

AMENDMENT TO RULES COMMITTEE PRINT 116-7
OFFERED BY MR. GALLAGHER OF WISCONSIN

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “For the People Act of 2019”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SERVE THE PEOPLE, NOT THE SWAMP

Sec. 101. Short title.

Sec. 102. House and Senate approval of regular appropriation bills.

Sec. 103. 5-year ban on lobbying by individuals appointed to Executive Schedule positions and Members of Congress.

Sec. 104. Termination of retirement coverage of Members of Congress under Federal Employees’ Retirement System.

TITLE II—ETHICS PLEDGE FOR SENIOR EXECUTIVE BRANCH EMPLOYEES

Sec. 201. Ethics pledge requirement for senior Executive branch employees.

TITLE III—LOBBYING BAN

Sec. 301. Short title.

Sec. 302. Prohibiting certain individuals from acting as agents of foreign principals.

TITLE IV—NO CODELS DURING SHUTDOWNS

Sec. 401. Short title.

Sec. 402. Prohibition.

1 **TITLE I—SERVE THE PEOPLE,**
2 **NOT THE SWAMP**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Serve the People, Not
5 the Swamp Act”.

6 **SEC. 102. HOUSE AND SENATE APPROVAL OF REGULAR AP-**
7 **PROPRIATION BILLS.**

8 Section 312 of the Congressional Budget Act of 1974
9 is amended by adding at the end the following new sub-
10 sections:

11 “(g) HOUSE AND SENATE APPROVAL OF REGULAR
12 APPROPRIATION BILLS.—

13 “(1) POINT OF ORDER IN THE HOUSE OF REP-
14 REPRESENTATIVES AGAINST ADJOURNING IN AUGUST
15 UNTIL HOUSE PASSAGE OF ALL APPROPRIATION
16 BILLS.—It shall not be in order in the House of
17 Representatives to consider any resolution providing
18 for an adjournment period of more than three cal-
19 endar days during the month of August until the
20 House of Representatives has approved annual ap-
21 propriation bills providing new budget authority
22 under the jurisdiction of all the subcommittees of
23 the Committee on Appropriations of the House of
24 Representatives for the fiscal year beginning on Oc-
25 tober 1 of such year.

1 “(2) POINTS OF ORDER IN THE HOUSE OF REP-
2 RESENTATIVES AND SENATE AGAINST ADJOURNING
3 UNTIL HOUSE AND SENATE PASSAGE OF ALL APPRO-
4 PRIATION BILLS.—Beginning on October 1 of a ses-
5 sion of Congress and during the duration of that
6 session, it shall not be in order in the House of Rep-
7 resentatives or the Senate to consider any resolution
8 providing for an adjournment period of more than
9 three calendar days for the duration of that session
10 until the annual appropriation bills providing new
11 budget authority under the jurisdiction of all the
12 subcommittees of the Committees on Appropriations
13 of the House of Representatives and the Senate for
14 the fiscal year beginning on October 1 of such year
15 have been presented to the President under section
16 7 of article I of the Constitution.

17 “(h) NO CONGRESSIONAL RECESSES.—Neither the
18 Senate nor the House of Representatives may recess or
19 stand adjourned for a period of longer than 24 hours dur-
20 ing any calendar year unless and until Congress has
21 agreed to a concurrent resolution on the budget for the
22 fiscal year beginning on October 1 of that calendar year
23 which concurrent resolution projects a balanced budget for
24 the Government by the last fiscal year covered by that con-
25 current resolution.”.

1 **SEC. 103. 5-YEAR BAN ON LOBBYING BY INDIVIDUALS AP-**
2 **POINTED TO EXECUTIVE SCHEDULE POSI-**
3 **TIONS AND MEMBERS OF CONGRESS.**

4 (a) INDIVIDUALS APPOINTED TO EXECUTIVE SCHED-
5 ULE POSITIONS.—

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

8 “(d) RESTRICTIONS ON VERY SENIOR PERSONNEL
9 OF THE EXECUTIVE BRANCH AND INDEPENDENT AGEN-
10 CIES.—

11 “(1) VICE PRESIDENT.—

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

1 “(B) PERSONS WHO MAY NOT BE CON-
2 TACTED.—A person described in this subpara-
3 graph is—

4 “(i) any officer or employee of any de-
5 partment or agency in which the Vice
6 President served within a period of 1 year
7 before the Vice President’s service or em-
8 ployment with the United States Govern-
9 ment terminated; and

10 “(ii) any person appointed to a posi-
11 tion in the executive branch which is listed
12 in section 5312, 5313, 5314, 5315, or
13 5316 of title 5.

