

115TH CONGRESS
2D SESSION

H. R. 5289

To amend title 18, United States Code, to prohibit any individual serving as President or Vice President or as a Member of Congress, or any individual who served as an employee of the office of the President or Vice President or the office of a Member of Congress, from engaging in any lobbying activity after serving in such a position, to amend title 41, United States Code, to prohibit executive agencies from awarding contracts to former elected officials, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2018

Mr. ROKITA introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, 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

A BILL

To amend title 18, United States Code, to prohibit any individual serving as President or Vice President or as a Member of Congress, or any individual who served as an employee of the office of the President or Vice President or the office of a Member of Congress, from engaging in any lobbying activity after serving in such a position, to amend title 41, United States Code, to prohibit executive agencies from awarding contracts to former elected officials, 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 “Restoring Integrity
5 in our Elected Officials Act”.

6 **SEC. 2. PROHIBITING LOBBYING BY FORMER ELECTED OF-**
7 **FICIALS AND THEIR EMPLOYEES.**

8 (a) PROHIBITION.—Section 207(e) of title 18, United
9 States Code, is amended by striking paragraphs (1)
10 through (7) and inserting the following:

11 “(e) RESTRICTIONS ON ELECTED OFFICIALS AND
12 THEIR EMPLOYEES.—

13 “(1) LIFETIME PROHIBITION ON LOBBYING ANY
14 OFFICE OF FEDERAL GOVERNMENT.—

15 “(A) IN GENERAL.—Any individual who
16 holds a position described in subparagraph (C),
17 and any immediate family member of such an
18 individual, who, at any time after such indi-
19 vidual leaves such a position, knowingly makes,
20 with the intent to influence, any communication
21 to or appearance before any officer or employee
22 of any department, agency, or office of the ex-
23 ecutive branch or the legislative branch on be-
24 half of any person (except the United States) in
25 connection with any matter on which such per-

son seeks official action by any officer or employee of such department, agency, or office, shall be punished as provided in section 216 of this title.

“(B) TREATMENT OF EMPLOYMENT WITH LOBBYING FIRMS.—Any individual who holds a position described in subparagraph (C), and any immediate family member of such an individual, who, at any time after such individual leaves such a position, accepts a position as an officer, director, partner, or employee of a lobbying firm under the Lobbying Disclosure Act of 1995 (without regard to whether or not the individual engages directly in lobbying activity under such Act), shall be punished as provided in section 216 of this title.

“(C) POSITIONS DESCRIBED.—The positions described in this subparagraph are the following:

“(i) The President.

“(ii) The Vice President.

“(iii) A Member of Congress.

“(iv) An employee of the office of the President, the office of the Vice President, or the office of a Member of Congress.

1 “(v) An employee of a committee of
2 Congress.

3 “(vi) An employee on the leadership
4 staff of the House of Representatives.

5 “(vii) An employee on the leadership
6 staff of the Senate.

7 “(viii) An elected officer of the House
8 of Representatives.

9 “(ix) An elected officer of the Senate.

10 “(D) IMMEDIATE FAMILY MEMBER DE-
11 FINED.—In this paragraph, an ‘immediate fam-
12 ily member’ means, with respect to an indi-
13 vidual, a father, mother, son, daughter, brother,
14 sister, husband, wife, father-in-law, or mother-
15 in-law.

16 “(2) OTHER LEGISLATIVE OFFICES.—(A) Any
17 person who is an employee of any other legislative
18 office of the Congress to whom paragraph (7)(B) ap-
19 plies and who, within 1 year after the termination
20 of that person’s employment in such office, know-
21 ingly makes, with the intent to influence, any com-
22 munication to or appearance before any of the per-
23 sons described in subparagraph (B), on behalf of
24 any other person (except the United States) in con-
25 nection with any matter on which such former em-

1 ployee seeks action by any officer or employee of
2 such office, in his or her official capacity, shall be
3 punished as provided in section 216 of this title.

