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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

To provide for restrictions on recently appointed Federal employees and recently separated Federal employees with respect to lobbying activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HUFFMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for restrictions on recently appointed Federal employees and recently separated Federal employees with respect to lobbying activities, 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. EXTENSION OF POST-EMPLOYMENT BAN ON**
4 **LOBBYING FOR CERTAIN FORMER GOVERN-**
5 **MENT EMPLOYEES.**

6 (a) IN GENERAL.—Section 207 of title 18, United
7 States Code, is amended in subsection (c)—

1 (1) in the subsection heading, by striking
2 “ONE-YEAR” and inserting “TWO-YEAR”;

3 (2) in paragraph (1)—

4 (A) by striking “within 1 year after” and
5 inserting “within 2 years after”; and

6 (B) by striking “within 1 year before such
7 termination”; and

8 (3) in paragraph (2), by adding at the end the
9 following:

10 “(D) Not later than 30 days after a waiver is
11 granted under subparagraph (C), the waiver shall be
12 published in the Federal Register and accompanied
13 by a signed statement by the Director of the Office
14 of Government Ethics describing in detail the rea-
15 sons for providing such waiver unless such a descrip-
16 tion would compromise national security.”.

17 (b) APPLICATION.—The amendment made by sub-
18 section (a) shall apply to any individual appointed to a
19 position described in paragraph (2) of subsection (c) of
20 section 207 of title 18, United States Code, (as amended
21 by such subsection) after the date of the enactment of this
22 Act.

1 **SEC. 2. FIVE-YEAR LOBBYING BAN FOR CERTAIN POLIT-**
2 **ICAL APPOINTEES.**

3 (a) IN GENERAL.—Section 207 of title 18, United
4 States Code, as amended by section 1, is further amended
5 in subsection (d)—

6 (1) in paragraph (1), in the matter following
7 subparagraph (C), by striking “within 2 years” and
8 inserting “within 5 years”; and

9 (2) in paragraph (2)(A), by striking “in such
10 position” and all that follows through “terminated”.

11 (b) APPLICATION.—The amendment made by sub-
12 section (a) shall apply to any individual appointed to a
13 position described in subparagraph (A), (B), or (C) of sub-
14 section (d)(1) of section 207 of title 18, United States
15 Code, (as amended by such subsection) after the date of
16 the enactment of this Act.

17 **SEC. 3. LIFETIME BAN ON REPRESENTATION OF FOREIGN**
18 **ENTITIES FOR CERTAIN HIGH-LEVEL**
19 **FORMER EMPLOYEES.**

20 (a) IN GENERAL.—Section 207 of title 18, United
21 States Code, as amended by sections 1 and 2, is further
22 amended in subsection (f)—

23 (1) in paragraph (1), by inserting “(or, in the
24 case of an individual described in paragraph (2), at
25 any time)” after “within 1 year”;

1 (2) in paragraph (2), by striking “paragraph
2 (1)” and inserting “paragraphs (1) and (2)”;

3 (3) by redesignating paragraphs (2) and (3) as
4 paragraphs (3) and (4); and

5 (4) by inserting after paragraph (1) the fol-
6 lowing new paragraph:

7 “(2) DESCRIPTION OF INDIVIDUALS SUBJECT
8 TO LIFETIME BAN.—An individual described in this
9 paragraph is any individual who was—

10 “(A) employed in a position described
11 under sections 5312 through 5316 of title 5,
12 United States Code (relating to the Executive
13 Schedule);

14 “(B) a limited term appointee, limited
15 emergency appointee, or noncareer appointee in
16 the Senior Executive Service, as defined under
17 paragraphs (5), (6), and (7), respectively, of
18 section 3132(a) of title 5, United States Code;
19 or

20 “(C) employed in a position of a confiden-
21 tial or policy-determining character under
22 schedule C of subpart C of part 213 of title 5
23 of the Code of Federal Regulations.”.

24 (b) APPLICATION.—The amendment made by sub-
25 section (a) shall apply to any individual appointed to a

1 position described in paragraph (2) of section 207 of title
2 18, United States Code, (as added by such subsection)
3 after the date of the enactment of this Act.