14 “(2) FIVE-YEAR RESTRICTION ON INDIVIDUALS
15 IN EXECUTIVE SCHEDULE AND EQUIVALENT POSI-
16 TIONS.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraphs (B) and (C), and in addition to
19 the restrictions set forth in subsections (a) and
20 (b), any individual employed in a position in the
21 executive branch for which the rate of pay is
22 the rate of pay payable for any level of the Ex-
23 ecutive Schedule under subchapter II of chapter
24 53 of title 5 who, within 5 years after the ter-
25 mination of his or her service or employment in

1 such position, knowingly makes, with the intent
2 to influence, any communication to or appear-
3 ance before any officer or employee of any de-
4 partment or agency in the executive branch, on
5 behalf of any other person (except the United
6 States), in connection with any matter on which
7 such person seeks official action by any officer
8 or employee of such department or agency, shall
9 be punished as provided in section 216 of this
10 title.

11 “(B) SPECIAL GOVERNMENT EMPLOY-
12 EES.—Subparagraph (A) shall not apply to a
13 special Government employee who serves less
14 than 60 days in the 1-year period before his or
15 her service or employment as such employee
16 terminates.

17 “(C) WAIVER.—

18 “(i) AUTHORITY.—Except as provided
19 in clause (ii), at the request of a depart-
20 ment or agency, the Director of the Office
21 of Government Ethics may waive the re-
22 strictions under subparagraph (A) with re-
23 spect to a position, or a category of posi-
24 tions, if the Director determines that—

1 “(I) the imposition of the restric-
2 tions with respect to the position, or
3 category of positions, would create an
4 undue hardship on the department or
5 agency in obtaining qualified per-
6 sonnel to fill the position, or category
7 of positions; and

8 “(II) granting the waiver would
9 not create the potential for use of
10 undue influence or unfair advantage.

11 “(ii) EXCLUDED POSITIONS.—The Di-
12 rector of the Office of Government Ethics
13 may not waive the restrictions under sub-
14 paragraph (A) with respect to—

15 “(I) a position in the executive
16 branch (including any independent
17 agency) for which the rate of pay is
18 the rate of pay payable for level I of
19 the Executive Schedule; or

20 “(II) a position in the Executive
21 Office of the President for which the
22 rate of pay is the rate of pay for level
23 II of the Executive Schedule.”.

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

4 (A) in subsection (c)(2)—

5 (i) in subparagraph (A)—

6 (I) by striking clauses (i) and
7 (iii);

8 (II) by redesignating clauses (ii),
9 (iv), and (v) as clauses (i), (ii), and
10 (iii), respectively; and

11 (III) in clause (i), as so redesign-
12 ated—

13 (aa) by striking “which is
14 not referred to in clause (i)” the
15 first place it appears and insert-
16 ing “for which the rate of pay is
17 not specified in or fixed accord-
18 ing to subchapter II of chapter
19 53 of title 5”; and

20 (bb) by striking “, or, for a
21 period of 2 years” and all that
22 follows through the end of clause
23 (i) and inserting a comma; and

24 (ii) in subparagraph (C), in the mat-
25 ter preceding clause (i), by striking “clause

1 (ii) or (iv)” and inserting “clause (i) or
2 (ii)”;

3 (B) in subsection (h)(2), by striking the
4 second sentence.

