

104TH CONGRESS
2D SESSION

H. R. 3434

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, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1996

Mr. CANADY of Florida (for himself, Mr. FRANK of Massachusetts, Mr. ZIMMER, Ms. KAPTUR, Mr. UPTON, and Mr. ENGLISH of Pennsylvania) 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, 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 “Revolving Door Act
5 of 1996”.

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

3 (a) AMENDMENT TO TITLE 18.—Section 207(f) of
4 title 18, United States Code, is amended to read as fol-
5 lows:

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

8 “(1) TEN-YEAR RESTRICTION.—Any person
9 who is an officer or employee described in paragraph
10 (3) and who, within 10 years after the termination
11 of the employee’s service or employment as such offi-
12 cer or employee, knowingly acts as an agent or at-
13 torney for or otherwise represents or advises, for
14 compensation, a government of a foreign country or
15 a foreign political party, if the representation or ad-
16 vice relates directly to a matter in which the United
17 States is a party or has a direct and substantial in-
18 terest, shall be punished as provided in section 216
19 of this title.

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

1 “(A) a person outside of the United States,
2 unless such person—

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

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

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

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

23 “(A) the President of the United States;
24 and

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

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

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

9 “(B) the term ‘government of a foreign
10 country’ has the meaning given that term in
11 section 1(e) of the Foreign Agents Registration
12 Act of 1938 (22 U.S.C. 611(e));

13 “(C) the term ‘foreign political party’ has
14 the meaning given that term in section 1(f) of
15 the Foreign Agents Registration Act of 1938
16 (22 U.S.C 611(f));

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

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

24 (b) EFFECTIVE DATE.—

1 (1) GENERAL RULE.—Except as provided in
2 paragraph (2), the amendment made by subsection
3 (a) take effect on January 1, 1997.

4 (2) APPLICATION.—The amendment made by
5 subsection (a) does not apply to a person whose
6 service as an officer or employee to which such
7 amendment applies terminated before the effective
8 date of such amendment.

9 **SEC. 3. CROSS-OVER LOBBYING.**

10 (a) EXECUTIVE BRANCH.—Section 207(d) of title 18,
11 United States Code, is amended by adding at the end the
12 following:

13 “(3) ADDITIONAL RESTRICTION.—Any person who is
14 a former officer or employee of the executive branch of
15 the United States, who is subject to subsection (c) or para-
16 graphs (1) and (2) of this subsection, and who, within 1
17 year after the date of the termination of such officer or
18 employee’s service or employment with the United States,
19 knowingly makes, with intent to influence, any commu-
20 nication to or appearance before any Member of Congress
21 or officer or employee of the legislative branch of the Unit-
22 ed States on behalf of any other person (other than the
23 United States or the District of Columbia) shall be pun-
24 ished as provided in section 216.”.

1 (b) LEGISLATIVE BRANCH.—Section 207(e) of title
2 18, United States Code, is amended by redesignating
3 paragraph (7) as paragraph (8) and by adding after para-
4 graph (6) the following:

5 “(7) ADDITIONAL RESTRICTION.—Any former Mem-
6 ber of Congress and any former employee of the House
7 of Representatives or Senate whose salary was greater
8 than 120 percent of the minimum rate of basic pay pay-
9 able for GS–15 of the General Schedule (at the time of
10 the employee’s termination of employment) who, within 1
11 year after the date of the termination of the service of
12 the Member of Congress or the employment of such em-
13 ployee by the House of Representatives or Senate, know-
14 ingly makes, with intent to influence, any communication
15 to or appearance before any officer or employee of the ex-
16 ecutive branch of the United States on behalf of any other
17 person (other than the United States or the District of
18 Columbia) shall be punished as provided in section 216.”.

19 **SEC. 4. FELONS.**

20 Section 207 of title 18, United States Code, is
21 amended by adding at the end the following:

22 “(1) Any—

23 “(1) former Member of Congress,

24 “(2) any former employee of the House of Rep-
25 resentatives or Senate whose salary was greater than

1 120 percent of the minimum rate of basic pay pay-
2 able for GS–15 of the General Schedule (at the time
3 of the employee’s termination of employment), and

4 “(3) any employee of the executive branch of
5 the United States who is subject to subsection (c) or
6 (d),

7 who is convicted of a felony may not, for compensation,
8 make any communication to or appearance before any em-
9 ployee of the House of Representatives or Senate or officer
10 or employee of the executive branch of the United
11 States.”.

12 **SEC. 5. EXEMPTION BASED ON REGISTRATION UNDER LOB-**
13 **BYING ACT.**

14 Section 3(h) of the Foreign Agents Registration Act
15 (22 U.S.C. 613(h)) is amended by striking “is required
16 to register and does register” and inserting “has engaged
17 in lobbying activities and has registered”..

18 **SEC. 6. CIVIL PENALTIES.**

19 Section 8(a) of the Foreign Agents Registration Act
20 (22 U.S.C. 618) is amended—

21 (1) by adding at the end the following: “Such
22 a person shall also be subject to a civil penalty of
23 not more than \$50,000 for each such violation which
24 is knowingly committed.”; and

1 (2) in paragraph (1), by moving the matter be-
2 ginning with “shall, upon conviction thereof,” one
3 em to the left.

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