

103D CONGRESS  
1ST SESSION

# S. 79

To restore public confidence in the performance and merits of elected officials  
and Federal employees.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

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

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## A BILL

To restore public confidence in the performance and merits  
of elected officials and Federal 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 “Responsible Govern-  
5 ment Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) the consent and participation of citizens in  
9 their government is a fundamental principle of our  
10 Constitution;

1           (2) it is critical to the survival and advance-  
2           ment of our constitutional form of government and  
3           to the welfare of our Nation that the citizens of this  
4           country be convinced that their government is one of  
5           the people, by the people and for the people;

6           (3) ensuring responsible public service requires  
7           that no individuals be permitted to use an elected of-  
8           fice or public employment for personal gain or for  
9           the advancement of the interests of a foreign govern-  
10          ments, foreign corporations, and special interests;

11          (4) to ensure public confidence, government  
12          should, within the bounds of the constitutional re-  
13          quirements of separation of powers, establish proper  
14          bounds of conduct and accountability for all govern-  
15          ment officials, whether elected or employed;

16          (5) the creation of a code of ethics and conduct  
17          which is uniform and harmonized for all legislative  
18          and executive branch officials and personnel will en-  
19          hance public confidence in their government.

20 **SEC. 3. PURPOSES.**

21          The purposes of this Act are as follows:

22               (1) To ensure the integrity of the Federal Gov-  
23               ernment and its officials and employees and to re-  
24               store public confidence in the performance and mer-  
25               its of the elected officials, any person who has served

1 as President, Vice President, Chief of Staff, or sen-  
2 ior adviser on the staff of the White House, the head  
3 of an executive department or of an independent  
4 agency within the executive branch with regulatory  
5 or rulemaking responsibilities, a top political ap-  
6 pointee, the Chairman of the Federal Reserve  
7 Board, Trade Representative or Chief International  
8 Trade Negotiator, or otherwise been substantially in-  
9 volved in international trade negotiations, or has  
10 been elected or appointed to serve as a Senator or  
11 Representative or a Delegate to either House of  
12 Congress will be prohibited from representing for  
13 pay any foreign government or any corporation or  
14 company which is not registered, incorporated, or  
15 certified for its legal status according to United  
16 States law.

17 (2) To eliminate a perception that individuals  
18 enter or engage in public service for future private  
19 gain, any person who has served in any capacity in  
20 the executive or legislative branches or any position  
21 in any of the military services will be prohibited  
22 from accepting employment to represent the inter-  
23 ests of any foreign government or foreign registered  
24 or based company or corporation from lobbying the  
25 United States Government in any capacity including

1 that of attorney at law or in fact for at least 2 years  
2 immediately after leaving the Federal Government.

3 (3) To eliminate a perception that special inter-  
4 est groups or potential employers or political bene-  
5 factors have undue influence within the executive or  
6 legislative branch operations, any person who has  
7 been employed in either branch of government will  
8 be prohibited from contacting, lobbying, or rep-  
9 resenting any interest except his own before the ex-  
10 ecutive agency in which that person served or before  
11 the office, committee, or agency of Congress in  
12 which such person served if the person served as an  
13 official or employee of the legislative branch for a  
14 period of five years.

15 (4) To ensure that there is appropriate public  
16 information concerning any potential conflicts of in-  
17 terests and to protect persons in public life from  
18 rumor and unfair accusations, require all senior level  
19 executive and legislative officials and employees will  
20 be required to file financial disclosure forms which  
21 will be a matter of public record.

22 **SEC. 4. FOREIGN AGENTS REGISTRATION ACT OF 1938.**

23 (a) IN GENERAL.—Section 1(c)(1) of the Foreign  
24 Agents Registration Act of 1938 (22 U.S.C. 611(c)(1))  
25 is amended by—

1 (1) striking “or” after the semicolon in clause  
2 (iii);

3 (2) striking “and” after the semicolon in clause  
4 (iv) and inserting “or”; and

5 (3) adding after clause (iv) the following:

6 “(v) within the United States makes oral  
7 or written contact with a legislative or executive  
8 branch official which is directed toward formu-  
9 lation, modification, or adoption of Federal leg-  
10 islation, including—

11 “(I) legislative proposals or the ap-  
12 proval or disapproval of international trea-  
13 ties or agreements;

14 “(II) formulation, modification, or  
15 adoption of a Federal rule, regulation, ad-  
16 ministrative or Executive order, or any  
17 program, policy, or official position of any  
18 agency, bureau, or office of the United  
19 States Government except in the case of  
20 written comments filed in a public docket  
21 and other communications that are made  
22 on the record in a public proceeding or are  
23 filed of record or made in the course of a  
24 hearing before a judicial officer in a judi-  
25 cial or administrative proceeding; and