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

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

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

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

1 **SEC. 104. TERMINATION OF RETIREMENT COVERAGE OF**
2 **MEMBERS OF CONGRESS UNDER FEDERAL**
3 **EMPLOYEES' RETIREMENT SYSTEM.**

4 (a) IN GENERAL.—Subchapter II of chapter 84 of
5 title 5, United States Code, is amended by inserting after
6 section 8425 the following:

7 **“§ 8425a. Termination of further retirement coverage**
8 **of Members of Congress**

9 “(a) IN GENERAL.—Notwithstanding any other pro-
10 vision of this chapter, effective as of the date of enactment
11 of this section—

12 “(1) subject to subsection (f), in the case of an
13 individual who first becomes a Member before such
14 date of enactment—

15 “(A) such Member shall not be subject to
16 this chapter for any further period of time after
17 such date of enactment; and

18 “(B) no further Government contributions
19 or deductions from basic pay may be made with
20 respect to such Member for deposit in the
21 Treasury of the United States to the credit of
22 the Fund; and

23 “(2) in the case of an individual who first be-
24 comes a Member on or after such date of enact-
25 ment—

1 “(A) such Member shall not be subject to
2 this chapter; and

3 “(B) no Government contributions or de-
4 ductions from basic pay may be made with re-
5 spect to such Member for deposit in the Treas-
6 ury of the United States to the credit of the
7 Fund.

8 “(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in
9 subsection (a) shall be considered to nullify, modify, or
10 otherwise affect any right, entitlement, or benefit under
11 this chapter with respect to any Member covering any pe-
12 riod prior to the date of enactment of this section.

13 “(c) RIGHT TO PARTICIPATE IN THRIFT SAVINGS
14 PLAN NOT AFFECTED.—Nothing in subsection (a) or (b)
15 shall affect the eligibility of a Member to participate in
16 the Thrift Savings Plan in accordance with otherwise ap-
17 plicable provisions of law.

18 “(d) REGULATIONS.—

19 “(1) IN GENERAL.—Any regulations necessary
20 to carry out this section may—

21 “(A) except with respect to matters under
22 subparagraph (B), be prescribed by the Direc-
23 tor of the Office of Personnel Management; and

24 “(B) with respect to matters relating to
25 the Thrift Savings Plan, be prescribed by the

1 Executive Director (as defined by section
2 8401(13)).

3 “(2) REFUNDS.—Notwithstanding subsection
4 (b), the regulations under paragraph (1)(A) shall, in
5 the case of a Member who has not completed at
6 least 5 years of civilian service as of the date of en-
7 actment of this section, provide that the lump-sum
8 credit shall be payable to such Member to the same
9 extent and in the same manner as if such Member
10 satisfied paragraphs (1) through (4) of section
11 8424(a) as of such date of enactment.

12 “(e) EXCLUSIONS.—For purposes of this section, the
13 term ‘Member’ does not include the Vice President.

14 “(f) OPT-IN FOR MEMBERS.—Not later than 90 days
15 after the date of enactment of this section, a Member cov-
16 ered by this chapter as of such date may elect, by giving
17 notice in writing to the official by whom such Member is
18 paid, to remain subject to this chapter.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 84 of title 5, United States
21 Code, is amended by inserting after the item relating to
22 section 8425 the following:

“8425a. Termination of further retirement coverage of Members of Congress.”.

1 **TITLE II—ETHICS PLEDGE FOR**
2 **SENIOR EXECUTIVE BRANCH**
3 **EMPLOYEES**

4 **SEC. 201. ETHICS PLEDGE REQUIREMENT FOR SENIOR EX-**
5 **ECUTIVE BRANCH EMPLOYEES.**

6 The Ethics in Government Act of 1978 (5 U.S.C.
7 App. 101 et seq.) is amended by inserting after title I the
8 following new title:

9 **“TITLE II—ETHICS PLEDGE**

10 **“SEC. 201. DEFINITIONS.**

11 “For the purposes of this title, the following defini-
12 tions apply:

13 “(1) The term ‘executive agency’ has the mean-
14 ing given that term in section 105 of title 5, United
15 States Code, and includes the Executive Office of
16 the President, the United States Postal Service, and
17 Postal Regulatory Commission, but does not include
18 the Government Accountability Office.

19 “(2) The term ‘appointee’ means any full-time,
20 non-career Presidential or Vice-Presidential ap-
21 pointee, noncareer appointee in the Senior Executive
22 Service (or other SES-type system), or appointee to
23 a position that has been excepted from the competi-
24 tive service by reason of being of a confidential or
25 policymaking character (Schedule C and other posi-

1 tions excepted under comparable criteria) in an execu-
2 tive agency, but does not include any individual ap-
3 pointed as a member of the Senior Foreign Service
4 or solely as a uniformed service commissioned offi-
5 cer.

