

117TH CONGRESS
1ST SESSION

S. 751

To establish a 5-year ban on individuals appointed to Executive Schedule positions and Members of Congress engaging in lobbying activities at the Federal level.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2021

Mr. TESTER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a 5-year ban on individuals appointed to Executive Schedule positions and Members of Congress engaging in lobbying activities at the Federal level.

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 “Cleaning Up Washing-
5 ton’s Act”.

1 **SEC. 2. 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.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 207 of title 18, United States Code, is amended—

(A) in subsection (c)(2)—

(i) in subparagraph (A)—

(I) by striking clauses (i) and

(iii);

(II) by redesignating clauses (ii),

(iv), and (v) as clauses (i), (ii), and

(iii), respectively; and

(III) in clause (i), as so redesignated—

nated—

(aa) by striking “which is

not referred to in clause (i)” the

first place it appears and insert-

ing “for which the rate of pay is

not specified in or fixed accord-

ing to subchapter II of chapter

53 of title 5”; and

(bb) by striking “, or, for a

period of 2 years” and all that

follows through the end of clause

(i) and inserting a comma; and

(ii) in subparagraph (C), in the mat-

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”;

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,”.

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