4 **SEC. 4. PROHIBITION ON PARTICIPATION IN MATTER RE-**
5 **LATING TO PREVIOUS EMPLOYMENT.**

6 (a) IN GENERAL.—Chapter 11 of title 18, United
7 States Code, is amended by inserting after section 219 the
8 following:

9 **“§ 220. Prohibition on participation in matter relat-**
10 **ing to previous employment**

11 “(a) During the 2-year period beginning on the date
12 an individual is appointed to a covered position at an agen-
13 cy, any such individual who has not received a waiver
14 under subsection (b)—

15 “(1) who participates in any particular matter
16 involving specific parties that is directly and sub-
17 stantially related to the individual’s former employer
18 or former clients, or

19 “(2) with respect to any such individual who
20 was a registered lobbyist under the Lobbying Disclo-
21 sure Act of 1995, or who was not a registered lob-
22 byist under such Act but who engaged in lobbying
23 activity as defined in subsection (c), during the 2-
24 year period preceding the date of such appointment,
25 who—

1 “(A) participates in any particular matter
2 on which the individual made a lobbying contact
3 (in the case of a registered lobbyist under such
4 Act), or engaged in such activity, during such
5 2-year period,

6 “(B) participates in the specific issue area
7 in which such particular matter falls, or

8 “(C) seeks or accepts employment with any
9 agency with respect to which the individual
10 made a lobbying contact (in the case of a reg-
11 istered lobbyist under such Act), or engaged in
12 such activity, during such 2-year period,

13 shall be punished as provided in section 216 of this
14 title.

15 “(b)(1) The Director of the Office of Management
16 and Budget, in consultation with the Counsel to the Presi-
17 dent, may waive the requirements of subsection (a) with
18 respect to any individual covered by such subsection if the
19 Director certifies, in writing, to the Committee on Over-
20 sight and Reform of the House of Representatives, the
21 Committee on Homeland Security and Governmental Af-
22 fairs of the Senate, and the appropriate congressional
23 committees of jurisdiction, that it is in the public interest
24 to grant the waiver.

25 “(2) For purposes of carrying out paragraph (1)—

1 “(A) the public interest includes exigent cir-
2 cumstances relating to public health, public safety,
3 or national security;

4 “(B) de minimis contact with an agency shall
5 be cause for a waiver of subsection (a)(2); and

6 “(C) any waiver shall take effect when the cer-
7 tification is published in the Federal Register, ac-
8 companied by a signed statement by the Director de-
9 scribing in detail the reasons for providing the waiv-
10 er unless such a description would compromise na-
11 tional security.

12 “(c)(1) In this section, the term ‘lobbying activity’
13 means, with respect to an individual, knowingly making,
14 with the intent to influence, any communication to or ap-
15 pearance before any officer or employee of the Federal
16 Government on behalf of another person as an employee
17 of a lobbying firm or lobbying organization, in connection
18 with any matter on which such person seeks official action
19 by such officer or employee of the Federal Government.
20 The previous sentence applies only with respect to an indi-
21 vidual who spends greater than 20 percent of the individ-
22 ual’s time as an employee of a lobbying firm or lobbying
23 organization engaged in such lobbying activity.

1 “(2) In paragraph (1), the term ‘lobbying firm’
2 means any firm, corporation, or limited liability company
3 in which—

4 “(A) employees of the firm in the aggregate
5 make 2 or more lobbying contacts at any time on be-
6 half of a particular client; and

7 “(B) the firm receives or expects to receive
8 from a particular client for matters related to lob-
9 bying activities at least the amount specified in sec-
10 tion 4(a)(3)(A) of the Lobbying Disclosure Act of
11 1995 (2 U.S.C. 1603(a)(3)(A)) in the quarterly pe-
12 riod during which registration would be made under
13 such Act.

14 “(3) In paragraph (1), the term ‘lobbying organiza-
15 tion’ includes any organization in which—

16 “(A) employees of the firm in the aggregate
17 make 2 or more lobbying contacts at any time on its
18 behalf; and

19 “(B) the organization expends in connection
20 with lobbying activities at least the amount specified
21 in section 4(a)(3)(B) of the Lobbying Disclosure Act
22 of 1995 (2 U.S.C. 1603(a)(3)(A)) in the quarterly
23 period during which registration would be made
24 under such Act.