6 “(3) The term ‘gift’—

7 “(A) has the meaning given that term in
8 section 2635.203(b) of title 5, Code of Federal
9 Regulations;

10 “(B) includes gifts that are solicited or ac-
11 cepted indirectly as defined at section
12 2635.203(f) of such title; and

13 “(C) does not include those items excluded
14 by sections 2635.204(b), (c), (e)(1)–(3) and
15 (j)–(l) of such title.

16 “(4) The term ‘covered executive branch offi-
17 cial’ and ‘lobbyist’ have the meanings given those
18 terms in section 3 of the Lobbying Disclosure Act of
19 1995 (2 U.S.C. 1602).

20 “(5) The term ‘registered lobbyist or lobbying
21 organization’ means a lobbyist or an organization fil-
22 ing a registration pursuant to section 4(a) of the
23 Lobbying Disclosure Act of 1995 (2 U.S.C.
24 1603(a)), and in the case of an organization filing

1 such a registration, ‘registered lobbyist’ includes
2 each of the lobbyists identified therein.

3 “(6) The term ‘lobby’ and ‘lobbied’ mean to act
4 or have acted as a registered lobbyist.

5 “(7) The term ‘particular matter’ has the
6 meaning given that term in section 207 of title 18,
7 United States Code, and section 2635.402(b)(3) of
8 title 5, Code of Federal Regulations.

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

19 “(9) The term ‘former employer’ is any person
20 for whom the appointee has within the 2 years prior
21 to the date of his or her appointment served as an
22 employee, officer, director, trustee, or general part-
23 ner, except that ‘former employer’ does not include
24 any executive agency or other entity of the Federal
25 Government, State or local government, the District

1 of Columbia, Native American tribe, or any United
2 States territory or possession.

3 “(10) The term ‘former client’ is any person for
4 whom the appointee served personally as agent, at-
5 torney, or consultant within the 2 years prior to the
6 date of his or her appointment, but excluding in-
7 stances where the service provided was limited to a
8 speech or similar appearance. It does not include cli-
9 ents of the appointee’s former employer to whom the
10 appointee did not personally provide services.

11 “(11) The term ‘directly and substantially re-
12 lated to my former employer or former clients’
13 means matters in which the appointee’s former em-
14 ployer or a former client is a party or represents a
15 party.

16 “(12) The term ‘participate’ means to partici-
17 pate personally and substantially.

18 “(13) The term ‘post-employment restrictions’
19 includes the provisions and exceptions in section
20 207(c) of title 18, United States Code, and the im-
21 plementing regulations.

22 “(14) The term ‘Government official’ means
23 any employee of the executive branch.

24 “(15) The term ‘Administration’ means all
25 terms of office of the incumbent President serving at

1 the time of the appointment of an appointee covered
2 by this title.

3 “(16) The term ‘pledge’ means the ethics
4 pledge set forth in section 202 of this title.

5 “(17) All references to provisions of law and
6 regulations shall refer to such provisions as in effect
7 on the date of enactment of this title.

8 **“SEC. 202. ETHICS PLEDGE.**

9 “Each appointee in every executive agency appointed
10 on or after the date of enactment of this section shall sign,
11 and upon signing shall be contractually committed to, the
12 following pledge upon becoming an appointee:

13 “‘As a condition, and in consideration, of my employ-
14 ment in the United States Government in a position in-
15 vested with the public trust, I commit myself to the fol-
16 lowing obligations, which I understand are binding on me
17 and are enforceable under law:

18 “‘(1) *Lobbyist Gift Ban*. I will not accept gifts
19 from registered lobbyists or lobbying organizations
20 for the duration of my service as an appointee.

21 “‘(2) *Revolving Door Ban—All Appointees En-*
22 *tering Government*. I will not for a period of 2 years
23 from the date of my appointment participate in any
24 particular matter involving specific parties that is di-
25 rectly and substantially related to my former em-

1 ployer or former clients, including regulations and
2 contracts.

