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THE WHITE HOUSE
WASHINGTON

*File
Thurs
Bill*

September 15, 1986

MEMORANDUM FOR PETER J. WALLISON
JAY B. STEPHENS
ROBERT M. KRUGER

FROM: ALAN CHARLES RAUL *ACR*

SUBJECT: Integrity in Post-Employment Act of 1986

Attached is Professor Drinan's letter on the above-referenced bill. I think this letter is more like it and may be somewhat helpful to us. Should we provide this letter to Senators Mathias and Roth?

Attachment

GEORGETOWN UNIVERSITY LAW CENTER
WASHINGTON, D. C. 20001

ROBERT F. DRINAN, S.J.
PROFESSOR OF LAW

September 12, 1986

Dear Senator:

I write to you with many questions about the advisability of S. 2334, "Integrity in Post-Employment Act of 1986."

I have a number of questions about this bill. It seems to me that it may well be an overreaction to the climate at this time and especially of the difficulties encountered by certain public officials who left employment and engaged in activities on behalf of a foreign power.

It is not clear to me that the present restrictions on post-employment activities are inadequate. I teach Legal Ethics at Georgetown University Law Center and am quite familiar with the present law.

I am not certain that there is a demonstrated need for any additional legislation or for further penalties. I am, in addition, very uncertain whether such new penalties should be imposed on members of Congress. There have been no reports of unacceptable conduct by former members of Congress. Indeed, many of them used their skills either as lawyers or lobbyists in ways which overall are probably beneficial.

Although the impact of S. 2334 on the hiring and retention of skilled people for the federal government is speculative, I am inclined to think that enactment of the Bill would clearly have an inhibiting effect on many, many individuals.

I have a good deal of difficulty in concluding that there should be special legislation for former federal officials who deal with a foreign government. If a foreign government is seeking an unfair advantage from the United States, the unfairness of what is sought should be pointed out rather than the agent who helps the foreign government to attain its objective.

I have additional difficulties with S. 2334 since it establishes prohibitions based on position and the number of years in service regardless of the degree of involvement that a person might have had with an issue.

The government has a right to ban anyone from activities if that individual has information which the government has a right

September 12, 1986
Page 2

to keep secret. But I do not appear to be convinced that this narrow and legitimate objective is not being served by existing law.

It is uncertain in my mind whether a 10 year ban on representing a foreign power is desirable or necessary. It seems very Draconian.

I also have additional difficulties in criminalizing the activity which S. 2334 seeks to outlaw.

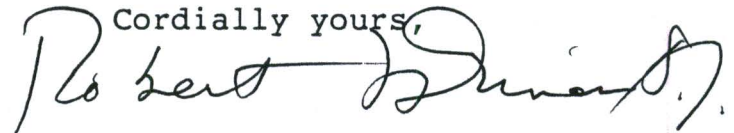
There are also additional constitutional questions about the sweep of some of the provisions of S. 2334.

It may well be that additional information is necessary about how many high officials leave government and then abuse their trust by seeking to bring about results which are not desirable for the government.

The public at this time appears to perceive a serious problem with former federal officials utilizing their knowledge and contacts to bring about objectives which serve them but not the public good. There may be some truth in this feeling, but I am not persuaded that S. 2334 is an appropriate vehicle to correct whatever problem might exist.

I thank you for the attention which you have given to my reflections on this matter.

Cordially yours,

A handwritten signature in dark ink, appearing to read "Robert F. Drinan". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Robert F. Drinan, S.J.

RFD:bb

Congress

How Senate Bill on Lobbying Faded in the Stretch

By MARTIN TOLCHIN

Special to The New York Times

WASHINGTON, Sept. 15 — A bill that sails through a Senate committee on a vote of 17 to 1 can usually expect swift approval in the Senate chamber. Such a committee vote usually indicates widespread support and only minimal opposition.

However, a bill on lobbying approved in June by the Senate Judiciary Committee by such a vote has been stalled ever since, and supporters acknowledge that it is unlikely to reach the Senate floor in the waning weeks of the 99th Congress. The goal of the bill is to restrict the lobbying activities of former Federal officials.