1 “(4) In this subsection, the term ‘employee’ has the
2 meaning given such term in section 3(5) of the Lobbying
3 Disclosure Act of 1995 (2 U.S.C. 1602(5)).

4 “(d) In this section, the following definitions apply:

5 “(1) The term ‘agency’ means an ‘Executive
6 agency’ (as that term is defined in section 105 of
7 title 5), the Executive Office of the President, the
8 United States Postal Service, and the Postal Regu-
9 latory Commission, but does not include the Govern-
10 ment Accountability Office.

11 “(2) The term ‘covered position’—

12 “(A) means any—

13 “(i) full-time, non-career position
14 which requires appointment by the Presi-
15 dent or Vice-President;

16 “(ii) non-career position within the
17 Senior Executive Service or other SES-
18 type system; or

19 “(iii) position that has been excepted
20 from the competitive service by reason of
21 being of a confidential or policymaking
22 character, including positions under sched-
23 ule C of subpart C of part 213 of title 5
24 of the Code of Federal Regulations; and

1 “(B) does not include any individual ap-
2 pointed as a member of the Senior Foreign
3 Service or solely as a uniformed service commis-
4 sioned officer.

5 “(3) The term ‘directly and substantially re-
6 lated to former employer or former clients’ means
7 matters in which the individual’s former employer or
8 a former client is a party or represents a party.

9 “(4) The term ‘former client’ means any person
10 for whom the individual served personally as agent,
11 attorney, or consultant, but does include instances
12 where the service provided was limited to a speech
13 or similar appearance or clients of the individual’s
14 former employer to whom the individual did not per-
15 sonally provide services.

16 “(5) The term ‘former employer’ means any
17 person for whom the individual has within the 2
18 years prior to the date of appointment served as an
19 employee, officer, director, trustee, or general part-
20 ner, but does not include any agency or other entity
21 of the Federal Government, Native American tribe,
22 or any United States territory or possession.

23 “(6) The term ‘lobbying contact’ has the mean-
24 ing given such term in section 3(8) of the Lobbying
25 Disclosure Act of 1995 (2 U.S.C. 1602(8)).

1 “(7) The term ‘particular matter’ has the
2 meaning given that term in section 207 and section
3 2635.402(b)(3) of title 5, Code of Federal Regula-
4 tions, or any successor regulation.

5 “(8) The term ‘participate’ means to participate
6 personally and substantially.

7 “(9) The term ‘particular matter involving spe-
8 cific parties’ has the meaning as set forth in section
9 2641.201(h) of title 5, Code of Federal Regulations,
10 or any successor regulation, except that it shall also
11 include any meeting or other communication relating
12 to the performance of an individual’s official duties
13 with a former employer or former client, unless the
14 communication applies to a particular matter of gen-
15 eral applicability and participation in the meeting or
16 other event is open to all interested parties.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 of chapter 11 of title 18, United States Code, is amended
19 by inserting after the item relating to section 219 the fol-
20 lowing new item:

 “220. Prohibition on participation in matter relating to previous employment.”.

21 (c) APPLICATION.—The amendments made by sub-
22 section (a) shall apply to any individual appointed to a
23 covered position (as that term is defined in section
24 220(d)(2) of title 18, United States Code, as added by

1 such subsection) after the date of the enactment of this
2 Act.

3 **SEC. 5. REQUIRING LOBBYING DISCLOSURE REPORTS TO**
4 **INCLUDE NAMES OF OFFICIALS CONTACTED.**

5 (a) REQUIREMENT.—Section 5(b)(2) of the Lobbying
6 Disclosure Act of 1995 (2 U.S.C. 1604(b)(2)) is amend-
7 ed—

8 (1) by striking “and” at the end of subpara-
9 graph (C);

10 (2) by adding “and” at the end of subpara-
11 graph (D); and

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(E) a list of each covered executive
15 branch official with respect to whom the lob-
16 byist made a lobbying contact;”.

17 (b) APPLICATION.—The amendment made by sub-
18 section (a) shall apply with respect to reports filed under
19 section 5 of the Lobbying Disclosure Act of 1995 (2
20 U.S.C. 1604) for quarters beginning on or after the date
21 of the enactment of this Act.