

ROUTING AND TRANSMITTAL SLIP

Date: *8/21/87*

TO: (Name, office symbol, room number, building, Agency/Post)

DOS

	Initials	Date

Action	File	Note and Return
Approval	For Clearance	For Conversation
As Requested	For Correction	Prepare Reply
Receipt	For Your Information	See Me
Comment	Investigate	Signature
Disposition	Justify	

REMARKS

FYI and comment, Hearings have been held

DO NOT use this form as a RECORD of approvals, concurrences, disposes, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

OCA

Room No.—Bldg. *7B-02*

DI 1986-001-247/00012

OPTION Prescribed by GSA FPMR (41 CFR) 101-11.206

OS REGISTRY
OS-12147-17

H R 1231 (WOLPE)
Foreign Agent
Compulsory Ethics

OS REGISTRY
05-1214X-87

Please enter NAME of desired report (or 'MENU').....describe 1

*** "DESCRIBE" not a valid option.

*** Please retype your selection.

Please enter NAME of desired report (or 'MENU').....describe 1

One moment please...

Enter a Bill or Resolution, FILE name (or 'NAMES') ...

*** "" not a BILL or the name of one of your files

Enter a Bill or Resolution, FILE name (or 'NAMES') ...

*** "" not a BILL or the name of one of your files

Enter a Bill or Resolution, FILE name (or 'NAMES') ...hr 1231

WHICH STYLE OF REPORT DO YOU DESIRE?

1: STANDARD 'DESCRIBE' REPORT?

2: CUSTOM-TAILORED REPORT?

Enter a NUMBER (1-2) or 'STOP'1

LEGI-SLATE Report for the 100th Congress

August 17, 1987 9:37 (EDT)

Description of H.R.1231

Measure, Sponsor and Short Title:

H.R.1231 by WOLPE, HOWARD (D-MI) -- Foreign Agents Compulsory Ethics in Trade Act of 1987

Official Title (caption):

A bill to amend Chapter 11 of Title 18, United States Code, to prohibit the President, the Vice President, certain other former Federal civilian and military personnel, and Members of Congress from representing or advising foreign persons for a period of 4 years after leaving Government service, and for other purposes.

Specified Actions:

07/25/87 -- In The HOUSE
Introduced by WOLPE, HOWARD (D-MI)
Referred to HOUSE COMMITTEE ON THE JUDICIARY
Remarks by KAPTUR (D-OH) in "Congressional Record" (CR Page H-799)
Remarks by WOLPE, HOWARD (D-MI) in "Congressional Record" (CR Page H-797)

05/12/87 -- In The HOUSE
Extensions to Remarks by KAPTUR (D-OH) in "Congressional Record"
(CR Page E-1872)

Judiciary

08/06/87 -- In The HOUSE
Public hearing held by ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS
SUBCOMMITTEE

Please enter NAME of desired report (or 'MENU').....bill text

One moment please...

Enter a Bill or Resolution, 'DIRECTORY'
to see a list of bills with full text (or 'STOP'): nr 1231

H.R.1231 by WOLPE, HOWARD (D-MI) -- Foreign Agents Compulsory Ethics in Trade
Act of 1987

Which do you wish to display:

- 1: An outline of the measure including titles and headings (13 lines)?
- 2: Only references containing certain word(s) or phrase(s)?
- 3: The full text, in its entirety (186 lines)?

Enter a NUMBER (1-3) or 'STOP'3

LEGI-SLATE Report for the 100th Congress

August 17, 1987 9:39(EDT)

Report for H.R.1231 Foreign Agents Compulsory Ethics in Trade Act of 1987
As introduced in the House
Complete Text of this version

100th CONGRESS
1st Session

H. R. 1231

To amend chapter 11 of title 18, United States Code, to prohibit the
President, the Vice President, certain other former Federal civilian and
military personnel, and Members of Congress from representing or advising
foreign persons for a period of 4 years after leaving Government service,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES
Nolpe (for Ms. Kaptur, Mr. Ackerman, Mr. Akaka, Mr. Atkins, Mr. Beville, Mr. Bruce, Mr. Bryant, Mr. Bustamante, Mr. Dellums, Mr. Dorgan of North Dakota, Mr. Edwards of California, Mr. English, Mr. Evans, Mr. Frank, Mr. Gray of Illinois, Mr. Gray of Pennsylvania, Mr. Hertel, Mr. Lipinski, Mr. Martinez, Mr. Miller of California, Mr. Neal, Ms. Oaker, Mr. Oberstar, Mr. Porter, Mr. Robinson, Mr. Savage, Mr. Skelton, Mr. Torricelli, Mr. Udall, Mr. Vento, Mr. Walgren, Mr. Weiss, and Mr. Cooper) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 11 of title 18, United States Code, to prohibit the President, the Vice President, certain other former Federal civilian and military personnel, and Members of Congress from representing or advising foreign persons for a period of 4 years after leaving Government service, and for other purposes.

=====
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Agents Compulsory Ethics in Trade Act of 1967".

SEC. 2. LIMITATIONS ON REPRESENTING OR ADVISING CERTAIN FOREIGN ENTITIES.

