

114TH CONGRESS
2D SESSION

H. R. 6476

To amend the Lobbying Disclosure Act of 1995 and the Foreign Agents Registration Act of 1938 to restrict the lobbying activities of former political appointees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2016

Mr. DEFAZIO (for himself, Ms. GABBARD, Mr. CICILLINE, Ms. SLAUGHTER, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Lobbying Disclosure Act of 1995 and the Foreign Agents Registration Act of 1938 to restrict the lobbying activities of former political appointees, 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 “Deter Revolving-door
5 Appointments in our Nation; Stop Washington Appointees
6 from becoming Manipulative Petitioners Act” or the
7 “DRAIN the SWAMP Act”.

1 **SEC. 2. RESTRICTIONS ON LOBBYING ACTIVITIES OF**
2 **FORMER POLITICAL APPOINTEES.**

3 (a) 5-YEAR POST-EMPLOYMENT BAN ON SERVING AS
4 REGISTERED LOBBYIST.—

5 (1) IN GENERAL.—Section 207 of title 18,
6 United States Code, is amended by striking sub-
7 sections (c) and (d) and inserting the following:

8 “(c) RESTRICTIONS ON SENIOR PERSONNEL OF THE
9 EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—

10 “(1) RESTRICTIONS.—In addition to the restric-
11 tions set forth in subsections (a) and (b), any person
12 who is a political appointee of the executive branch
13 of the United States (including an independent
14 agency), and who, within 5 years after the termi-
15 nation of his or her service or employment as such
16 a political appointee, knowingly makes, with the in-
17 tent to influence, any communication to or appear-
18 ance before any officer or employee of the depart-
19 ment or agency in which such person served, on be-
20 half of any other person (except the United States),
21 in connection with any matter on which such person
22 seeks official action by any officer or employee of
23 such department or agency, shall be punished as
24 provided in section 216 of this title.

25 “(2) POLITICAL APPOINTEE.—The term ‘polit-
26 ical appointee’ means an individual who is—

1 “(A) employed in a position described
2 under sections 5312 through 5316 of title 5,
3 United States Code (relating to the Executive
4 Schedule);

5 “(B) a limited term appointee, limited
6 emergency appointee, or noncareer appointee in
7 the Senior Executive Service, as defined under
8 paragraphs (5), (6), and (7), respectively, of
9 section 3132(a) of title 5, United States Code;
10 or

11 “(C) employed in a position of a confiden-
12 tial or policy-determining character under
13 schedule C of subpart C of part 213 of title 5
14 of the Code of Federal Regulations.

15 “(3) WAIVER.—At the request of a department
16 or agency, the Director of the Office of Government
17 Ethics may waive the restrictions contained in para-
18 graph (1) with respect to any position, or category
19 of positions, referred to in paragraph (2) in such de-
20 partment or agency if the Director determines
21 that—

22 “(A) the imposition of the restrictions with
23 respect to such position or positions would cre-
24 ate an undue hardship on the department or

1 agency in obtaining qualified personnel to fill
2 such position or positions; and

3 “(B) granting the waiver would not create
4 the potential for use of undue influence or un-
5 fair advantage.”.

6 (2) CONFORMING AMENDMENTS.—Section 207
7 of such title is amended—

8 (A) in subsection (f)(1), by striking “sub-
9 section (c), (d), or (e)” and inserting “sub-
10 section (c) or (e)”;

11 (B) in subsection (h)(2), by striking “sub-
12 section (c)(2)(A)(i) or (iii)” and inserting “sub-
13 section (c)(2)(A) or (C)”;

14 (C) in subsection (i)(1)(A), by striking
15 “subsections (a), (c), and (d)” and inserting
16 “subsections (a) and (c)”.

17 (b) LIFETIME BAN ON SERVING AS AGENT OF FOR-
18 EIGN GOVERNMENT.—

19 (1) REGISTRATION AS AGENT.—The Foreign
20 Agents Registration Act of 1938 (22 U.S.C. 611 et
21 seq.) is amended by adding at the end the following
22 new section:

1 **“SEC. 12. PROHIBITING REGISTRATION BY FORMER POLIT-**
2 **ICAL APPOINTEES.**

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 political
6 appointee (as defined in subsection (b)).

7 “(b) POLITICAL APPOINTEE.—The term ‘political ap-
8 pointee’ means an individual who is—

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

12 “(2) a limited term appointee, limited emer-
13 gency appointee, or noncareer appointee in the Sen-
14 ior Executive Service, as defined under paragraphs
15 (5), (6), and (7), respectively, of section 3132(a) of
16 title 5, United States Code; or

17 “(3) employed in a position of a confidential or
18 policy-determining character under schedule C of
19 subpart C of part 213 of title 5 of the Code of Fed-
20 eral Regulations.”.

21 (2) OTHER REPRESENTATION AS FOREIGN EN-
22 TITY.—Section 207(f)(1)(A) of title 18, United
23 States Code, is amended by inserting after “within
24 1 year” the following: “(or, in the case of a person
25 who is subject to the restrictions contained in sub-
26 section (c), at any time)”.

1 (c) EFFECTIVE DATE.—

2 (1) IN GENERAL.—The amendments made by
3 this section shall apply with respect to any individual
4 whose service as a political appointee terminates on
5 or after the date of the enactment of this Act.

6 (2) DEFINITION.—In paragraph (1), the term
7 “political appointee” has the meaning given such
8 term in section 207(c)(2) of title 18, United States
9 Code (as amended by subsection (a)(1)), and section
10 12(b) of the Foreign Agents Registration Act of
11 1938 (as added by subsection (b)(1)).

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