The reason the bill is in trouble is the determined opposition of Senator Charles McC. Mathias Jr., a Maryland Republican, who cast the dissenting vote in the Judiciary Committee. Mr. Mathias has put a "hold" on the bill, which means that he will object to any attempt to bring it to the Senate floor by unanimous consent, the customary way legislation reaches the floor in the waning weeks of a Congress.

He says the bill would violate guarantees of free speech and association

for foreign clients. Supporters say that people sometimes go to work for the United States Government with an eye to future employment by foreign clients, when they place their expertise and contacts at the disposal of foreign governments and businesses.

"This legislation will help insure that future Federal officials and employees serve their country, not themselves or foreign interests," said Senator Strom Thurmond, is chairman of the Judiciary Committee.

Mr. Thurmond, a Republican who represents South Carolina, a textile state, has been particularly angry at reports that Walter C. Lenahan, who had helped draw up Federal textile policy as a deputy assistant Secretary of Commerce, left the Government to work for a company that advised Hong Kong on textile negotiations.

The bill from Senator Thurmond's committee would make it a crime for former Members of Congress, Cabinet officers and their principal deputies, Federal judges and a President's 25 top aides to represent a "foreign entity" for three years after leaving office. The bill also would prohibit for-

'It was considered and drafted by the committee in an emotional atmosphere.'

— Charles McC. Mathias Jr.



Paul Conklin

served on the Foreign Relations Committee, and heads its subcommittee on International Economic Policy.

Mr. Mathias acknowledges that some supporters of the bill ascribe his opposition to personal motives, but he derides such criticism. "This bill does not apply to me, because it would not take effect until six months after enactment," the Senator noted. "Only those on the Federal payroll at the end of six months would be covered."

However, the Senator's critics say that he would certainly be violating the spirit of the bill if he represented foreign interests.

'How Difficult Do We Want It?'

Mr. Mathias considers the bill both unconstitutional and bad policy. It would contravene the constitutional guarantees of free speech and association, he said, and the right to petition the Government. And he believes it would keep talented people out of government.

"How difficult do we want to make it for bright and mature people to come into the Federal Government with the concept that they'll be there for a period of time and then return to private life?" the Senator asked. "This bill would be another bar to having a bright, able lawyer willing to accept a Federal job, because he knows that his ability to earn a living thereafter is going to be circumscribed."

In addition, the Senator believes that it is in the national interest to have former Federal officials advising foreign clients. "It's desirable for Americans to give advice around the world," he said. He noted that several years ago, he and Dean Erwin Griswold, former Solicitor General, were

invited to go to Nigeria to discuss the Constitution. "If this bill had been law and we had gone, which we didn't do, Dean Griswold would have been guilty of a criminal offense," Mr. Mathias said.

'In an Emotional Atmosphere'

The major problem with the bill, Mr. Mathias said, was that "it was considered and drafted by the committee in an emotional atmosphere. 'The Deaver question could be dealt with fully and adequately by vigorous enforcement of the current law,'" Senator Mathias said.

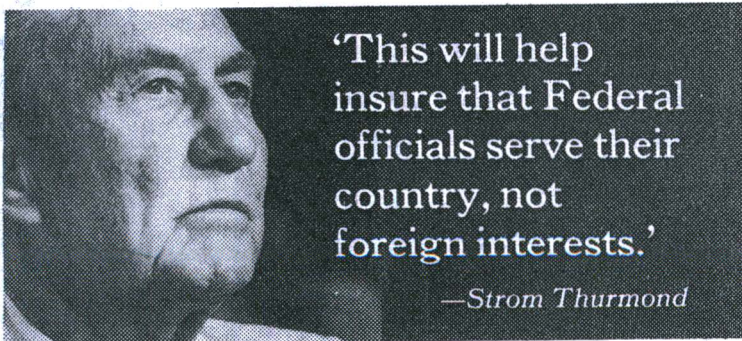
While Mr. Mathias was keeping the bill from the Senate floor, Senator William V. Roth Jr., a Delaware Republican, who is chairman of the Governmental Affairs Committee, decided that he wanted concurrent jurisdiction.

