

115TH CONGRESS
1ST SESSION

H. R. 1934

To establish a 5-year ban on individuals appointed to Executive Schedule positions and Members of Congress engaging in lobbying activities at the Federal level.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2017

Mr. GALLAGHER introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To establish a 5-year ban on individuals appointed to Executive Schedule positions and Members of Congress engaging in lobbying activities at the Federal level.

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. 5-YEAR BAN ON LOBBYING BY INDIVIDUALS AP-**
4 **POINTED TO EXECUTIVE SCHEDULE POSI-**
5 **TIONS AND MEMBERS OF CONGRESS.**

6 (a) INDIVIDUALS APPOINTED TO EXECUTIVE SCHED-
7 ULE POSITIONS.—

8 (1) IN GENERAL.—Section 207(d) of title 18,
9 United States Code, is amended to read as follows:

1 “(d) RESTRICTIONS ON VERY SENIOR PERSONNEL
2 OF THE EXECUTIVE BRANCH AND INDEPENDENT AGEN-
3 CIES.—

4 “(1) VICE PRESIDENT.—

5 “(A) RESTRICTIONS.—In addition to the
6 restrictions set forth in subsections (a) and (b),
7 any person who serves in the position of Vice
8 President of the United States and who, within
9 2 years after the termination of that person’s
10 service in that position, knowingly makes, with
11 the intent to influence, any communication to
12 or appearance before any person described in
13 subparagraph (B), on behalf of any other per-
14 son (except the United States), in connection
15 with any matter on which such person seeks of-
16 ficial action by any officer or employee of the
17 executive branch of the United States, shall be
18 punished as provided in section 216 of this title.

19 “(B) PERSONS WHO MAY NOT BE CON-
20 TACTED.—A person described in this subpara-
21 graph is—

22 “(i) any officer or employee of any de-
23 partment or agency in which the Vice
24 President served within a period of 1 year
25 before the Vice President’s service or em-

1 ployment with the United States Govern-
2 ment terminated; and

3 “(ii) any person appointed to a posi-
4 tion in the executive branch which is listed
5 in section 5312, 5313, 5314, 5315, or
6 5316 of title 5.

7 “(2) FIVE-YEAR RESTRICTION ON INDIVIDUALS
8 IN EXECUTIVE SCHEDULE AND EQUIVALENT POSI-
9 TIONS.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraphs (B) and (C), and in addition to
12 the restrictions set forth in subsections (a) and
13 (b), any individual employed in a position in the
14 executive branch for which the rate of pay is
15 the rate of pay payable for any level of the Ex-
16 ecutive Schedule under subchapter II of chapter
17 53 of title 5 who, within 5 years after the ter-
18 mination of his or her service or employment in
19 such position, knowingly makes, with the intent
20 to influence, any communication to or appear-
21 ance before any officer or employee of any de-
22 partment or agency in the executive branch, on
23 behalf of any other person (except the United
24 States), in connection with any matter on which
25 such person seeks official action by any officer

1 or employee of such department or agency, shall
2 be punished as provided in section 216 of this
3 title.

4 “(B) SPECIAL GOVERNMENT EMPLOY-
5 EES.—Subparagraph (A) shall not apply to a
6 special Government employee who serves less
7 than 60 days in the 1-year period before his or
8 her service or employment as such employee
9 terminates.

10 “(C) WAIVER.—

11 “(i) AUTHORITY.—Except as provided
12 in clause (ii), at the request of a depart-
13 ment or agency, the Director of the Office
14 of Government Ethics may waive the re-
15 strictions under subparagraph (A) with re-
16 spect to a position, or a category of posi-
17 tions, if the Director determines that—

18 “(I) the imposition of the restric-
19 tions with respect to the position, or
20 category of positions, would create an
21 undue hardship on the department or
22 agency in obtaining qualified per-
23 sonnel to fill the position, or category
24 of positions; and

1 “(II) granting the waiver would
2 not create the potential for use of
3 undue influence or unfair advantage.

4 “(ii) EXCLUDED POSITIONS.—The Di-
5 rector of the Office of Government Ethics
6 may not waive the restrictions under sub-
7 paragraph (A) with respect to—

8 “(I) a position in the executive
9 branch (including any independent
10 agency) for which the rate of pay is
11 the rate of pay payable for level I of
12 the Executive Schedule; or

13 “(II) a position in the Executive
14 Office of the President for which the
15 rate of pay is the rate of pay for level
16 II of the Executive Schedule.”.

17 (2) TECHNICAL AND CONFORMING AMEND-
18 MENTS.—Section 207 of title 18, United States
19 Code, is amended—

20 (A) in subsection (c)(2)—

21 (i) in subparagraph (A)—

22 (I) by striking clauses (i) and
23 (iii);

1 (II) by redesignating clauses (ii),
 2 (iv), and (v) as clauses (i), (ii), and
 3 (iii), respectively; and

4 (III) in clause (i), as so redesign-
 5 nated—

6 (aa) by striking “which is
 7 not referred to in clause (i)” the
 8 first place it appears and insert-
 9 ing “for which the rate of pay is
 10 not specified in or fixed accord-
 11 ing to subchapter II of chapter
 12 53 of title 5”; and

13 (bb) by striking “, or, for a
 14 period of 2 years” and all that
 15 follows through the end of clause
 16 (i) and inserting a comma; and

17 (ii) in subparagraph (C), in the mat-
 18 ter preceding clause (i), by striking “clause
 19 (ii) or (iv)” and inserting “clause (i) or
 20 (ii)”; and

21 (B) in subsection (h)(2), by striking the
 22 second sentence.

23 (b) MEMBERS OF CONGRESS.—Section 207(e)(1) of
 24 title 18, United States Code, is amended—

1 (1) in subparagraph (A), by striking “2 years”
2 and inserting “5 years”; and

3 (2) in subparagraph (B)(i), by striking “Any
4 person who is a Member of the House of Represent-
5 atives or an elected officer of the House of Rep-
6 resentatives and who, within 1 year after that per-
7 son leaves office,” and inserting “Any person who is
8 a Member of the House of Representatives and who,
9 within 5 years after that person leaves office, or any
10 person who is an elected officer of the House of Rep-
11 resentatives and who, within 1 year after that per-
12 son leaves office,”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this Act shall apply with respect to any individual who,
15 on or after the date of the enactment of this Act, leaves
16 a position to which section 207 of title 18, United States
17 Code, applies (as amended by this Act).

○