

110TH CONGRESS  
1ST SESSION

# H. R. 168

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

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

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## 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 2007”.

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 gra-  
5                 tuity which is provided, directly or indirectly,  
6                 for 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 Jan-  
25                 uary 1, 2008.

## 1 (b) EFFECT ON EMPLOYMENT.—

2 (1) INAPPLICABILITY WITH RESPECT TO PRIOR  
3 EMPLOYMENT.—The amendments made by this Act  
4 do not, except as provided in paragraph (2), apply  
5 to a person whose service as an officer or employee  
6 to which such amendments apply terminated before  
7 the effective date of such amendments.

8 (2) EXCEPTION.—Paragraph (1) does not pre-  
9 clude the application of the amendments made by  
10 this Act to a person with respect to service as an of-  
11 ficer or employee by that person on or after the ef-  
12 fective date of such amendments.