"The Governmental Affairs Committee has just come alive," Mr. Mathias said. "They have jurisdiction over the entire Civil Service, and they are showing a justifiable concern that here is a bill coming out of judiciary that would have a major effect on a large chunk of their jurisdiction."

The bill is still pending before a House subcommittee, and therefore is doubly unlikely to be passed this year. But it remains among the "top priorities" of Senator Thurmond, according to an aide to the Senator. The Senator is exploring ways to bring the bill to the floor, possibly as an amendment to another bill, the aide said.

Mr. Mathias says he will take no chances in the closing days of Congress.

"In the last days of a session, the snakes come out," the Senator said. "In the confusion of the last few days, almost anything can happen."



'This will help insure that Federal officials serve their country, not foreign interests.'

— Strom Thurmond

United Press International

and would keep talented people out of government.

Should the bill nevertheless reach the floor, Mr. Mathias has signaled his intent to filibuster. "I would want to undertake some educational effort if it came to the floor," Mr. Mathias said dryly.

The bill, partly a response to the publicity focused on Michael K. Deaver, a former White House Deputy chief of staff who has become a lobbyist, is intended to curb the activities of those who leave Government to work

mer Federal officials, including members of Congress, from lobbying the Federal Government for 18 months after leaving their earlier posts.

Mr. Mathias plans to retire this year after 18 years in the Senate and 8 in the House. He plans to spend a month teaching on four campuses of Johns Hopkins University and will work for the American Council on Germany. The Senator also plans to practice law, perhaps international law, according to an aide. He has

THE WHITE HOUSE
WASHINGTON

See memo on bill

August 20, 1986

MEMORANDUM FOR PETER J. WALLISON
STEPHEN J. MARKMAN
JAY B. STEPHENS ✓

FROM: ALAN CHARLES RAUL *ACR*

SUBJECT: Integrity in Post Employment Act of 1986

I spoke with Professor Hazard of Yale Law School about the Integrity in Post Employment Act of 1986. His preliminary views on the bill suggest he does not believe the bill's severe restrictions are desirable from a policy standpoint, although he thinks the bill is probably constitutional. He agreed to explore the question in greater depth and get back to me. I have attached a copy of my letter to him transmitting the bill and related materials.

I told Professor Hazard that Senator Mathias might find his views useful in debating the proposed legislation with his colleagues. If Professor Hazard's objections to the bill are sufficiently concrete, I would ask him to prepare a letter or memorandum. At that stage, perhaps Senator Mathias or a member of his staff should contact Professor Hazard and formally request the letter or memorandum so that it could be addressed to the Senator.

I will advise further when I hear back from Professor Hazard.

cc: Robert M. Kruger

THE WHITE HOUSE

WASHINGTON

August 20, 1986

Dear Professor Hazard:

As we discussed, I am enclosing a copy of S. 2334, the "Integrity in Post Employment Act of 1986," and various related materials. I enjoyed our conversation about this issue and am delighted that you will be able to take a closer look at the draft legislation.

The bill would amend 18 U.S.C. § 207 by imposing substantial new restrictions on the post-employment activities of former government employees and by applying the restrictions to a considerably broader group within the government (including some relatively lower level officials). Although the bill's objectives, like those of the existing law, are salutary, the Integrity in Post Employment Act of 1986 raises certain constitutional and public policy concerns. Specifically, Article II and First or Fifth Amendment considerations may be raised if the bill were so severe as to undermine the President's ability to staff the Executive Branch or if the rights of petition and free speech were unduly restricted.

Whether or not the proposed legislation would be found constitutional, these same issues must be examined in the debate over the bill's soundness as a matter of public policy. We would thus appreciate not only your views on the bill's constitutionality, but also on the merits of the bill given your scholarship in the fields of ethics and conflicts of interest.

Thank you for agreeing to explore these very important legal and administrative policy questions. I look forward to hearing your thoughts on the bill after you have had an opportunity to review the enclosed materials.

