

Union Calendar No. 272

103^D CONGRESS
2^D SESSION

H. R. 1593

[Report No. 103-354, Part I]

A BILL

To amend the Government in the Sunshine Act to
require the disclosure of certain activities.

APRIL 29, 1994

Committee on the Judiciary discharged; committed to the
Committee of the Whole House on the State of the
Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1993

Mr. CONYERS introduced the following bill; which was referred to the Committee on Government Operations

NOVEMBER 10, 1993

Reported with an amendment and referred to the Committee on the Judiciary for a period ending not later than February 28, 1994, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X

[Strike out all after the enacting clause and insert the part printed in italic]

FEBRUARY 28, 1994

Referral to the Committee on the Judiciary extended for a period ending not later than April 15, 1994

APRIL 14, 1994

Referral to the Committee on the Judiciary extended for a period ending not later than April 29, 1994

APRIL 29, 1994

Additional sponsor: Mr. ZIMMER

APRIL 29, 1994

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 1, 1993]

A BILL

To amend the Government in the Sunshine Act to require the disclosure of certain activities.

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 “Revolving Door*
5 *Sunshine Act of 1993”.*

6 **SEC. 2. PUBLIC DISCLOSURE OF COMMUNICATIONS.**

7 *(a) DISCLOSURE REQUIREMENT.—Section 552b of*
8 *title 5, United States Code, commonly referred to as the*
9 *“Government in the Sunshine Act”, is amended by adding*
10 *at the end the following:*

11 *“(n)(1) Any person who is a senior member of the Fed-*
12 *eral Government shall, after his or her service or employ-*
13 *ment as a senior member of the Federal Government termi-*
14 *nates, file, in accordance with paragraph (2), reports con-*
15 *taining the following information:*

16 *“(A)(i) The name of any Member of Congress,*
17 *and the name and title of any congressional staff*
18 *member or of any officer or employee of any agency,*
19 *to whom he or she makes an oral or written commu-*
20 *nication on behalf of anyone other than himself or*
21 *herself or the United States, during the 5-year period*
22 *beginning on the date on which his or her service or*

1 *employment as a senior member of the Federal Gov-*
2 *ernment terminates, regarding an official action of*
3 *the Congress or that agency.*

4 “(ii) A person who is a former senior appointee
5 *is required under this subparagraph to report only a*
6 *communication regarding—*

7 “(I) an official action by an agency of
8 *which he or she, as such senior appointee, was*
9 *an officer or employee;*

10 “(II) an official action by the Congress that
11 *directly affects an agency described in subclause*
12 *(I); or*

13 “(III) an official action relating to a mat-
14 *ter in which he or she participated personally*
15 *and substantially as such senior appointee.*

16 “(B) The name, address, and telephone number
17 *of any person on whose behalf he or she makes a com-*
18 *munication described in subparagraph (A).*

19 “(C) A description of the legislation, regulation,
20 *trade negotiation, or other matter that a communica-*
21 *tion described in subparagraph (A) concerns.*

22 “(D) The name, address, and telephone number
23 *of any foreign government, foreign political party, or*
24 *foreign business entity whom he or she represents,*
25 *aids, or advises, during the 5-year period beginning*

1 *on the date on which his or her service or employment*
2 *as a senior member of the Federal Government termi-*
3 *nates, regarding any official action of the Congress or*
4 *of an agency.*

5 “(2)(A) *Subject to subparagraph (B), each person who*
6 *is required to file a report under paragraph (1) shall file*
7 *such report—*

8 “(i) *by July 30 of each year, containing infor-*
9 *mation relating to the period January 1 through*
10 *June 30 of that year; and*

11 “(ii) *by January 31 of each year, containing in-*
12 *formation relating to the period July 1 through De-*
13 *cember 31 of the preceding year.*

14 “(B)(i) *A person shall file the first report under para-*
15 *graph (1) for the first reporting period described in sub-*
16 *paragraph (A) of this paragraph—*

17 “(I) *which occurs after the person leaves his or*
18 *her office or position; and*

19 “(II) *in which he or she made any communica-*
20 *tion described in paragraph (1)(A), or any represen-*
21 *tation, aid, or advice described in paragraph (1)(D).*

22 *For all subsequent reporting periods, such person shall file*
23 *a report under paragraph (1) whether or not the person*
24 *made any communication described in paragraph (1)(A),*

1 *or any representation, aid, or advice described in para-*
2 *graph (1)(D), during the reporting period.*

3 “(ii) *In the case of a person who makes no communica-*
4 *tion described in paragraph (1)(A), and no representation,*
5 *aid, or advice described in paragraph (1)(D), during the*
6 *5-year period beginning on the date on which his or her*
7 *service or employment as a senior member of the Federal*
8 *Government terminates, such person shall file under para-*
9 *graph (1) a report covering the first 2 years of such 5-year*
10 *period, and a report covering the next 3 years of such 5-*
11 *year period.*

12 “(iii) *The last report which a person described in*
13 *clause (i) or (ii) is required to file under paragraph (1)*
14 *is a report filed by the date specified in clause (i) or (ii)*
15 *of subparagraph (A) that first occurs after the end of the*
16 *5-year period beginning on the date on which his or her*
17 *service or employment as a senior member of the Federal*
18 *Government terminates.*

19 “(3)(A) *A former President, Vice President, or senior*
20 *appointee shall file the report required by paragraph (1)*
21 *with the Director of the Office of Management and Budget.*

22 “(B) *A former Representative in the Congress, Delegate*
23 *or Resident Commissioner to the Congress, or senior con-*
24 *gressional staff member whose pay was disbursed by the Di-*
25 *rector of Nonlegislative and Financial Services of the House*

