

104TH CONGRESS
1ST SESSION

H. R. 1576

To amend section 207 of title 18, United States Code, to tighten restrictions on former executive and legislative branch officials and employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1995

Mr. ZIMMER (for himself, Mr. MEEHAN, Mr. BARRETT of Wisconsin, Mr. CASTLE, Mr. DEAL of Georgia, Mr. DICKEY, Mr. KLUG, Mr. McHALE, Mr. MINGE, Mr. SHAYS, and Mrs. WALDHOLTZ) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on House Oversight and Rules, 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 section 207 of title 18, United States Code, to tighten restrictions on former executive and legislative branch officials and employees, 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 “Revolving Door Act
5 of 1995”.

1 **SEC. 2. SPECIAL RULES.**

2 (a) IN GENERAL.—Section 207(d) of title 18, United
3 States Code, is amended by adding at the end thereof the
4 following:

5 “(3) ADDITIONAL RESTRICTIONS.—

6 “(A) LOBBYING LEGISLATIVE BRANCH BY
7 EXECUTIVE BRANCH OFFICIALS AND AP-
8 POINTEES.—In addition to the restrictions set
9 forth in subsections (a), (b), and (c) and para-
10 graph (1) of this subsection, any person who—

11 “(i)(I) serves in the position of Presi-
12 dent or Vice President of the United
13 States, or

14 “(II) serves in a position in an execu-
15 tive agency (including the Executive Office
16 of the President) on a full-time basis and
17 whose rate of basic pay is not less than
18 \$70,000 (adjusted for any COLA after the
19 date of enactment of the Revolving Door
20 Act of 1995), and

21 “(ii) is not an appointee of the senior
22 foreign service or solely an appointee as a
23 uniformed service commissioned officer,
24 and who, during the 2 years after termination
25 of service or employment as such an official or
26 appointee, knowingly makes, with the intent to

1 influence, any communication to or appearance
2 before any Member, officer, or employee of ei-
3 ther House of Congress or any employee of any
4 other legislative office of Congress on behalf of
5 any other person (except the United States) in
6 connection with any matter on which such
7 former official or appointee seeks action by
8 such a Member or officer or employee acting in
9 the Member's, officer's, or employee's official
10 capacity shall be punished as provided in sec-
11 tion 216 of this title.

12 “(B) LOBBYING LEGISLATIVE BRANCH BY
13 FORMER MEMBERS.—In addition to the restric-
14 tions set forth in subsections (a), (b), and (c)
15 and paragraph (1) of this subsection, any per-
16 son who is a Member of Congress and who—

17 “(i) during the 2 year period after
18 termination of such service, knowingly
19 makes, with the intent to influence, any
20 communication to or appearance before
21 any Member, officer, or employee of either
22 House of Congress or any employee of any
23 other legislative office of Congress on be-
24 half of any other person (except the United
25 States) in connection with any matter on

1 which such former Member seeks action by
2 such a Member or officer or employee act-
3 ing in the Member's, officer's, or employ-
4 ee's official capacity, or

5 “(ii) during the 5 year period after
6 termination of such service, knowingly
7 makes, with the intent to influence, any
8 communication to or appearance before
9 any Member or employee of the House of
10 Congress in which such former Member
11 served who is a member of or employed by
12 the committee on which such former Mem-
13 ber served on behalf of any other person
14 (except the United States) in connection
15 with any matter on which such former
16 Member seeks action by such a Member or
17 employee acting in the Member's or em-
18 ployee's official capacity

19 shall be punished as provided in section 216 of
20 this title.

21 “(C) LOBBYING LEGISLATIVE BRANCH BY
22 FORMER LEGISLATIVE EMPLOYEES.—In addi-
23 tion to the restrictions set forth in subsections
24 (a), (b), and (c) and paragraph (1) of this sub-
25 section—

1 “(i) any person who is an officer or
2 employee of either House of Congress em-
3 ployed in a position at a rate of pay equal
4 to or greater than \$70,000 (adjusted for
5 any COLA after the date of enactment of
6 the Revolving Door Act of 1995) and who
7 during the 2 year period after termination
8 of such service, knowingly makes, with the
9 intent to influence, any communication to
10 or appearance before any Member, officer,
11 or employee of either House of Congress or
12 any employee of any other legislative office
13 of Congress on behalf of any other person
14 (except the United States) in connection
15 with any matter on which such former offi-
16 cer or employee seeks action by such a
17 Member or officer or employee acting in
18 the Member’s, officer’s, or employee’s offi-
19 cial capacity, or

20 “(ii) any person who was an employee
21 of either House of Congress employed in a
22 position at a rate of pay equal to or great-
23 er than \$70,000 (adjusted for any COLA
24 after the date of enactment of the Revolv-
25 ing Door Act of 1995) and who during the

1 5 year period after termination of such
2 service, knowingly makes, with the intent
3 to influence, any communication to or ap-
4 pearance before any Member or employee
5 of the House of Congress in which such
6 former employee served who is a member
7 of or employed by the committee which
8 employed such former employee on behalf
9 of any other person (except the United
10 States) in connection with any matter on
11 which such former employee seeks action
12 by such a Member or employee acting in
13 the Member's or employee's official capac-
14 ity

15 shall be punished as provided in section 216 of
16 this title.