With best regards,

Sincerely,



Alan Charles Raul
Associate Counsel to the President

Professor Geoffrey C. Hazard, Jr.
Nathan Baker Professor of Law
Yale Law School
Drawer 401-A, Yale Station
New Haven, CT 06520

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

ROUTE SLIP

TO	J. Stephens	Take necessary action	☐
	Deputy White House	Approval or signature	☐
	Counsel	Comment	☐
		Prepare reply	☐
		Discuss with me	☐
		For your information	☐
		See remarks below	☐
FROM	<i>Hilda Schreiber</i> Hilda Schreiber OMB	DATE	7-9-86

REMARKS

Attached FYI is a copy of
the revised version of S. 2334,
the Thurmond bill, as ordered
reported on 6/26 by vote of 17-1.

*Charlene -
I'd still like
to talk
to Mathias.
Please call again
to set up appt.*

*file
Thurmond
Legislation*

OMB FORM 4

Rev Aug 70

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S.I.C.

AMENDMENT NO. ____

Calendar No. ____

Purpose: To insert the compromise substitute.

IN THE SENATE OF THE UNITED STATES--99th Cong., 2d Sess.

S. 2334

To amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the United States Government from attempting to influence the United States Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

Amendment In the Nature of a Substitute intended to be proposed
by Mr. -----

Viz:

1 Strike all after the enacting clause and insert in lieu

2—thereof the following:

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Integrity in Post
5 Employment Act of 1986”.

6 SEC. 2. STRENGTHENING THE CURRENT PROVISIONS OF SECTION 207
7 OF TITLE 18.

8 (a) Increased Penalty for Willful Violation.--The matter
9 after subsection (c) beginning “shall be fined” is amended
10 by inserting after the period at the end thereof the
11 following: “Whoever willfully violates subsection (a), (b),

1 or (c) shall be fined not more than \$250,000 or imprisoned
2 not more than five years, or both.".

3 (b) Forfeiture of Illegal Proceeds.--The matter after
4 subsection (c) beginning with "shall be fined", as amended
5 by subsection (a) of this section, is further amended by
6 inserting at the end thereof the following: "Any proceeds
7 received in violation of the provisions of subsection (a),
8 (b), or (c) shall be subject to forfeiture to the United
9 States in a civil action brought by the Attorney General.".

10 (c) Removal of Office of Government Ethics Authority.--
11 (1) Section 207 of title 18, United States Code, is amended
12 by striking out subsection (e).

13 (2) Subsections (f) through (j) of section 207 of title
14 18, United States Code, are redesignated as subsections (e)
15 through (i), respectively.

16 (d) One-Year Prohibition on Contact with Federal
17 Government for High Level Officials and Inclusion of All
18 Officers or Employees of the Three Branches of Government
19 Employed at or Above GS-16 in Current Provisions.--(1)
20 Subsection (c) of section 207 of title 18, United States
21 Code, is amended to read as follows:

22 18, United States Code, is amended to read as follows:

23 "(c) Whoever, other than a special Government employee
24 who serves for less than 120 days in a period of 365
25 consecutive days--

1 “(1) having been so employed as specified in
2 paragraph (1) of subsection (d) of this section, within
3 one-year after such employment has ceased, knowingly acts
4 as agent or attorney for, or otherwise represents, anyone
5 other than the United States in any formal or informal
6 appearance before, or, with the intent to influence,
7 makes any oral or written communication on behalf of
8 anyone other than the United States, for compensation,
9 financial gain, or other remuneration to--

10 “(A)(i) the department, agency, or other entity
11 in which the person served as an officer or employee;

12 “(ii) the Congress if the person was employed by
13 the Congress; or

14 “(iii) the court if the person was employed by
15 the judicial branch, and

16 “(B) in connection with any judicial,
17 rulemaking, or other proceeding, application, request
18 for a ruling or other determination, contract, claim,
19 controversy, investigation, charge, accusation,
20 arrest, or other particular matter, and

21 “(C) which is pending before the department,
22 agency, entity, Congress, or court or in which the
23 department, agency, entity, Congress, or the court
24 has a direct and substantial interest, or

25 “(2) having been so employed as specified in

1 paragraph (2) of subsection (d) of this section, within
2 eighteen months after termination of employment, with the
3 intent to influence makes any oral or written
4 communication to any Member of Congress, officer or
5 employee of the United States, including a special
6 Government employee, in the executive, legislative, or
7 judicial branch of the Government, or in any independent
8 agency of the United States, or an officer or employee of
9 a Government corporation, Government controlled
10 corporation, or an independent establishment as defined
11 in section 104 of title 5, on behalf of another person
12 (other than the United States) for compensation,
13 financial gain, or other remuneration--''.