3 ““(3) *Revolving Door Ban—Lobbyists Entering*
4 *Government*. If I was a registered lobbyist within the
5 2 years before the date of my appointment, in addi-
6 tion to abiding by the limitations of paragraph 2, I
7 will not for a period of 2 years after the date of my
8 appointment:

9 ““(A) participate in any particular matter
10 on which I lobbied within the 2 years before the
11 date of my appointment;

12 ““(B) participate in the specific issue area
13 in which that particular matter falls; or

14 ““(C) seek or accept employment with any
15 executive agency that I lobbied within the 2
16 years before the date of my appointment.

17 ““(4) *Revolving Door Ban—Appointees Leaving*
18 *Government*. If, upon my departure from the Gov-
19 ernment, I am covered by the post-employment re-
20 strictions on communicating with employees of my
21 former executive agency set forth in section 207(c)
22 of title 18, United States Code, I agree that I will
23 abide by those restrictions for a period of 2 years
24 following the end of my appointment.

1 “(5) *Revolving Door Ban—Appointees Leaving*
2 *Government to Lobby*. In addition to abiding by the
3 limitations of paragraph 4, I also agree, upon leav-
4 ing Government service, not to lobby any covered ex-
5 ecutive branch official or non-career Senior Execu-
6 tive Service appointee for the remainder of the Ad-
7 ministration.

8 “(6) *Employment Qualification Commitment*. I
9 agree that any hiring or other employment decisions
10 I make will be based on the candidate’s qualifica-
11 tions, competence, and experience.

12 “(7) *Assent to Enforcement*. I acknowledge that
13 title II of the Ethics in Government Act of 1978,
14 which I have read before signing this document, de-
15 fines certain of the terms applicable to the foregoing
16 obligations and sets forth the methods for enforcing
17 them. I expressly accept the provisions of that title
18 as a part of this agreement and as binding on me.
19 I understand that the terms of this pledge are in ad-
20 dition to any statutory or other legal restrictions ap-
21 plicable to me by virtue of Federal Government serv-
22 ice.’.

23 **“SEC. 203. WAIVER.**

24 “(a) The Director of the Office of Management and
25 Budget, in consultation with the Counsel to the President,

1 may grant to any current or former appointee a written
2 waiver of any restrictions contained in the pledge signed
3 by such appointee if, and to the extent that, the Director
4 certifies (in writing) that—

5 “(1) the literal application of the restriction is
6 inconsistent with the purposes of the restriction; or

7 “(2) it is in the public interest to grant the
8 waiver.

9 “(b) Any waiver under this section shall take effect
10 when the certification is signed by the Director.

11 “(c) For purposes of subsection (a)(2), the public in-
12 terest shall include exigent circumstances relating to na-
13 tional security or to the economy. De minimis contact with
14 an executive agency shall be cause for a waiver of the re-
15 strictions contained in paragraph 3 of the pledge.

16 **“SEC. 204. ADMINISTRATION.**

17 “(a) The head of each executive agency shall, in con-
18 sultation with the Director of the Office of Government
19 Ethics, establish such rules or procedures (conforming as
20 nearly as practicable to the agency’s general ethics rules
21 and procedures, including those relating to designated
22 agency ethics officers) as are necessary or appropriate to
23 ensure—

1 “(1) that every appointee in the agency signs
2 the pledge upon assuming the appointed office or
3 otherwise becoming an appointee;

4 “(2) that compliance with paragraph 3 of the
5 pledge is addressed in a written ethics agreement
6 with each appointee to whom it applies, which agree-
7 ment shall also be approved by the Counsel to the
8 President prior to the appointee commencing work;

9 “(3) that spousal employment issues and other
10 conflicts not expressly addressed by the pledge are
11 addressed in ethics agreements with appointees or,
12 where no such agreements are required, through eth-
13 ics counseling; and

14 “(4) compliance with this title within the agen-
15 cy.

16 “(b) With respect to the Executive Office of the
17 President, the duties set forth in subsection (a) shall be
18 the responsibility of the Counsel to the President.

