

117TH CONGRESS
2D SESSION

S. 3631

To prohibit stock trading and ownership by Members of Congress and spouses of Members of Congress, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2022

Ms. WARREN (for herself, Mr. DAINES, Mrs. BLACKBURN, Ms. STABENOW, Mr. WARNOCK, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To prohibit stock trading and ownership by Members of Congress and spouses of Members of Congress, 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 “Bipartisan Ban on
5 Congressional Stock Ownership Act of 2022”.

6 **SEC. 2. BAR ON STOCK TRADING AND OWNERSHIP BY MEM-**
7 **BERS OF CONGRESS AND SPOUSES.**

8 (a) DEFINITIONS.—In this section:

1 (1) COMMODITY.—The term “commodity” has
2 the meaning given that term in section 1a of the
3 Commodity Exchange Act (7 U.S.C. 1a).

4 (2) CONGRESSIONAL ETHICS COMMITTEE.—The
5 term “congressional ethics committee” has the
6 meaning given that term in section 109 of the Eth-
7 ics in Government Act of 1978 (5 U.S.C. App.).

8 (3) DIVERSIFIED.—The term “diversified”,
9 with respect to an investment fund, means that the
10 investment fund does not have a stated policy of
11 overly concentrating its investments.

12 (4) MEMBER OF CONGRESS.—The term “Mem-
13 ber of Congress” has the meaning given that term
14 in section 109 of the Ethics in Government Act of
15 1978 (5 U.S.C. App.).

16 (5) SECURITY.—The term “security” has the
17 meaning given that term in section 3(a) of Securities
18 Exchange Act of 1934 (15 U.S.C. 78c(a)).

19 (6) SMALL BUSINESS CONCERN.—The term
20 “small business concern” has the meaning given
21 that term under section 3 of the Small Business Act
22 (15 U.S.C. 632).

23 (7) WIDELY HELD INVESTMENT FUND.—The
24 term “widely held investment fund” means a widely
25 held investment fund described in section 102(f)(8)

1 of the Ethics in Government Act of 1978 (5 U.S.C.
2 App.).

3 (b) DIVESTMENT.—

4 (1) IN GENERAL.—Except as provided in sub-
5 section (c), no Member of Congress or spouse of a
6 Member of Congress may own an interest in or trade
7 (except as a divestment) any stock, bond, com-
8 modity, future, or other form of security, including
9 an interest in a hedge fund, a derivative, option, or
10 other complex investment vehicle.

11 (2) IMPLEMENTATION.—

12 (A) CURRENT MEMBERS.—

13 (i) IN GENERAL.—Except as provided
14 in clause (ii), an individual who is a Mem-
15 ber of Congress on the date of enactment
16 of this Act, or the spouse of such an indi-
17 vidual, shall complete the divestment of
18 any asset described in paragraph (1) by
19 not later than 180 days after the date of
20 enactment of this Act.

21 (ii) CERTAIN ASSETS.—For an asset
22 described in paragraph (1) that is an inter-
23 est in a hedge fund, venture capital fund,
24 or other privately-held complex investment
25 vehicle, an individual who is a Member of

1 Congress on the date of enactment of this
2 Act, or the spouse of such an individual,
3 shall complete the divestment of the asset
4 by not later than 5 years after the date of
5 enactment of this Act.

6 (B) NEW MEMBERS.—

7 (i) IN GENERAL.—Except as provided
8 in clause (ii), an individual who becomes a
9 Member of Congress after the date of en-
10 actment of this Act, or who is the spouse
11 of such an individual, shall complete the
12 divestment of any asset described in para-
13 graph (1) by not later than 180 days after
14 the date on which the individual becomes a
15 Member of Congress.

16 (ii) CERTAIN ASSETS.—For an asset
17 described in paragraph (1) that is an inter-
18 est in a hedge fund, venture capital fund,
19 or other privately-held complex investment
20 vehicle, an individual who becomes a Mem-
21 ber of Congress after the date of enact-
22 ment of this Act, or who is the spouse of
23 such an individual, shall complete the di-
24 vestment of the asset by not later than 5

1 years after the date on which the indi-
2 vidual becomes a Member of Congress.

