

105TH CONGRESS
1ST SESSION

H. R. 416

To amend section 207 of title 18, United States Code, to further restrict Federal officers and employees from representing or advising foreign entities after leaving Government service.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1997

Ms. KAPTUR introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend section 207 of title 18, United States Code, to further restrict Federal officers and employees from representing or advising foreign entities after leaving Government service.

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 “Foreign Agents Com-
5 pulsory Ethics in Trade Act of 1997”.

1 **SEC. 2. LIMITATION ON REPRESENTING OR ADVISING CER-**
2 **TAIN FOREIGN ENTITIES.**

3 Section 207(f) of title 18, United States Code, is
4 amended to read as follows:

5 “(f) RESTRICTIONS RELATING TO FOREIGN ENTI-
6 TIES.—

7 “(1) PERMANENT RESTRICTION.—Any person
8 who is an officer or employee described in paragraph
9 (3) and who, after the termination of his or her
10 service or employment as such officer or employee,
11 knowingly acts as an agent or attorney for or other-
12 wise represents or advises, for compensation, a gov-
13 ernment of a foreign country or a foreign political
14 party, if the representation or advice relates directly
15 to a matter in which the United States is a party
16 or has a direct and substantial interest, shall be
17 punished as provided in section 216 of this title.

18 “(2) FIVE-YEAR RESTRICTION.—Any person
19 who is an officer or employee described in paragraph
20 (3) and who, within 5 years after the termination of
21 his or her service or employment as such officer or
22 employee, knowingly acts as an agent or attorney for
23 or otherwise represents or advises, for compensa-
24 tion—

25 “(A) a person outside of the United States,
26 unless such person—

1 “(i) if an individual, is a citizen of
2 and domiciled within the United States, or

3 “(ii) if not an individual, is organized
4 under or created by the laws of the United
5 States or of any State or other place sub-
6 ject to the jurisdiction of the United States
7 and has its principal place of business
8 within the United States, or

9 “(B) a partnership, association, corpora-
10 tion, organization, or other combination of per-
11 sons organized under the laws of or having its
12 principal place of business in a foreign country,
13 if the representation or advice relates directly to a
14 matter in which the United States is a party or has
15 a direct and substantial interest, shall be punished
16 as provided in section 216 of this title.

17 “(3) PERSONS TO WHOM RESTRICTIONS
18 APPLY.—The officers and employees referred to in
19 paragraphs (1) and (2) to whom the restrictions
20 contained in such paragraphs apply are—

21 “(A) the President of the United States;
22 and

23 “(B) any person subject to the restrictions
24 contained in subsection (c), (d), or (e).

1 “(4) DEFINITIONS.—For purposes of this sub-
2 section—

3 “(A) the term ‘compensation’ means any
4 payment, gift, benefit, reward, favor, or gratu-
5 ity which is provided, directly or indirectly, for
6 services rendered;

7 “(B) the term ‘government of a foreign
8 country’ has the meaning given that term in
9 section 1(e) of the Foreign Agents Registration
10 Act of 1938, as amended;

11 “(C) the term ‘foreign political party’ has
12 the meaning given that term in section 1(f) of
13 the Foreign Agents Registration Act of 1938,
14 as amended;

15 “(D) the term ‘United States’ means the
16 several States, the District of Columbia, and
17 any commonwealth, territory, or possession of
18 the United States; and

19 “(E) the term ‘State’ includes the District
20 of Columbia and any commonwealth, territory,
21 or possession of the United States.”.

22 **SEC. 3. EFFECTIVE DATE.**

23 (a) IN GENERAL.—Subject to subsection (b), this Act
24 and the amendments made by this Act take effect on
25 January 1, 1997.

1 (b) EFFECT ON EMPLOYMENT.—(1) The amend-
2 ments made by this Act do not, except as provided in para-
3 graph (2), apply to a person whose service as an officer
4 or employee to which such amendments apply terminated
5 before the effective date of such amendments.

6 (2) Paragraph (1) does not preclude the application
7 of the amendments made by this Act to a person with re-
8 spect to service as an officer or employee by that person
9 on or after the effective date of such amendments.

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