

Union Calendar No. 132

113TH CONGRESS
1ST SESSION

H. R. 2711

[Report No. 113–184, Part I]

To amend title 5, United States Code, to establish certain procedures for conducting in-person or telephonic interactions by Executive branch employees with individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2013

Ms. JENKINS (for herself and Mr. BRADY of Texas) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JULY 30, 2013

Additional sponsors: Mr. WOMACK, Mr. ROSKAM, Mr. LONG, and Mr. REED

JULY 30, 2013

Reported from the Committee on Oversight and Government Reform with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 30, 2013

The Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 17, 2013]

A BILL

To amend title 5, United States Code, to establish certain procedures for conducting in-person or telephonic interactions by Executive branch employees with individuals, 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 “Citizen Empowerment*
5 *Act”.*

6 **SEC. 2. AMENDMENTS.**

7 *(a) IN GENERAL.—Part III of title 5, United States*
8 *Code, is amended by inserting after chapter 79, the fol-*
9 *lowing:*

10 **“CHAPTER 79A—SERVICES TO MEMBERS**
11 **OF THE PUBLIC**

“Sec.

“7921. Procedure for in-person and telephonic interactions conducted by Execu-
tive Branch employees.

12 **“§ 7921. Procedure for in-person and telephonic inter-**
13 **actions conducted by Executive Branch**
14 **employees**

15 *“(a) PURPOSE.—The purpose of this section is to en-*
16 *sure that individuals have the right to record in-person and*
17 *telephonic interactions with Executive agency employees*
18 *and to ensure that individuals who are the target of enforce-*
19 *ment actions conducted by Executive agency employees are*
20 *notified of such right.*

21 *“(b) DEFINITIONS.—For purposes of this section—*

22 *“(1) the term ‘telephonic’ means by telephone or*
23 *other similar electronic device; and*

1 “(2) the term ‘employee’ means an employee of
2 an Executive agency.

3 “(c) CONSENT OF EXECUTIVE AGENCY EMPLOYEES.—
4 Participation by an employee, acting in an official capac-
5 ity, in an in-person or telephonic interaction shall con-
6 stitute consent by the employee to a recording of that inter-
7 action by any participant in the interaction.

8 “(d) NOTICE OF RIGHTS WHEN FEDERAL EMPLOYEES
9 ENGAGED IN CERTAIN ACTIONS.—A notice of an individ-
10 ual’s right to record conversations with employees shall be
11 included in any written material provided by an Executive
12 agency to the individual concerning an audit, investigation,
13 inspection, or enforcement action that could result in the
14 imposition of a fine, forfeiture of property, civil monetary
15 penalty, or criminal penalty against, or the collection of
16 an unpaid tax, fine, or penalty from, such individual or
17 a business owned or operated by such individual.

18 “(e) OFFICIAL REPRESENTATIVE.—Any person who is
19 permitted to represent before an Executive agency an indi-
20 vidual under this section shall receive the same notice as
21 required under subsection (d) with respect to such indi-
22 vidual.

23 “(f) NO CAUSE OF ACTION.—This section does not cre-
24 ate any express or implied private right of action.

1 “(g) *DISCIPLINARY ACTION.*—*An employee who vio-*
 2 *lates this section shall be subject to appropriate disciplinary*
 3 *action in accordance with otherwise applicable provisions*
 4 *of law.*

5 “(h) *PUBLIC INFORMATION CONCERNING RIGHT TO*
 6 *RECORD.*—

7 “(1) *POSTING ON AGENCY WEB SITES.*—*Within*
 8 *180 days after the date of the enactment of this Act,*
 9 *each Executive agency shall post prominently on its*
 10 *Web site information explaining the right of individ-*
 11 *uals to record interactions with employees.*

12 “(2) *OMB GUIDANCE.*—*Within 90 days after the*
 13 *date of the enactment of this Act, the Office of Man-*
 14 *agement and Budget shall issue guidance to Executive*
 15 *agencies concerning implementation of paragraph*
 16 *(1).”.*

17 “(b) *CLERICAL AMENDMENT.*—*The analysis for part III*
 18 *of title 5, United States Code, is amended by inserting after*
 19 *the item relating to chapter 79 the following:*

“79A. Services to members of the public 7921”.

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