1 *of Representatives, shall file the report required by para-*
2 *graph (1) with the Clerk of the House of Representatives.*

3 “(C) *A former Senator, or former senior congressional*
4 *staff member whose pay was disbursed by the Secretary of*
5 *the Senate, shall file the report required by paragraph (1)*
6 *with the Secretary of the Senate.*

7 “(4) *The Clerk of the House of Representatives, the Sec-*
8 *retary of the Senate, and the Director of the Office of Man-*
9 *agement and Budget shall, within 30 days after receiving*
10 *a report filed under paragraph (1), make such report avail-*
11 *able to the public for inspection and copying during normal*
12 *business hours.*

13 “(5) *In any case in which a person—*

14 “(A) *has failed to file a report required by para-*
15 *graph (1) with the Director of the Office of Manage-*
16 *ment and Budget, the Clerk of the House of Rep-*
17 *resentatives, or the Secretary of the Senate, as the*
18 *case may be,*

19 “(B) *has failed to file information required in*
20 *such report, or*

21 “(C) *has filed false information in such report,*
22 *the Director, Clerk, or Secretary, as the case may be, shall,*
23 *within 60 days after the date on which the report should*
24 *have been filed or was filed, make public the name of such*

1 *person and refer the name of such person to the Attorney*
2 *General.*

3 “(6) *The Attorney General may bring a civil action*
4 *in any appropriate United States district court against*
5 *any person who fails to file a report required by paragraph*
6 *(1), fails to file information required in such report, or has*
7 *filed false information in any such report. The court in*
8 *which such action is brought shall, upon proof of such filing*
9 *or failure to file by a preponderance of the evidence, assess*
10 *against such person a civil penalty of not more than*
11 *\$10,000.*

12 “(7)(A) *The Clerk of the House of Representatives shall*
13 *make public on January 31 of each year the names of each*
14 *former Representative in the Congress, each Delegate or*
15 *Resident Commissioner to the Congress, and each senior*
16 *congressional staff member whose compensation was dis-*
17 *bursed by the Director of Nonlegislative and Financial*
18 *Services of the House of Representatives, who is required*
19 *to file a report under paragraph (1).*

20 “(B) *The Secretary of the Senate shall make public*
21 *on January 31 of each year the names of each former Sen-*
22 *ator, and each senior congressional staff member whose*
23 *compensation was disbursed by the Secretary of the Senate,*
24 *who is required to file a report under paragraph (1).*

1 “(C) The Director of the Office of Management and
2 Budget shall make public on January 31 of each year the
3 names of each senior appointee who is required to file a
4 report under paragraph (1).

5 “(D) The requirements of this paragraph shall first
6 apply in January of 1995.

7 “(8) For purposes of this subsection—

8 “(A) the term ‘agency’ has the meaning given
9 that term in section 552(f) of this title;

10 “(B) the term ‘congressional staff member’ means
11 an elected officer of either House of Congress, an em-
12 ployee whose pay is disbursed by the Director of Non-
13 legislative and Financial Services of the House of
14 Representatives, and an employee whose pay is dis-
15 bursed by the Secretary of the Senate;

16 “(C) the term ‘foreign business entity’ means a
17 partnership, association, corporation, organization, or
18 other combination of persons either organized under
19 the laws of or having its principal place of business
20 in a foreign country;

21 “(D) the term ‘foreign government’ means the
22 ‘government of a foreign country’, as defined in sec-
23 tion 1(e) of the Foreign Agents Registration Act of
24 1938, as amended;

1 “(E) the term ‘foreign political party’ has the
2 meaning given that term in section 1(f) of the For-
3 eign Agents Registration Act of 1938, as amended;

4 “(F) the term ‘Member of Congress’ means a
5 Senator or a Representative in, or Delegate or Resi-
6 dent Commissioner to, the Congress;

7 “(G) the term ‘official action’ does not include
8 the routine provision of information and services;

9 “(H) the term ‘senior appointee’ means any in-
10 dividual—

11 “(i) who is appointed by the President, the
12 Vice President, or the head of an agency to a
13 full-time position in an agency in the civil serv-
14 ice or in the uniformed services, or is appointed
15 to a position in the Foreign Service or the Sen-
16 ior Executive Service; and

17 “(ii)(I) whose rate of basic pay, if ap-
18 pointed to a position in the civil service, the For-
19 eign Service, or the Senior Executive Service, is
20 not less than the rate of basic pay in effect for
21 level V of the Executive Schedule under section
22 5316 of this title; or

23 “(II) who, if appointed to a position in the
24 uniformed services, is serving in a grade or rank

1 for which the pay grade (as specified in section
2 201 of title 37) is pay grade O-7 or above;

3 “(I) the term ‘senior congressional staff member’
4 means any individual who is a congressional staff
5 member and whose rate of basic pay is not less than
6 the rate of basic pay in effect for level V of the Execu-
7 tive Schedule under section 5316 of this title;

8 “(J) the term ‘senior member of the Federal Gov-
9 ernment’ means an individual who—

10 “(i) is President, Vice President, or a senior
11 appointee, or

12 “(ii) is a Member of Congress or a senior
13 congressional staff member,

14 and is serving in such position after January 4,
15 1995; and

16 “(K) the term ‘written communication’ includes
17 any communication, other than an oral communica-
18 tion, that is transmitted by any means, including by
19 an electronic device.”.

20 (b) CONFORMING AND CLERICAL AMENDMENTS.—Sec-
21 tion 552b(a)(1) of title 5, United States Code, is amended—

22 (1) by inserting “, except as provided in sub-
23 section (n),” after “ ‘agency’ ”; and

24 (2) by striking “section 552(e)” and inserting
25 “section 552(f)”.