (a) DEFINITION.—In this section, the term “large
 9 company” means—

10 (1) any for-profit company that has greater
 11 than an average of \$1,000,000,000 in market cap-
 12 italization or revenue for the previous 3-year period;

13 (2) any Federal contractor that received greater
 14 than \$100,000,000 in annual revenue from the Fed-
 15 eral Government during the previous 3-year period;
 16 and

17 (3) any for-profit company that exerts monopo-
 18 listic or monopsonistic control over a significant
 19 share of the market in its particular industry, as de-
 20 fined by regulation by the Director of the Office of
 21 Government Ethics, in consultation with the Attor-
 22 ney General.

23 (b) RESTRICTION.—No special Government em-
 24 ployee, as defined in section 202 of title 18, United States
 25 Code, who is not on an advisory committee or a chair or

1 vice chair on an advisory committee may have direct or
 2 indirect communications in their official capacity with an
 3 agency or office that contracts with, regulates, or has a
 4 pending enforcement action against a large company—

5 (1) that the special Government employee owns;

6 or

7 (2) for which the special Government employee
 8 serves as a senior executive or director.

9 (c) REGULATIONS.—The Office of Government Eth-
 10 ics shall promulgate regulations carrying out this section,
 11 including to define ownership of a large company.

12 **SEC. 5. DATABASE OF SPECIAL GOVERNMENT EMPLOYEES.**

13 Section 1103 of title 5, United States Code, is
 14 amended by adding at the end the following:

15 “(d)(1) In this subsection, the term ‘covered indi-
 16 vidual’—

17 “(A) means an individual who is a special Gov-
 18 ernment employee who is not serving on an advisory
 19 committee; and

20 “(B) does not include an individual described in
 21 paragraph (1) or (2) of section 13107(a).

22 “(2) The Director, in coordination with the Office of
 23 Government Ethics, shall maintain to the extent tech-
 24 nically practicable, keep current, and make available to the
 25 public over the internet, without a fee or other access

1 charge, in a searchable, sortable, and downloadable man-
 2 ner, an electronic database that contains the name of each
 3 covered individual, a rolling tally of the number of days
 4 the person has served as a special Government employee,
 5 and a description of why the individual was designated as
 6 a special Government employee rather than a regular em-
 7 ployee.”.

8 **SEC. 6. FINANCIAL DISCLOSURE REQUIREMENTS OF SPE-**
 9 **CIAL GOVERNMENT EMPLOYEES.**

10 Title 5, United States Code, is amended—

11 (1) in section 13103(f)—

12 (A) in paragraph (8), by striking “(other
 13 than a special Government employee)”;

14 (B) in paragraph (11), by striking “and at
 15 the end”;

16 (C) in paragraph (12), by striking the pe-
 17 riod at the end and inserting “; and”; and

18 (D) by adding at the end the following:

19 “(13) A special Government employee who—

20 “(A) is not serving on an advisory com-
 21 mittee or is serving as a chair or vice chair on
 22 an advisory committee; and

23 “(B) is not serving in a position classified
 24 as a general schedule position at the GS–9 level

1 or below, with limited responsibilities, closely
 2 supervised by a career Federal employee.

3 “(14) For any special Government employee
 4 claiming an exemption from filing a public report
 5 this subsection, the relevant agency ethics officer
 6 shall review to ensure the exemption may be prop-
 7 erly applied to that special Government employee.”;
 8 and

9 (2) in section 13109(a)(1), by inserting “, ex-
 10 cept as provided in section 13103(f)(13),” after
 11 “title 18”).

12 **SEC. 7. MODIFICATIONS OF ONLINE ACCESS TO CERTAIN**
 13 **FINANCIAL DISCLOSURE STATEMENTS AND**
 14 **RELATED FORMS.**

15 Section 1(a)(2) of the Act entitled “An Act to modify
 16 the requirements under the STOCK Act regarding online
 17 access to certain financial disclosure statements and re-
 18 lated forms”, approved April 15, 2013 (5 U.S.C. 13107
 19 note) is amended by adding at the end the following:

20 “(F) Any special Government employee of
 21 the executive branch who—

22 “(i) is not serving on an advisory
 23 committee or is serving as a chair or vice
 24 chair on an advisory committee; or

1 “(ii) is not serving in a position classi-
2 fied as a general schedule position at the
3 GS–9 level or below, with limited respon-
4 sibilities, closely supervised by a career
5 Federal employee.”.

6 **SEC. 8. SPECIAL GOVERNMENT EMPLOYEE RULE.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (b), in the case of a special Government employee, as de-
9 fined in section 202 of title 18, United States Code, who
10 has served in their department or agency for more than
11 60 days during the immediately preceding period of 365
12 consecutive days, all Federal ethics rules shall apply to
13 such special Government employee to the same extent that
14 such rules apply to regular Government employees.

15 (b) EXCEPTION.—In the case of a special Govern-
16 ment employee, as defined in section 202 of title 18,
17 United States Code, who has served in their department
18 or agency for more than 130 during the immediately pre-
19 ceding period of 365 consecutive days, section 209 of title
20 18, United States Code, and subchapter III of chapter 131
21 of title 5, United States Code, shall apply to such special
22 Government employee to the same extent that the section
23 applies to regular Government employees, except that such

- 1 section 209 shall apply whether the special Government
- 2 employee serves with or without pay.

