

103D CONGRESS  
1ST SESSION

# S. 36

To amend section 207 of title 18, United States Code, to tighten the restrictions on former executive and legislative branch officials and employees.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. BOREN introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To amend section 207 of title 18, United States Code, to tighten the restrictions on former executive and legislative branch officials and employees.

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 “Ethics in Government  
5       Reform Act of 1993”.

6       **SEC. 2. SPECIAL RULES FOR HIGHLY PAID EXECUTIVE AP-**

7                               **POINTEES AND MEMBERS OF CONGRESS AND**

8                               **HIGHLY PAID CONGRESSIONAL EMPLOYEES.**

9       (a) IN GENERAL.—

1           (1) APPEARANCES BEFORE AGENCY.— Section  
2           207(d) of title 18, United States Code, is amended  
3           by adding at the end thereof the following:

4           “(3) RESTRICTIONS ON POLITICAL AP-  
5           POINTEES.—(A) In addition to the restrictions set  
6           forth in subsections (a), (b), and (c) and paragraph  
7           (1) of this subsection, any person who—

8                   “(i) serves in the position of Vice President  
9                   of the United States; or

10                   “(ii) is employed in a position subject to  
11                   Presidential appointment in the executive  
12                   branch of the United States (including any  
13                   independent agency) at a rate of pay equal to  
14                   or greater than the rate of pay payable for level  
15                   V of the Executive Schedule,

16           and who, after the termination of his or her service  
17           or employment as such officer or employee, know-  
18           ingly makes, with the intent to influence, any com-  
19           munication to or appearance before any officer or  
20           employee of a department or agency in which such  
21           person served within 5 years before such termi-  
22           nation, during a period beginning on the termination  
23           of service or employment as such officer or employee  
24           and ending 5 years after the termination of service  
25           in the department or agency, on behalf of any other

1 person (except the United States), in connection  
2 with any matter on which such person seeks official  
3 action by any officer or employee of such depart-  
4 ment or agency, shall be punished as provided in  
5 section 216 of this title.

6 “(B) In addition to the restrictions set forth in  
7 subsections (a), (b), and (c) and paragraph (1) of  
8 this subsection, any person who is employed in a po-  
9 sition in the Executive Office of the President at a  
10 rate of pay equal to or greater than the rate of pay  
11 payable for level V of the Executive Schedule, and  
12 who—

13 “(i) after the termination of his or her  
14 service or employment as such employee, know-  
15 ingly makes, with the intent to influence, any  
16 communication to or appearance before any of-  
17 ficer or employee of a department or agency  
18 with respect to which the person had substan-  
19 tial personal responsibility within 5 years before  
20 such termination, during a period beginning on  
21 the termination of service or employment as  
22 such employee and ending 5 years after the ter-  
23 mination of substantial personal responsibility  
24 with respect to the department or agency, on  
25 behalf of any other person (except the United

1 States), in connection with any matter on which  
2 such person seeks official action by any officer  
3 or employee of such department or agency; or  
4 “(ii) within 2 years after the termination  
5 of his or her service or employment as such em-  
6 ployee, knowingly makes, with the intent to in-  
7 fluence, any communication to or appearance  
8 before any person described in paragraph  
9 (2)(B) on behalf of any other person (except  
10 the United States), in connection with any mat-  
11 ter on which such person seeks official action by  
12 the person described in paragraph (2)(B),  
13 shall be punished as provided in section 216 of this  
14 title.”.

15 (2) FOREIGN AGENTS.—Section 207(f) of title  
16 18, United States Code, is amended by—

17 (A) redesignating paragraph (2) as para-  
18 graph (3);

19 (B) adding after paragraph (1) the follow-  
20 ing:

21 “(2) SPECIAL RESTRICTIONS.—Any person  
22 who—

23 “(A) serves in the position of Vice Presi-  
24 dent of the United States;

1           “(B) is employed in a position subject to  
2           Presidential appointment in the executive  
3           branch of the United States (including any  
4           independent agency) at a rate of pay equal to  
5           or greater than the rate of pay payable for level  
6           V of the Executive Schedule;

7           “(C) is employed in a position in the Exec-  
8           utive Office of the President at a rate of pay  
9           equal to or greater than the rate of pay payable  
10          for level V of the Executive Schedule; or

11          “(D) is a Member of Congress or employed  
12          in a position by the Congress at a rate of pay  
13          equal to or greater than the rate of pay payable  
14          for level V of the Executive Schedule,

15 and who after such service or employment acts as an agent  
16 of a foreign government or foreign political party shall be  
17 punished as provided in section 216 of this title.”.