14 (2) Subsection (d) of section 207 of title 18, United
15 States Code, is amended by redesignating paragraph (2) and
16 paragraph (3) and striking out paragraph (1) and inserting in
17 lieu thereof the following:

18 ''(1) Subsection (c)(1) of this section shall apply to
19 any employee of the Congress, officer or employee of the
20 United States, including a special Government employee, in
21 the executive, legislative, or judicial branch of the
22 Government, or in any independent agency of the United
23 States, or an officer or employee of a Government
24 corporation, Government controlled corporation, or an
25 independent establishment as defined in section 104 of title

1 5--

2 “(A) employed at a basic rate of pay equal to or
3 greater than the basic rate of pay for GS-16 of the
4 General Schedule as prescribed by section 5332 of title
5 5; or

6 “(B) employed on active duty as a commissioned
7 officer of a uniformed service assigned to pay grade of
8 0-7 or above as described in section 201 of title 37.

9 “(2) Subsection (c)(2) of this section shall apply to
10 any person--

11 “(A) employed in a position listed in section 5312,
12 5313, or 5314 of title 5 or under section 105(a)(2)(A) of
13 title 3; or

14 “(B) who serves as a Member of Congress; or

15 “(C) who serves as a judge of the United States as
16 defined in section 451 of title 28.”.

17 (e) Power To Enjoin Violations of Section 207.--Section
18 207 of title 18, United States Code, is amended by inserting
19 at the end thereof the following new subsection:

20 “(j) A violation of this section may be enjoined at the
21 suit of the Attorney General.”.

22 SEC. 3. REPRESENTATION OF FOREIGN GOVERNMENTS.

23 (a) Inclusion of Activities in the Foreign Agents
24 Registration Act.--Section 2 of the Foreign Agents
25 Registration Act of 1938, as amended, is amended by inserting

1 at the end thereof the following:

2 “(g)(1) In addition to the registration requirements of
3 subsections (a) through (e) of this section, any officer or
4 employee of the United States as identified in subsection
5 (d)(2) of section 207 of title 18, United States Code, shall
6 be required in any statement filed under this section to--

7 “(A) disclose the identity and nature of any foreign
8 principal for which such officer or employee acts as an
9 agent, representative, employer, or servant;

10 “(B) disclose the frequency of contact with such
11 foreign principal;

12 “(C) disclose the actions taken or intended to be
13 undertaken to influence members of Congress or officers
14 or employees of the United States on behalf of such
15 foreign principal; and

16 “(D) include a declaration that the registrant has
17 not disclosed confidential Government information or
18 tactics.

19 “(2) Whoever knowingly and willfully falsifies, conceals
20 or covers up by any trick, scheme, or device any information
21 required by this subsection to be included in a registration
22 statement shall be fined not more than \$10,000 or imprisoned
23 not more than five years, or both.”.

24 (b) Disclosure of International Trade Negotiations.--This
25 subsection to be redrafted and included at a later date.

1 (c) Three-Year Ban on High Level Officials Representing
2 Foreign Entities and a Two-Year Ban for Officers and
3 Employees at or Above GS-16.--(1) Subsection (c) of section
4 207 of title 18, as amended by section 2(d) of this Act, is
5 further amended by--

6 (A) striking out the dash at the end of clause (2)
7 and inserting in lieu thereof "", or ""; and

8 (B) inserting after clause (2) the following:

9 ""(3) having been so employed as specified in paragraph
10 (1) of subsection (d) of this section, within two-year after
11 such employment has ceased, knowingly acts as agent or
12 attorney for, or otherwise represents, anyone other than the
13 United States in any formal or informal appearance before,
14 or, with the intent to influence, makes any oral or written
15 communication on behalf of a foreign entity for compensation,
16 financial gain, or other remuneration to--