1           “(III) the administration, execution,  
2           or enforcement of any Federal program or  
3           policy (including the negotiation, award, or  
4           administration of a Federal contract,  
5           grant, loan, permit or license),

6           except for oral or written contact made—

7                   “(aa) by representatives of a  
8                   media organization who are primarily  
9                   engaged in gathering and disseminat-  
10                  ing news and information to the pub-  
11                  lic;

12                  “(bb) in a speech, article, or  
13                  other publication or through the  
14                  media;

15                  “(cc) in the course of actual rep-  
16                  resentation of a client in pending ad-  
17                  ministrative or legal proceedings be-  
18                  fore an executive hearing official or  
19                  judicial officer or judge;

20                  “(dd) in testimony given before a  
21                  committee, subcommittee, or office of  
22                  Congress or submitted for inclusion in  
23                  the public record of a hearing con-  
24                  ducted by such committee, sub-  
25                  committee, or office or given in an ad-

1                    administrative hearing or judicial pro-  
 2                    ceeding; or

3                    “(ee) to agency officials with re-  
 4                    gard to judicial proceedings, criminal  
 5                    or civil enforcement inquiries, inves-  
 6                    tigation, or proceedings or filings re-  
 7                    quired by statute or regulations; and”.

8                    (b) JUDICIAL PROCEEDINGS.—Section 3(g) of such  
 9 Act (22 U.S.C. 613(g)) is amended by inserting after  
 10 “principal” the following: “in any existing proceeding or  
 11 criminal or civil law enforcement inquiry or investigation”.

12 **SEC. 5. RESTRICTIONS ON REPRESENTING FOREIGN PRIN-**  
 13 **CIPALS.**

14                    (a) PERMANENT RESTRICTIONS.—Section 207(f) of  
 15 title 18, United States Code, is amended by striking para-  
 16 graph (2) and inserting the following:

17                    “(2) PERMANENT RESTRICTIONS.—(A) Any  
 18                    person who is an officer or employee described in  
 19                    subparagraph (B) and who, after his or her service  
 20                    or employment with the United States terminates,  
 21                    knowingly—

22                    “(i) represents a foreign principal before  
 23                    any officer or employee of the United States  
 24                    with the intent to influence a decision of such

1 officer or employee in carrying out his or her  
2 official duties, or

3 “(ii) aids or advises a foreign principal  
4 with the intent to influence a decision of any of-  
5 ficer or employee of the United States in carry-  
6 ing out his or her official duties,

7 shall be punished as provided in section 216 of this  
8 title.

9 “(B) The officers and employees subject to the  
10 restrictions set forth in subparagraph (A) are—

11 “(i) the President;

12 “(ii) any person who is subject to the re-  
13 strictions contained in subsection (c) or (d);  
14 and

15 “(iii) any officer or employee of the execu-  
16 tive or legislative branch—

17 “(I) who personally and substantially  
18 participates in any trade negotiation or  
19 treaty negotiation (as such terms are de-  
20 fined in subsection (b)(2)) on behalf of the  
21 United States, or

22 “(II) who has access to information  
23 which concerns such a trade negotiation or  
24 treaty negotiation, which is exempt from  
25 disclosure, as designated by the appro-

1            appropriate department or agency, under section  
2            552 of title 5, and which such officer or  
3            employee knew or should have known was  
4            so designated; and

5            “(iv) a Member of Congress.

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

8            “(A) the term ‘foreign entity’ means the  
9            government of a foreign country as defined in  
10           section 1(e) of the Foreign Agents Registration  
11           Act of 1938 or a foreign political party as de-  
12           fined in section 1(f) of that Act; and

13           “(B) the term ‘foreign principal’ has the  
14           meaning given that term in section 1(b) of the  
15           Foreign Agents Registration Act of 1938.’”.

16           (b) TWO-YEAR RESTRICTION.—Section 207(f) of title  
17           18, United States Code, is amended by striking paragraph  
18           (1) and inserting the following:

19           “(1) TWO-YEAR RESTRICTION.—Any person  
20           who is an officer or employee (including any special  
21           Government employee) of the executive branch of the  
22           United States (including any independent agency),  
23           of the District of Columbia, or a Member, officer, or  
24           employee of the Congress and who knowingly, within

1 2 years after leaving his or her position, office, or  
2 employment—

3 “(A) represents a foreign entity before any  
4 officer or employee of any department or agen-  
5 cy of the United States with the intent to influ-  
6 ence a decision of such officer or employee in  
7 carrying out his or her official duties; or

8 “(B) aids or advises a foreign entity with  
9 the intent to influence a decision of any officer  
10 or employee of any department or agency of the  
11 United States, in carrying out his or her official  
12 duties,

13 shall be punished as provided in section 216 of this  
14 title.”.

