

117TH CONGRESS
1ST SESSION

S. 761

To require the publication of fossil-fuel powered travel by the President, the Vice President, and political appointees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2021

Ms. ERNST (for herself, Mr. COTTON, Mrs. CAPITO, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the publication of fossil-fuel powered travel by the President, the Vice President, and political appointees, 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 “Executive Branch
5 Emissions Transparency Act”.

6 **SEC. 2. DATABASE ON FOSSIL FUEL-POWERED TRAVEL BY**
7 **THE PRESIDENT, THE VICE PRESIDENT, AND**
8 **POLITICAL APPOINTEES.**

9 (a) DEFINITIONS.—

1 (1) COVERED INDIVIDUAL.—The term “covered
2 individual” means—

3 (A) the President;

4 (B) the Vice President; and

5 (C) a political appointee.

6 (2) COVERED TRAVEL.—The term “covered
7 travel” means—

8 (A) travel that is powered by fossil fuels by
9 a covered individual on official business; and

10 (B) travel that is powered by fossil fuels by
11 a covered individual that is paid for by a third
12 party, if the covered individual is appearing in
13 their official capacity.

14 (3) DIRECTOR.—The term “Director” means
15 the Director of the Office of Management and Budg-
16 et.

17 (4) POLITICAL APPOINTEE.—The term “polit-
18 ical appointee” means any individual—

19 (A) occupying a position in the Executive
20 Office of the President or in the Office of the
21 Vice President for which appointment is made
22 by the President or Vice President, without re-
23 gard to whether the appointment is made by
24 and with the advice and consent of the Senate;

1 (B) occupying position on the executive
2 schedule under sections 5312 through 5316 of
3 title 5, United States Code;

4 (C) who is a limited term appointee, lim-
5 ited emergency appointee, or noncareer ap-
6 pointee in the Senior Executive Service as de-
7 fined in paragraphs (5), (6), and (7) of section
8 3132(a) of title 5, United States Code, respec-
9 tively;

10 (D) occupying a position in the executive
11 branch of the Government of a confidential or
12 policy-determining character under Schedule C
13 of subpart C of part 213 of title 5, Code of
14 Federal Regulations;

15 (E) occupying a position for which ap-
16 pointment is made by the President and does
17 not require the advice and consent of the Sen-
18 ate;

19 (F) who is an Ambassador; or

20 (G) who is—

21 (i) a member of the staff of an Am-
22 bassador;

23 (ii) not a member of the Foreign
24 Service; and

1 (iii) occupying a position for which
 2 appointment is made by the President,
 3 without regard to whether the appointment
 4 is made by and with the advice and con-
 5 sent of the Senate.

6 (5) RELEVANT HEAD.—The term “relevant
 7 head” means—

8 (A) with respect to a political appointee de-
 9 scribed in subparagraph (B), (C), (D), or (E),
 10 the head of the Federal entity in which the po-
 11 litical appointee occupies their position;

12 (B) with respect to the President, the Vice
 13 President, or a political appointee described in
 14 paragraph (4)(A), the White House Office of
 15 Management and Administration; and

16 (C) with respect to a political appointee de-
 17 scribed in subparagraph (F) or (G) of para-
 18 graph (4), the Secretary of State.

19 (b) DATABASE.—

20 (1) ESTABLISHMENT.—Not later than 90 days
 21 after the date of enactment of this Act, the Director
 22 shall establish and maintain a publicly accessible
 23 and searchable database of covered travel.

24 (2) SUBMISSION TO RELEVANT HEAD.—Not
 25 later than 30 days after the date on which a covered

1 individual has taken covered travel and has returned
2 to the origin of the trip, the covered individual shall
3 submit to the relevant head a report on the covered
4 travel, which shall include—

5 (A) the name of each covered individual on
6 the covered travel;

7 (B) the mode of travel;

8 (C) the origin and destination;

9 (D) a description of the covered travel;

10 (E) miles traveled;

11 (F) the estimated carbon emissions result-
12 ing from the covered travel; and

13 (G) a description of any action taken to
14 limit the carbon emissions associated with the
15 covered travel.

16 (3) SUBMISSION TO OMB.—Not later than the
17 1st of each month, each relevant head shall submit
18 to the Director a report that includes the informa-
19 tion received under paragraph (2) during the pre-
20 ceding month relating to covered travel.

21 (4) PUBLICATION BY OMB.—Not later than the
22 15th of each month, the Director shall update the
23 database established under this subsection with the
24 reports submitted under paragraph (3) during the
25 preceding month.

1 (5) EXCEPTION FOR NATIONAL SECURITY
2 RISK.—The Director shall not publish on the data-
3 base established under this subsection information
4 described in paragraph (2) if the publication of that
5 information could be deemed a national security
6 risk.

○