17 “(D) LOBBYING THE EXECUTIVE BRANCH
18 BY FORMER MEMBERS OR FORMER LEGISLA-
19 TIVE EMPLOYEES.—In addition to the restric-
20 tions set forth in subsections (a), (b), and (c)
21 and paragraph (1) of this subsection, any per-
22 son who is described in subparagraph (B) or
23 (C) and who during the 2 years after termi-
24 nation of service as a Member or employee,
25 knowingly makes, with the intent to influence,

1 any communication to or appearance before any
2 officer or employee of a department or agency
3 on behalf of any other person (except the Unit-
4 ed States) in connection with any matter on
5 which such former Member or employee seeks
6 official action by any officer or employee of
7 such department or agency, shall be punished
8 as provided in section 216 of this title.

9 “(E) LOBBYING THE EXECUTIVE BRANCH
10 BY EXECUTIVE BRANCH OFFICIALS AND EM-
11 PLOYEES.—In addition to the restrictions set
12 forth in subsections (a), (b), and (c) and para-
13 graph (1) of this subsection, any person who—

14 “(i)(I) serves in the position of Presi-
15 dent or Vice President of the United
16 States, or

17 “(II) serves in a position in an execu-
18 tive agency (including the Executive Office
19 of the President) on a full-time basis and
20 whose rate of basic pay is not less than
21 \$70,000 (adjusted for any COLA after the
22 date of enactment of the Revolving Door
23 Act of 1995), and

1 “(ii) is not an appointee of the senior
2 foreign service or solely an appointee as a
3 uniformed service commissioned officer,
4 and who, during the 2 years after termination
5 of service or employment as such an official or
6 appointee, knowingly makes, with the intent to
7 influence, any communication to or appearance
8 before any officer or employee of a department
9 or agency, during the period beginning on the
10 termination of service or employment as such
11 officer or employee and ending 2 years after the
12 termination of service in the department or
13 agency, on behalf of any other person (except
14 the United States), in connection with any mat-
15 ter on which such person seeks official action by
16 any officer or employee of such department or
17 agency, shall be punished as provided in section
18 216 of this title.

19 “(F) LOBBYING A PARTICULAR DEPART-
20 MENT OR AGENCY BY EXECUTIVE BRANCH OF-
21 FICIALS AND EMPLOYEES.—In addition to the
22 restrictions set forth in subsections (a), (b), and
23 (c) and paragraph (1) of this subsection, any
24 person who is described in subparagraph (E)
25 and who, during the 5 years after termination

1 of service or employment as such an official or
2 appointee, knowingly makes, with the intent to
3 influence, any communication to or appearance
4 before any officer or employee of a department
5 or agency, in which such person served within
6 5 years before such termination, during the pe-
7 riod beginning on the termination of service or
8 employment as such officer or employee and
9 ending 5 years after the termination of service
10 in the department or agency, on behalf of any
11 other person (except the United States), in con-
12 nection with any matter on which such person
13 seeks official action by any officer or employee
14 of such department or agency, shall be punished
15 as provided in section 216 of this title.

16 “(G) SUPERVISION OF LOBBYISTS.—Any
17 person who is in a position described in sub-
18 paragraph (B) or (C) may not knowingly, after
19 leaving such position, hold a supervisory posi-
20 tion over any person who is likely to make a
21 communication or appearance described in sub-
22 paragraph (B) or (D).

23 “(H) BAN.—Any person who was a Mem-
24 ber of Congress and who is convicted of a fel-
25 ony may not make any communication or ap-

1 pearance described in subparagraph (B) or
2 (D).”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) SECTION 207(d).—Section 207(d)(1)(A) of
5 title 18, United States Code, is amended to read as
6 follows:

7 “(A) serves in the position of President or
8 Vice President of the United States,”.

9 (2) SECTION 207(h).—The first sentence of sec-
10 tion 207(h)(1) of title 18, United States Code, is
11 amended by inserting after “subsection (c)” the fol-
12 lowing: “and subsection (d)(3)”.

13 (3) SECTION 207(e).—Section 207(e)(7) is
14 amended by inserting before the dash the following:
15 “and subsection (d)”.