(a) In General.--Chapter 11 of title 18, United States Code, is amended by inserting after section 207 the following new section:

"Sec. 207a. Limitation on the representation or advising of foreign persons by certain former Federal officers and employees and members of the uniformed services

"(a) Any person who serves as an officer or employee, or a member of a uniformed service, described in subsection (c), may not, during the 4-year period after that person's service as such an officer or employee has ceased, act as an agent or attorney for or otherwise represent or advise, for compensation--

"(1) a government of a foreign country or a foreign political party;

"(2) a person outside of the United States, unless such person--

"(A) if an individual, is a citizen of and domiciled within the United States, or

"(B) if not an individual, is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; or

"(3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country,

if the representation or advice relates directly to a matter in which the United States is a party or has a direct and substantial interest. For purposes of this subsection, the term 'compensation' means any payment, gift, benefit, reward, favor, or gratuity which is provided, directly or indirectly, for services rendered.

"(b)(1) Any person described in subsection (c) who knowingly and willfully violates subsection (a) shall be imprisoned for not more than two years and shall be subject to a fine in the amount provided in this title.

"(2) Any person described in subsection (c) who knowingly violates subsection (a) shall be subject to a civil penalty of \$250,000, or the amount of compensation which the person receives for the prohibited conduct, whichever amount is greater. The Attorney General may bring an action under this paragraph in an appropriate United States district court against any such

(c) The prohibitions set forth in subsection (a) apply to--

"(1) the President of the United States;

"(2) the Vice President of the United States;

"(3) the head of each executive department as defined in section 101 of title 5;

"(4) an individual who--

"(A) is appointed by the President under section 105(a)(2)(A) of title 3;

"(B) is appointed by the Vice President under section 106(a)(1)(A) of title 3;

"(C) is not described in paragraph (3) or subparagraph (A) or (E) and serves in a position in level I, level II, level III, level IV, or level V of the Executive Schedule; or

"(D) is a member of a uniformed service in a pay grade of O-7 or higher and is serving on active duty; and

"(5) each Member of Congress.

"(d)(1) For purposes of subsection (c)(4)(D), the term 'uniformed services' means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service.

"(2) For purposes of this section, the service of a member or former member of a uniformed service shall be considered to have ceased upon such member's discharge or release from active duty.

"(e)(1) An individual described in subsection (c) may apply to the Attorney General for a waiver of the applicability of the prohibition contained in subsection (a) with respect to conduct prohibited by subsection (a).

"(2) The Attorney General shall grant a waiver under paragraph (1) unless the Attorney General determines that the proposed conduct--

"(A) could harm the security, trade, or other national interests of the United States; or

"(B) would create an undue appearance of conflict of interest.

"(3) An individual who applies for a waiver under paragraph (1) and who does not receive a determination under paragraph (2) on the waiver within 90 days after the application is made may engage in the conduct with respect to which the application is made.

"(4) Upon the filing of any application for a waiver under this subsection, and upon the granting of any such waiver, notice of such filing or granting shall be published in the Federal Register.

"(f) If the Attorney General has reason to believe that a person is engaging or is about to engage in conduct in violation of subsection (a), the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue such order if it finds that such conduct does or would violate subsection (a). The filing of a petition under this subsection does not preclude any other remedy which is available by law to the United States or any other person."

(b) Technical Amendment.--The table of sections at the beginning of chapter 11 of title 18, United States Code, is amended by inserting after the item relating to section 207 the following new item:

"207a. Limitation on the representation or advising of foreign persons by certain former Federal officers and employees and members of the uniformed services."

SEC. 3. OTHER CONFLICTS OF INTEREST.

(a) Designation of Separate Agencies and Bureaus.--Subsection (e) of section 207 of title 18, United States Code, is amended to read as follows:

"(e)(1) For purposes of subsection (c) and except as provided in paragraph (2), whenever the Director of the Office of Government Ethics determines that a separate statutory agency or bureau within a department or agency exercises functions which are distinct and separate from the remaining functions of the department or agency, the Director shall by rule designate such agency or bureau as a separate department or agency.

"(2)(A) For purposes of subsection (c), a designation of an agency or

within which the designated agency or bureau exists, if the official responsibilities of the officer or employee included supervision of that designated agency or bureau.

"(B) For purposes of paragraph (1), the Executive Office of the President shall be considered a department or agency without any separate agencies or bureaus."

(b) Civil Penalty; Orders Prohibiting Activity.--Section 207 of title 18, United States Code, is amended by adding at the end the following:

"(k) Any person who violates subsection (a), (b), (c), or (g) shall be subject to a civil penalty of \$250,000, or the amount of compensation which the person receives for the prohibited conduct, whichever amount is greater. The Attorney General may bring an action under this subsection in an appropriate United States district court against any such person. A violation under this subsection must be established by a preponderance of the evidence. The penalty under this subsection is in lieu of the penalties otherwise provided in this section for violations of subsection (a), (b), (c), or (g).

"(1) If the Attorney General has reason to believe that a person is engaging or is about to engage in conduct in violation of subsection (a), (b), (c), or (g), the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue such order if it finds that such employment or activity does or would violate subsection (a), (b), (c), or (g). The filing of a petition under this subsection does not preclude any other remedy which is available by law to the United States or any other person."

SEC. 4. EFFECTIVE DATE.

(a) In General.--Subject to subsections (b) and (c), this Act and the amendments made by this Act take effect on January 1, 1983.

(b) For Section 3(a).--Subject to subsection (c), the amendment made by section 3(a) takes effect on the date of the enactment of this Act.

(c) Effect on Employment.--(1) The amendments made by this Act do not, except as provided in paragraph (2), apply to a person whose service as an officer or employee to which such amendments apply terminated before the effective date of such amendments.

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

Please enter NAME of desired report (or 'MENU').....describe 1

One moment please...