19 “(c) The Director of the Office of Government Ethics
20 shall—

21 “(1) ensure that the pledge and a copy of this
22 title are made available for use by agencies in ful-
23 filling their duties under subsection (a);

24 “(2) in consultation with the Attorney General
25 or the Counsel to the President, when appropriate,

1 assist designated agency ethics officers in providing
2 advice to current or former appointees regarding the
3 application of the pledge; and

4 “(3) in consultation with the Attorney General
5 and the Counsel to the President, adopt such rules
6 or procedures as are necessary or appropriate—

7 “(A) to carry out the responsibilities as-
8 signed by this subsection;

9 “(B) to apply the lobbyist gift ban set
10 forth in paragraph 1 of the pledge to all execu-
11 tive branch employees;

12 “(C) to authorize limited exceptions to the
13 lobbyist gift ban for circumstances that do not
14 implicate the purposes of the ban;

15 “(D) to make clear that no person shall
16 have violated the lobbyist gift ban if the person
17 properly disposes of a gift as provided by sec-
18 tion 2635.205 of title 5, Code of Federal Regu-
19 lations;

20 “(E) to ensure that existing rules and pro-
21 cedures for Government employees engaged in
22 negotiations for future employment with private
23 businesses that are affected by their official ac-
24 tions do not affect the integrity of the Govern-
25 ment’s programs and operations; and

1 “(F) to ensure, in consultation with the
2 Director of the Office of Personnel Manage-
3 ment, that the requirement set forth in para-
4 graph 6 of the pledge is honored by every em-
5 ployee of the executive branch;

6 “(4) in consultation with the Director of the
7 Office of Management and Budget, report to the
8 President on whether full compliance is being
9 achieved with existing laws and regulations gov-
10 erning executive branch procurement lobbying disclo-
11 sure and on steps the executive branch can take to
12 expand to the fullest extent practicable disclosure of
13 such executive branch procurement lobbying and of
14 lobbying for presidential pardons, and to include in
15 the report both immediate action the executive
16 branch can take and, if necessary, recommendations
17 for legislation; and

18 “(5) provide an annual public report on the ad-
19 ministration of the pledge and this title.

20 “(d) The Director of the Office of Government Ethics
21 shall, in consultation with the Attorney General, the Coun-
22 sel to the President, and the Director of the Office of Per-
23 sonnel Management, report to the President on steps the
24 executive branch can take to expand to the fullest extent
25 practicable the revolving door ban set forth in paragraph

1 5 of the pledge to all executive branch employees who are
2 involved in the procurement process such that they may
3 not for 2 years after leaving Government service lobby any
4 Government official regarding a Government contract that
5 was under their official responsibility in the last 2 years
6 of their Government service, and to include in the report
7 both immediate action the executive branch can take and,
8 if necessary, recommendations for legislation.

9 “(e) All pledges signed by appointees, and all waiver
10 certifications with respect thereto, shall be filed with the
11 head of the appointee’s agency for permanent retention
12 in the appointee’s official personnel folder or equivalent
13 folder.

14 **“SEC. 205. ENFORCEMENT.**

15 “(a) The contractual, fiduciary, and ethical commit-
16 ments in the pledge are solely enforceable by the United
17 States pursuant to this section by any legally available
18 means, including debarment proceedings within any af-
19 fected executive agency or judicial civil proceedings for de-
20 claratory, injunctive, or monetary relief.

21 “(b) Any former appointee who is determined, after
22 notice and hearing, by the duly designated authority with-
23 in any agency, to have violated his or her pledge may be
24 barred from lobbying any officer or employee of that agen-
25 cy for up to 5 years in addition to the time period covered

1 by the pledge. The head of every executive agency shall,
2 in consultation with the Director of the Office of Govern-
3 ment Ethics, establish procedures to implement this sub-
4 section, which procedures shall include providing for fact-
5 finding and investigation of possible violations of this title
6 and for referrals to the Attorney General for consideration
7 pursuant to subsection (c).

8 “(c) The Attorney General is authorized—

9 “(1) upon receiving information regarding the
10 possible breach of any commitment in a signed
11 pledge, to request any appropriate Federal investiga-
12 tive authority to conduct such investigations as may
13 be appropriate; and

14 “(2) upon determining that there is a reason-
15 able basis to believe that a breach of a commitment
16 has occurred or will occur or continue, if not en-
17 joined, to commence a civil action against the former
18 employee in any United States District Court with
19 jurisdiction to consider the matter.