15 (c) EFFECTIVE DATE.—The restrictions contained in  
16 section 207(f) of title 18, United States Code, as added  
17 by subsections (a) and (b) of this section—

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

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

1 added by subsection (a)), shall apply only with re-  
2 spect to participation in trade negotiations or treaty  
3 negotiations, and with respect to access to informa-  
4 tion, occurring on or after such date of enactment.

5 **SEC. 6. FIVE-YEAR BAN ON ANY LOBBYING.**

6 Section 207 of title 18, United States Code, is  
7 amended—

8 (1) in subsection (a)(2) by—

9 (A) striking “TWO-YEAR” in the caption  
10 and inserting “FIVE-YEAR”; and

11 (B) striking “2 years” and inserting “5  
12 years”;

13 (2) in subsection (b)(1) by—

14 (A) striking “ONE-YEAR” in the caption  
15 and inserting “FIVE-YEAR”;

16 (B) striking “1-year” and inserting “5-  
17 year”;

18 (C) striking “1 year” and inserting “5  
19 years”;

20 (3) in subsection (c)—

21 (A) by striking “ONE-YEAR” in the cap-  
22 tion and inserting “FIVE-YEAR”; and

23 (B) in paragraph (1) by striking “one year  
24 after” and inserting “five years after”;

1 (4) in subsection (d)(1) by striking “1 year”  
2 and inserting “5 years”; and

3 (5) in subsection (e) by striking “1 year after”  
4 each place it appears and inserting “5 years after”.

5 **SEC. 7. BROADEN COVERAGE OF DISCLOSURE REQUIRE-**  
6 **MENTS.**

7 (a) EXECUTIVE BRANCH.—Section 101(f)(3) of the  
8 Ethics in Government Act of 1978 is amended by—

9 (1) striking “above GS-15” and inserting “at or  
10 above GS-14”; and

11 (2) striking “120 percent of the minimum rate  
12 of basic pay payable for GS-15” and inserting “the  
13 minimum rate of basic pay payable for GS-14”.

14 (b) MILITARY—Section 101(f)(3) of the Ethics in  
15 Government Act of 1978 (5 U.S.C. App. 6) is amended  
16 by inserting before “; and” the following: “any commis-  
17 sioned officer in the Armed Forces who is serving on the  
18 staff of a general or flag officer”.

19 (c) LEGISLATIVE BRANCH.—Section 109(13) of the  
20 Ethics in Government Act of 1978 (5 U.S.C. App. 6) is  
21 amended—

22 (1) in subparagraph (B)(i) by striking “GS-  
23 16” and inserting “GS-14”; and

24 (2) by striking subparagraph (B)(ii) and insert-  
25 ing the following:

1           “(ii) each majority and minority Chief of  
2           Staff, Legislative Director, Administrative As-  
3           sistant, Chief Counsel, and Legal Counsel of a  
4           Member, committee, or subcommittee, and each  
5           majority and minority clerk of a committee, or  
6           any person serving in a substantially similar po-  
7           sition.”.

8   **SEC. 8. FORFEITURES OF ANNUITY OR RETIRED PAY.**

9           Section 8312 of title 5, United States Code, is  
10          amended—

11                 (1) in subsection (a)—

12                         (A) in paragraph (1) by striking “or” after  
13                         the semicolon;

14                         (B) in paragraph (2) by striking the period  
15                         and inserting “; or”; and

16                         (C) adding at the end of paragraph (2) the  
17                         following:

18                                 “(3) was convicted before, on, or after the date  
19                                 of enactment of the Responsible Government Act of  
20                                 1993, of an offense named by subsection (d) of this  
21                                 section, to the extent provided by that subsection.”;

22                 (2) in subsection (a)—

23                         (A) in subparagraph (A) by striking “and”  
24                         after the semicolon;

1 (B) in subparagraph (B) by striking the  
2 period and inserting “; and”; and

3 (C) by adding after subparagraph (B) the  
4 following:

5 “(C) with respect to offenses named by  
6 subsection (d), to the period after the date of  
7 conviction or after the date of enactment of the  
8 Responsible Government Act of 1993, whichever  
9 is later.”; and

10 (3) by adding at the end thereof the following:

11 “(d)(1) Subsection (a) of this section applies to an  
12 individual convicted before, on, or after the date of enact-  
13 ment of the Responsible Government Act of 1993 of an  
14 offense described in paragraph (2).

15 “(2) The offense referred to in paragraph (1) is a  
16 criminal offense involving an individual subject to this sec-  
17 tion who—

18 “(A) acts as a foreign agent—

19 “(i) without registering; or

20 “(ii) without filing a financial disclosure  
21 form,

22 as required by Federal law; or

23 “(B) acts as a foreign agent and files a false  
24 financial disclosure form in violation of Federal  
25 law.”.