16 (c) FOREIGN AGENTS.—Section 207(f) of title 18,
17 United States Code, is amended—

18 (1) by striking “foreign entity” each place it
19 appears and inserting “foreign national”; and

20 (2) by striking paragraphs (2) and (3) and in-
21 serting:

22 “(2) LOBBYING ON BEHALF OF A FOREIGN NA-
23 TIONAL.—(A) In addition to the restrictions set
24 forth in subsections (a), (b), and (c) and paragraph
25 (1) of this subsection, any person who is in a posi-

1 tion described in subparagraph (B) or (C) of sub-
2 section (d)(3) and who knowingly, after leaving such
3 position—

4 “(i) represents, directly or indirectly, a for-
5 eign national before any officer or employee of
6 any department or agency of the United States
7 or any Member of Congress or officer or em-
8 ployee of either House of Congress with the in-
9 tent to influence a decision of such officer or
10 employee of the United States or Member of
11 Congress or officer or employee of either House
12 of Congress in carrying out the Member’s, offi-
13 cer’s, or employee’s official duties and receives
14 compensation for such representation, or

15 “(ii) aids or advises, directly or indirectly,
16 a foreign national with the intent to influence
17 a decision of any officer or employee of any de-
18 partment or agency of the United States or any
19 Member of Congress or officer or employee of
20 either House of Congress in carrying out the
21 Member’s, officer’s, or employee’s official duties
22 and receives compensation for such aid or ad-
23 vice,

24 shall be punished as provided in section 216 of this
25 title.

1 “(3) For purposes of subparagraph (A), the
2 term ‘foreign national’ means—

3 “(A) a government of a foreign country as
4 defined in section 1(e) of the Foreign Agents
5 Registration Act of 1938, as amended, or a for-
6 eign political party as defined in section 1(f) of
7 that Act;

8 “(B) a person outside of the United
9 States, unless such person is an individual and
10 a citizen of the United States, or unless such
11 person is not an individual and is organized
12 under or created by the laws of the United
13 States or of any State or other place subject to
14 the jurisdiction of the United States and has its
15 principal place of business within the United
16 States;

17 “(C) a partnership, association, corpora-
18 tion, organization, or other combination of per-
19 sons organized under the laws of or having its
20 principal place of business in a foreign country;
21 or

22 “(D) a person any of whose activities are
23 directly or indirectly supervised, directed, con-
24 trolled, financed, or subsidized in whole or in

1 major part by an entity described in subpara-
2 graph (A), (B), or (C).”.

3 (d) EXCEPTIONS.—Section 207(j) of title 18, United
4 States Code, is amended by adding at the end thereof the
5 following:

6 “(7) NON-INFLUENTIAL CONTACTS.—Nothing
7 in this section shall prevent an individual from mak-
8 ing requests for appointments, requests for the sta-
9 tus of Federal action, or other similar ministerial
10 contacts, if there is no attempt to influence an offi-
11 cer or employee of the legislative or executive
12 branch.

13 “(8) COMMENTS.—Nothing in this section shall
14 prevent an individual from making communications
15 in response to a notice in the Federal Register,
16 Commerce Business Daily, or other similar publica-
17 tion soliciting communications from the public and
18 directed to the agency official specifically designated
19 in the notice to receive such communications.

20 “(9) ADJUDICATION.—Nothing in this section
21 shall prevent an individual from making communica-
22 tions or appearances in compliance with written
23 agency procedures regarding an adjudication con-
24 ducted by the agency under section 554 of title 5,
25 or substantially similar provisions.

1 “(10) COMMENTS FOR THE RECORD.—Nothing
2 in this section shall prevent an individual from sub-
3 mitting written comments filed in a public docket
4 and other communications that are made on the
5 record.”.

6 (e) USE OF PROFITS.—Section 216(b) of title 18,
7 United States Code, is amended by inserting after the first
8 sentence the following: “Any amount of compensation re-
9 covered pursuant to the preceding sentence for a violation
10 of section 207 shall be deposited in the general fund of
11 the Treasury to reduce the deficit.”.

12 **SEC. 3. LIMITATION ON CONTRIBUTION OF EXCESS CAM-**
13 **PAIGN FUNDS.**

14 Section 313 of the Federal Election Campaign Act
15 of 1971 (2 U.S.C. 439a) is amended by adding at the end
16 the following new sentence: “An individual who has excess
17 campaign funds and is neither a candidate for, nor an in-
18 cumbent of, a Federal office and who is registered under
19 the Federal Regulation of Lobbying Act may not make
20 any contribution from such excess campaign funds to an-
21 other individual who is a candidate for Federal office or
22 to any authorized committee of such other individual.”.

1 **SEC. 4. FLOOR PRIVILEGES.**

2 Rule XXXII of the Rules of the House of Representa-
3 tives is amended by striking “only if they” and inserting
4 “only if they are not lobbyists,”.

5 **SEC. 5. ADDITIONAL PRIVILEGES.**

6 Any former Member of Congress who is registered
7 under the Federal Regulation of Lobbying Act shall not
8 be permitted to enter any dining area of the Capitol which
9 is reserved for Members of Congress or any gymnasium
10 facility which is reserved for Members of Congress.

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