20 “(d) In any such civil action, the Attorney General
21 is authorized to request any and all relief authorized by
22 law, including—

23 “(1) such temporary restraining orders and pre-
24 liminary and permanent injunctions as may be ap-
25 propriate to restrain future, recurring, or continuing

1 conduct by the former employee in breach of the
2 commitments in the pledge he or she signed under
3 this title; and

4 “(2) establishment of a constructive trust for
5 the benefit of the United States, requiring an ac-
6 counting and payment to the United States Treas-
7 ury of all money and other things of value received
8 by, or payable to, the former employee arising out
9 of any breach or attempted breach of such pledge.”.

10 **TITLE III—LOBBYING BAN**

11 **SEC. 301. SHORT TITLE.**

12 This title may be cited as the “Congressional and Ex-
13 ecutive Foreign Lobbying Ban Act”.

14 **SEC. 302. PROHIBITING CERTAIN INDIVIDUALS FROM ACT-** 15 **ING AS AGENTS OF FOREIGN PRINCIPALS.**

16 (a) FORMER MEMBERS OF CONGRESS; GENERAL OR
17 FLAG OFFICERS OF ARMED FORCES.—

18 (1) PROHIBITING REGISTRATION AS AGENT.—

19 The Foreign Agents Registration Act of 1938, as
20 amended (22 U.S.C. 611 et seq.) is amended—

21 (A) by redesignating sections 12 through
22 14 as sections 13 through 15; and

23 (B) by inserting after section 11 the fol-
24 lowing new section:

1 **“SEC. 12. PROHIBITING REGISTRATION OF CERTAIN INDI-**
2 **VIDUALS.**

3 “(a) PROHIBITION.—No individual may register
4 under this Act or otherwise serve as the agent of a foreign
5 principal if the individual at any time served as a Member
6 of Congress, as a senior political appointee, or as a general
7 or flag officer of the armed forces.

8 “(b) DEFINITIONS.—In this section—

9 “(1) the term ‘Member of Congress’ means a
10 Senator or Representative in, or Delegate or Resi-
11 dent Commissioner to, the Congress; and

12 “(2) the term ‘senior political appointee’—

13 “(A) means—

14 “(i) any individual occupying a full-
15 time senior position and who is appointed
16 by the President or the Vice President;

17 “(ii) any noncareer appointee in the
18 Senior Executive Service (or other SES-
19 type system); and

20 “(iii) any appointee to a position, at
21 or above the level of a noncareer member
22 of the Senior Executive Service, that has
23 been excepted from the competitive service
24 by reason of being of a confidential or pol-
25 icymaking character (schedule C and other

1 positions excepted under comparable cri-
2 teria) in an executive agency; and

3 “(B) does not include any individual ap-
4 pointed as a member of the Senior Foreign
5 Service or, except for a general or flag officer
6 of the armed forces, solely as a uniformed serv-
7 ice commissioned officer.”.

8 (2) OTHER REPRESENTATION OF FOREIGN EN-
9 TITIES.—Section 207(f)(1) of title 18, United States
10 Code, is amended by inserting after “within 1 year”
11 the following: “(or, in the case of a person who is
12 subject to any of such restrictions and who is a
13 Member of Congress, a senior political appointee (as
14 that term is defined in section 12 of the Foreign
15 Agents Registration Act of 1938, as amended (22
16 U.S.C. 611 et seq.)), or a general or flag officer of
17 the armed forces, at any time)”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall apply with respect to any individual
20 whose service as a Member of Congress or as a general
21 or flag officer of the armed forces terminates on or after
22 the date of the enactment of this Act.

1 **TITLE IV—NO CODELS DURING**
2 **SHUTDOWNS**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “No CODELs During
5 Shutdowns Act”.

6 **SEC. 402. PROHIBITION.**

7 (a) **PROHIBITION.**—An executive agency may not ex-
8 pend any funds for the purpose of supporting official trav-
9 el undertaken by more than one Member of Congress dur-
10 ing any period in which there is a lapse in appropriations
11 for any instrumentality of the Federal Government.

12 (b) **EXCEPTION.**—An executive agency may expend
13 funds for the purpose described under subsection (a) if
14 the President, in consultation with the Speaker of the
15 House of Representatives and the Majority leader of the
16 Senate, waives the prohibition under such subsection for
17 such purpose.

18 (c) **EXECUTIVE AGENCY DEFINED.**—The term “exec-
19 utive agency” has the meaning given that term in section
20 133 of title 41, United States Code.