17 ""(A)(i) the department, agency, or other entity in
18 which the person served as an officer or employee;

19 ""(ii) the Congress if the person was employed by the
20 Congress; or

21 ""(iii) the court if the person was employed by the
22 judicial branch; and

23 ""(B) in connection with any judicial, rulemaking, or
24 other proceeding, application, request for a ruling or
25 other determination, contract, claim, controversy,

1 investigation, charge, accusation, arrest, or other
2 particular matter, and

3 "(C) which is pending before the department, agency,
4 entity, Congress, or court or in which the department,
5 agency, entity, Congress, or the court has a direct and
6 substantial interest, or

7 "(4) having been so employed as specified in paragraph
8 (2) of subsection (d) of this section within three years
9 after such employment has ceased is--

10 "(A) employed by;

11 "(B) represents; or

12 "(C) advises,

13 a foreign entity for compensation, financial gain, or other
14 remuneration--".

15 (2) Subsection (d) of section 2Ø7 of title 18, United
16 States Code, as amended by section 2(d)(2) of this Act, is
17 amended by adding at the end thereof the following:

18 "(4) The prohibition provided in subsection (c) shall
19 not apply to a Member, officer, or employee engaging only
20 in--

21 "(A) the soliciting or collecting of funds and
22 contributions within the United States to be used only
23 for medical aid and assistance, or for food and clothing
24 to relieve human suffering, if such solicitation or
25 collection of funds and contributions is in accordance

1 with and subject to the provisions of subchapter II of
2 chapter 9 of title 22, United States Code, and such rules
3 and regulations as may be prescribed thereunder;

4 "(B) activities in furtherance of bona fide
5 religious, charitable, scholastic, academic, or
6 scientific pursuits or of the fine arts; or

7 "(C) activities in furtherance of the purposes of an
8 international organization of which the United States is
9 a member."

10 (3) Section 207 of title 18, United States Code, as
11 amended by section 2(e) of this Act, is amended by adding at
12 the end thereof the following:

13 "(k) For purposes of this section the term 'foreign
14 entity' means--

15 "(1) a foreign country;

16 "(2) a foreign political party; or

17 "(3) a foreign organization substantially controlled
18 by a foreign country or foreign political party."

19 SEC. 4. DISCLOSURE OF DOMESTIC LOBBYING.

20 Section 207 of title 18, United States Code, as amended
21 by section 3(c)(3) of this Act, is amended by inserting at
22 the end thereof the following:

23 "(1)(1) No person having been employed as provided in
24 subsection (d)(2) of this section shall lobby the United
25 States on behalf of another person other than the United

1 States unless he has filed with the agency or department in
2 which such person served a true and complete registration
3 statement and supplements thereto as required by this
4 subsection. Except as provided in this subsection, every
5 person who agrees to lobby on behalf of another person other
6 than the United States shall, within ten days thereafter,
7 file with the agency or department in which such person
8 served, in duplicate, a registration statement, under oath on
9 a form prescribed by the agency or department in which such
10 person served. The obligation of a former Government official
11 or employee to file a registration statement shall, after the
12 tenth day after agreement to lobby, continue from day to day,
13 and termination of such status shall not relieve such officer
14 or employee from his obligation to file a registration
15 statement for the period during which he lobbys the United
16 States.

17 “(2) The registration statement required by paragraph
18 (1) shall include the following which shall be regarded as
19 material for the purposes of this section:

20 “(A) Registrant's name, former association with the
21 agency or department, principal business address, and all
22 other business addresses in the United States or
23 elsewhere, and all residence addresses, if any;

24 “(B) A comprehensive statement of the nature of
25 registrant's business and a list of all clients employing

1 the registrant to lobby; a complete list of registrant's
2 employees and a statement of the nature of the work of
3 each;

4 "(C) Copies of each written agreement and the terms
5 and conditions of each oral agreement, including all
6 modifications of such agreements, or, where no contract
7 exists, a full statement of all the circumstances, by
8 reason of which the registrant is employed to lobby the
9 United States; a comprehensive statement of the nature
10 and method of performance of each such contract, and of
11 the existing and proposed activity or activities engaged
12 in or to be engaged in by the registrant, including a
13 detailed statement of any such activity which is a
14 political activity;

15 "(D) The nature and amount of contributions, income,
16 money, or thing of value, if any, that the registrant has
17 received within the preceding sixty days from each person
18 the registrant, either as compensation or for
19 disbursement or otherwise, and the form and time of each
20 such payment and from whom received; and

21 "(E) Such further statements and such further copies
22 of documents as are necessary to make the statements made
23 in the registration statement and supplements thereto,
24 and the of documents furnished therewith, not misleading.