18           (3) TRADE NEGOTIATORS.—Section 207(b)(1)  
19           of title 18, United States Code, is amended by—

20                   (A) inserting “(A)” after “IN GENERAL.—  
21                   ”; and

22                   (B) adding at the end thereof the follow-  
23                   ing:

24                   “(B) For any person who—

1           “(i) is employed in a position subject to  
2           Presidential appointment in the executive  
3           branch of the United States (including any  
4           independent agency) at a rate of pay equal to  
5           or greater than the rate of pay payable for level  
6           V of the Executive Schedule;

7           “(ii) is employed in a position in the Exec-  
8           utive Office of the President at a rate of pay  
9           equal to or greater than the rate of pay payable  
10          for level V of the Executive Schedule; or

11          “(iii) is a Member of Congress or employed  
12          in a position by the Congress at a rate of pay  
13          equal to or greater than the rate of pay payable  
14          for level V of the Executive Schedule,

15          the restricted period after service referred to in sub-  
16          paragraph (A) shall be permanent.”.

17          (4) CONGRESS.—Section 207(e) of title 18,  
18          United States Code, is amended—

19                  (A) in paragraph (1)(A) by striking “with-  
20                  in 1 year” and inserting “within 2 years”;

21                  (B) in paragraph (1) by adding at the end  
22                  thereof the following:

23                          “(D) Any person who is a Member of Con-  
24                          gress and who, within 5 years after leaving the  
25                          position, knowingly makes, with intent to influ-

1           ence, any communication to or appearance be-  
2           fore any committee member or a staff member  
3           of any committee over which the Member had  
4           jurisdiction, on behalf of any other person (ex-  
5           cept the United States) in connection with any  
6           matter on which such former Member seeks ac-  
7           tion by the committee member or a staff mem-  
8           ber of the committee in his or her official ca-  
9           pacity, shall be punished as provided in section  
10          216 of this title.”;

11           (C) by redesignating paragraphs (6) and  
12          (7) as paragraphs (7) and (8), respectively; and

13           (D) by inserting after paragraph (5) the  
14          following new paragraph:

15          “(6) HIGHLY PAID STAFFERS.—For any person  
16          described in paragraph (2), (3), (4), or (5), em-  
17          ployed in a position at a rate of pay equal to or  
18          greater than the rate of pay payable for level V of  
19          the Executive Schedule—

20           “(A) the restriction provided in paragraph  
21          (1)(A) shall apply; and

22           “(B) the restricted period after termi-  
23          nation in paragraph (2), (3), (4), or (5), appli-  
24          cable to such person shall be 5 years.”.

25          (b) PENALTIES.—

1           (1) FUTURE LOBBYING.—Section 216 of title  
2           18, United States Code, is amended by adding at  
3           the end thereof the following:

4           “(d) In addition to the penalties provided in sub-  
5           sections (a), (b), and (c), the punishment for violations  
6           of section 207 may include a prohibition on lobbying the  
7           United States for a period of not to exceed 5 years for  
8           each violation.”.

9           (2) USE OF PROFITS.—Section 216(b) of title  
10          18, United States Code, is amended by adding after  
11          the first sentence the following: “Any amount of  
12          compensation recovered pursuant to the preceding  
13          sentence for a violation of section 207 shall be de-  
14          posited in the general fund of the Treasury to re-  
15          duce the deficit.”.

16 **SEC. 3. EFFECTIVE DATE.**

17          The restrictions contained in section 207 of title 18,  
18          United States Code, as added by section 2 of this Act—

19               (1) shall apply only to persons whose service as  
20               officers or employees of the Government, or as Mem-  
21               bers of Congress terminates on or after the date of  
22               the enactment of this Act; and

23               (2) in the case of officers, employees, and Mem-  
24               bers of Congress described in section 207(b)(1)(B)  
25               of title 18, United States Code (as added by section

1        2 of this Act), shall apply only with respect to par-  
2        ticipation in trade negotiations or treaty negotia-  
3        tions, and with respect to access to information, oc-  
4        ccurring on or after such date of enactment.

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