3 (C) DIVESTMENT OF ASSETS RECEIVED
4 WHILE A MEMBER.—An individual serving as a
5 Member of Congress, or the spouse of such an
6 individual, who receives any asset described in
7 paragraph (1) during the period of such service,
8 such as from an inheritance, shall complete the
9 divestment of the asset by not later than 180
10 days after the date on which the individual or
11 spouse receives the asset.

12 (c) EXCEPTIONS.—Nothing in this section shall be
13 construed to prevent—

14 (1) a Member of Congress or spouse of a Mem-
15 ber of Congress from owning or trading—

16 (A) a widely held investment fund, if the
17 widely held investment fund—

18 (i) does not present a conflict of inter-
19 est; and

20 (ii) is diversified;

21 (B) shares of Settlement Common Stock
22 issued under section 7(g)(1)(A) of the Alaska
23 Native Claims Settlement Act (43 U.S.C.
24 1606(g)(1)(A));

1 (C) shares of Settlement Common Stock,
2 as defined in section 3 of the Alaska Native
3 Claims Settlement Act (43 U.S.C. 1602);

4 (D) a United States Treasury bill, note, or
5 bond;

6 (E) an investment fund held in a Federal,
7 State, or local government employee retirement
8 plan;

9 (F) an interest in a small business con-
10 cern, if the small business concern does not
11 present a conflict of interest; or

12 (G) any asset described in subsection
13 (b)(1) received as compensation from the pri-
14 mary occupation of the spouse; or

15 (2) a spouse of a Member of Congress from
16 trading any asset described in subsection (b)(1) that
17 is not owned by the spouse or Member of Congress
18 in the course of performing the primary occupation
19 of the spouse.

20 (d) CIVIL FINES.—The Attorney General or the Spe-
21 cial Counsel may bring a civil action in the appropriate
22 United States district court against any Member of Con-
23 gress or spouse of a Member of Congress who engages
24 in conduct constituting a violation of this section and,
25 upon proof of such conduct by a preponderance of the evi-

1 dence, such Member of Congress or spouse shall be subject
 2 to a civil penalty of not more than \$50,000 for each viola-
 3 tion. The imposition of a civil penalty under this sub-
 4 section does not preclude any other criminal or civil statu-
 5 tory, common law, or administrative remedy, which is
 6 available by law to the United States or any other person.

7 (e) NONRECOGNITION OF GAIN.—

8 (1) IN GENERAL.—Paragraph (1) of section
 9 1043(b) of the Internal Revenue Code of 1986 is
 10 amended—

11 (A) by striking “and” at the end of sub-
 12 paragraph (A);

13 (B) by redesignating subparagraph (B) as
 14 subparagraph (C);

15 (C) by inserting after subparagraph (A)
 16 the following new subparagraph:

17 “(B) any Member of Congress or Member
 18 of Congress-elect, but only with respect to a di-
 19 vestment of property required by the Bipartisan
 20 Ban on Congressional Stock Ownership Act of
 21 2022, and”; and

22 (D) by striking “subparagraph (A)” in
 23 subparagraph (C), as so redesignated, and in-
 24 serting “subparagraph (A) or (B), whichever is
 25 applicable”.

1 (2) CERTIFICATE OF DIVESTITURE.—Subpara-
 2 graph (B) of section 1043(b)(2) of such Code is
 3 amended—

4 (A) by striking “or by” and inserting
 5 “by”; and

6 (B) by inserting “, or by the applicable
 7 congressional ethics committee, in the case of
 8 Members of Congress, Members of Congress-
 9 elect, and spouses of Members of Congress and
 10 Members of Congress-elect” after “judicial offi-
 11 cers”.

12 (3) EFFECTIVE DATE.—The amendments made
 13 by this subsection shall apply to sales of property
 14 after the date of the enactment of this Act.

15 (f) INTERPRETIVE GUIDANCE.—The Select Com-
 16 mittee on Ethics of the Senate and the Committee on Eth-
 17 ics of the House of Representatives shall issue interpretive
 18 guidance regarding relevant terms not defined in this Act
 19 or elsewhere in statute.

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