25 "(3) Every former Government employee or officer who has

1 filed a registration statement required by this subsection
2 shall, within thirty days after the expiration of each period
3 of six months succeeding such filing, file with the agency or
4 department in which such person served a supplement thereto
5 under oath, on a form prescribed by the agency or department
6 in which such person served, which shall set forth with
7 respect to such preceding six months' period such facts as
8 the agency or department in which such person served may deem
9 necessary to make the information required under paragraph
10 (1) accurate, complete, and current with respect to such
11 period. If the head of the agency or department in which such
12 person served determines that it is necessary to carry out
13 the purposes of this subsection, the head may, in any
14 particular case, require supplements to the registration
15 statement to be filed at more frequent intervals in respect
16 to all or particular items of information to be furnished.

17 “(4) The registration statement and supplements thereto
18 shall be executed under oath.

19 “(5) The fact that a registration statement or
20 supplement thereto has been filed shall not necessarily be
21 deemed a full compliance with this subsection and the
22 regulations thereunder on the part of the registrant; nor
23 shall it indicate that the agency or department in which such
24 person served has in any way passed upon the merits of such
25 registration statement or supplement thereto; nor shall it

1 preclude prosecution, as provided for in this subsection, for
2 a willful failure to file a registration statement or
3 supplement thereto when due or for willful false statement of
4 a material fact therein or the willful omission of a material
5 fact required to be stated therein or the willful omission of
6 a material fact or copy of a material document necessary to
7 make the statements made in a registration statement and
8 supplements thereto, and the copies of documents furnished
9 therewith, not misleading.

10 “(6) The obligation to file statements under this
11 subsection shall terminate five years after the registrant
12 terminates Federal employment.

13 “(7) Any violation of this subsection shall be reported
14 to the Attorney General by the Inspector General of the
15 agency or department which learns of such violation.”.

16 SEC. 5. EXCLUSION FOR ATTORNEYS APPEARING IN JUDICIAL
17 PROCEEDINGS.

18 Section 207 of title 18, United States Code, as amended
19 by section 4 of this Act, is amended by inserting at the end
20 thereof the following:

21 “(m) The prohibitions of subsections (b) and (c) shall
22 not apply to an attorney appearing in a judicial proceeding
23 before a court of the United States.”.

24 SEC. 6. EXEMPTION FROM PROHIBITIONS OF SECTION 207.

25 Section 207 of title 18, United States Code, as amended

1 by section 5 of this Act, is amended by inserting at the end
2 thereof the following:

3 “(n)(1) Notwithstanding any other provision of this
4 section, the Attorney General may grant an exemption from the
5 prohibitions of subsections (a), (b), and (c) of this section
6 to any individual for conduct occurring after the grant of
7 such exemption if the Attorney General determines that such
8 an exemption would--

9 “(A) serve the overriding public interest or general
10 public welfare; or

11 “(B) the interests of the Federal Government.

12 “(2) Any exemption granted under paragraph (1) shall be
13 published in the Federal Register--

14 “(A) prior to the grant of the exemption; and

15 “(B) at least once every six months while such
16 exemption is in effect.”.

17 SEC. 7. EFFECTIVE DATE.

18 The amendments made by this Act shall--

19 (1) be effective six months after the date of
20 enactment of this Act; and

21 (2) apply to any Member or employee of Congress,
22 judge of the United States, employee of the judicial
23 branch, or employee or officer of the Federal Government
24 employed by any agency, department, or entity of the
25 Federal Government on or after six months after the date

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S.L.C.

1 of enactment of this Act.