4 “(B) The persons referred to in subparagraph
5 (A) with respect to appearances or communications
6 by a former employee are the employees and officers
7 of the former legislative office of the Congress of the
8 former employee.”.

9 (b) CONFORMING AMENDMENT.—Section 207(e) of
10 such title is amended—

11 (1) by redesignating paragraphs (8) and (9) as
12 paragraphs (3) and (4); and

13 (2) in subparagraph (G) of paragraph (4), as so
14 redesignated, by striking “paragraph (1), (2), (3),
15 (4), or (5)” and inserting “paragraph (1) or (2)”.

16 (c) CONFORMING AMENDMENT RELATING TO TREAT-
17 MENT OF VICE PRESIDENT.—Section 207(d)(1) of such
18 title is amended—

19 (1) by striking subparagraph (A); and

20 (2) by redesignating subparagraphs (B) and
21 (C) as subparagraphs (A) and (B).

22 (d) EFFECTIVE DATE.—This section and the amend-
23 ments made by this section shall apply with respect to any
24 individual who leaves a position described in subparagraph
25 (C) of section 207(e)(1) of title 18, United States Code

1 (as amended by subsection (a)), on or after the date of
2 the enactment of this Act.

3 **SEC. 3. PROHIBITION ON CONTRACTS WITH CERTAIN**
4 **FORMER ELECTED OFFICIALS.**

5 (a) PROHIBITION ON CONTRACTS WITH CERTAIN
6 FORMER ELECTED OFFICIALS.—

7 (1) IN GENERAL.—Chapter 47 of title 41,
8 United States Code, is amended by adding at the
9 end the following new section:

10 **“§ 4713. Prohibition on contracts with certain former**
11 **elected officials**

12 “(a) IN GENERAL.—With respect to a contract the
13 value of which would exceed \$1,000,000 in any year of
14 the contract period, an executive agency may not award
15 such a contract to—

16 “(1) any former elected official of the legislative
17 branch of the United States Government;

18 “(2) an immediate family member of such
19 former elected official;

20 “(3) a former congressional employee of such
21 former elected official; or

22 “(4) any entity owned by an individual de-
23 scribed in paragraphs (1) through (3).

24 “(b) DEFINITIONS.—In this section:

1 “(1) FORMER CONGRESSIONAL EMPLOYEE.—

2 The term ‘former congressional employee’ means,
3 with respect to a former elected official of the legis-
4 lative branch of the United States Government, an
5 individual who was a paid congressional employee of
6 such former elected official for any period of time.

7 “(2) FORMER ELECTED OFFICIAL OF THE LEG-
8 ISLATIVE BRANCH OF THE UNITED STATES GOVERN-
9 MENT.—The term ‘former elected official of the leg-
10 islative branch of the United States Government’
11 means each former—

12 “(A) Member of the United States House
13 of Representatives;

14 “(B) Delegate from the District of Colum-
15 bia, American Samoa, Guam, the Common-
16 wealth of the Northern Mariana Islands, and
17 the Virgin Islands;

18 “(C) Resident Commissioner of Puerto
19 Rico; and

20 “(D) United States Senator.

21 “(3) IMMEDIATE FAMILY MEMBER.—The term
22 ‘immediate family member’ means, with respect to a
23 former elected official of the legislative branch of the
24 United States Government—

1 “(A) the spouse of such former elected of-
2 ficial;

3 “(B) a natural or adoptive son, daughter,
4 brother, or sister of such former elected official;

5 “(C) a stepson, stepdaughter, stepbrother,
6 or stepsister of such former elected official; and

7 “(D) a son-, daughter-, brother-, or sister-
8 in-law of such former elected official.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such chapter is amended
11 by adding at the end the following new item:

“4713. Prohibition on contracts with certain former elected officials.”.

12 (b) APPLICABILITY.—The amendment made by sub-
13 section (a)(1) shall apply with respect to any contract
14 awarded on or after January 1, 2019.

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