

AMENDMENT TO RULES COMMITTEE PRINT 119–

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OFFERED BY MR. PFLUGER OF TEXAS

Add at the end of title XI of division A the following:

1 Subtitle C—Clear Path Act

2 SEC. 1131. SHORT TITLE.

3 This subtitle may be cited as the “Conflict-free Leav-
4 ing Employment and Activity Restrictions Path Act” or
5 the “CLEAR Path Act”.

6 SEC. 1092. SENSE OF CONGRESS.

7 It is the sense of Congress that—

8 (1) Congress and the executive branch have rec-
9 ognized the importance of preventing and mitigating
10 the potential for conflicts of interest following gov-
11 ernment service, including with respect to senior
12 United States officials working on behalf of foreign
13 governments; and

14 (2) Congress and the executive branch should
15 jointly evaluate the status and scope of post-employ-
16 ment restrictions.

1 **SEC. 1132. POST-EMPLOYMENT RESTRICTIONS ON OFFI-**
2 **CIALS IN POSITIONS SUBJECT TO SENATE**
3 **CONFIRMATION.**

4 (a) IN GENERAL.—Section 207 of title 18, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(m) EXTENDED POST-EMPLOYMENT RESTRICTIONS
8 FOR OFFICIALS IN POSITIONS SUBJECT TO SENATE CON-
9 FIRMATION.—

10 “(1) DEFINITIONS.—In this subsection:

11 “(A) COUNTRY OF CONCERN.—The term
12 ‘country of concern’ has the meaning given the
13 term in section 1(m) of the State Department
14 Basic Authorities Act of 1956 (22 U.S.C.
15 2651a(m)), except that it does not include the
16 country described in paragraph (1)(A)(vi) of
17 that section, as in effect on the date of enact-
18 ment of the Conflict-free Leaving Employment
19 and Activity Restrictions Path Act.

20 “(B) FOREIGN GOVERNMENTAL ENTITY.—
21 The term ‘foreign governmental entity’ has the
22 meaning given the term in section 1(m) of the
23 State Department Basic Authorities Act of
24 1956 (22 U.S.C. 2651a(m)).

25 “(C) REPRESENT.—The term ‘represent’
26 does not include representation by an attorney,

1 who is duly licensed and authorized to provide
2 legal advice in a United States jurisdiction, of
3 a person or entity in a legal capacity or for the
4 purposes of rendering legal advice.

5 “(D) SENATE-CONFIRMED POSITION.—The
6 term ‘Senate-confirmed position’ means a posi-
7 tion in a department or agency of the executive
8 branch of the United States for which appoint-
9 ment is required to be made by the President,
10 by and with the advice and consent of the Sen-
11 ate.

12 “(2) AGENCY HEADS, DEPUTY HEADS, AND
13 OTHER POSITIONS SUBJECT TO SENATE CONFIRMA-
14 TION.—Any person who serves in a position requir-
15 ing appointment by the President as head or deputy
16 head of, or serves in any other Senate-confirmed po-
17 sition in, a department or agency of the executive
18 branch of the United States, and who, at any time
19 after the termination of the person’s service in that
20 position, knowingly represents, aids, or advises a for-
21 eign governmental entity of a country of concern be-
22 fore an officer or employee of the executive or legis-
23 lative branch of the United States with the intent to
24 influence a decision of the officer or employee in car-

1 rying out his or her official duties shall be punished
2 as provided in section 216.

3 “(3) NOTICE OF RESTRICTIONS.—Any person
4 subject to the restrictions under this subsection shall
5 be provided notice of these restrictions by the rel-
6 evant department or agency—

7 “(A) upon appointment by the President;
8 and

9 “(B) upon termination of service with the
10 relevant department or agency.

11 “(4) EFFECTIVE DATE.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), the restrictions under this
14 subsection shall apply only to persons who are
15 appointed by the President to the positions ref-
16 erenced in this section on or after the date of
17 enactment of the Conflict-free Leaving Employ-
18 ment and Activity Restrictions Path Act.

19 “(B) GRACE PERIOD FOR ADDED COUN-
20 TRIES OF CONCERN.—If the definition of the
21 term ‘country of concern’ under subsection (m)
22 of section 1 of the State Department Basic Au-
23 thorities Act of 1956 (22 U.S.C. 2651a) is
24 modified in accordance with paragraph (7) of
25 that subsection by adding a country to the list

1 of countries described in paragraph (1)(A) of
2 that subsection, in the case of any person who
3 is appointed by the President to a position ref-
4 erenced in this section on or after the date of
5 enactment of the Conflict-free Leaving Employ-
6 ment and Activity Restrictions Path Act and
7 who knowingly represents, aids, or advises a
8 foreign governmental entity of a country added
9 to the list of countries described in paragraph
10 (1)(A) of such subsection (m), the restrictions
11 under this subsection shall apply to such person
12 on and after the date that is 30 days after the
13 date of enactment of a relevant joint resolution
14 of approval as described in paragraph (7)(C) of
15 such subsection (m) adding that country to the
16 list of countries described in paragraph (1)(A)
17 of such subsection (m).

18 “(5) SUNSET.—The restrictions under this sub-
19 section shall expire on the date that is 5 years after
20 the date of enactment of the Conflict-free Leaving
21 Employment and Activity Restrictions Path Act.”.

22 (b) CONFORMING AMENDMENT.—Section 1(m) of the
23 State Department Basic Authorities Act of 1956 (22
24 U.S.C. 2651a(m)) is amended—

1 (1) by redesignating paragraphs (6) and (7) as
2 paragraphs (8) and (9), respectively; and

3 (2) by inserting after paragraph (5) the fol-
4 lowing:

5 “(6) RELATION TO GOVERNMENT-WIDE RE-
6 STRICTIONS.—This subsection shall not apply to a
7 person by reason of the person’s service in a position
8 referenced in this subsection if the person is subject
9 to the restrictions under section 207(m) of title 18,
10 United States Code, by reason of the same service.”.

11 **SEC. 1133. MECHANISM TO AMEND DEFINITION OF COUN-**
12 **TRY OF CONCERN.**

13 Section 1(m) of the State Department Basic Authori-
14 ties Act of 1956 (22 U.S.C. 2651a(m)) is amended by in-
15 serting after paragraph (6), as added by section 1131(b),
16 the end the following:

17 “(7) MODIFICATION TO DEFINITION OF COUN-
18 TRY OF CONCERN.—

19 “(A) IN GENERAL.—The Secretary of
20 State may, in consultation with the Attorney
21 General, propose the addition or deletion of
22 countries described in paragraph (1)(A).

23 “(B) SUBMISSION.—Any proposal de-
24 scribed in subparagraph (A) shall—

1 “(i) be submitted to the Chairman
2 and Ranking Member of the Committee on
3 Foreign Relations of the Senate and the
4 Chairman and Ranking Member of the
5 Committee on the Judiciary of the House
6 of Representatives; and

7 “(ii) become effective upon enactment
8 of a joint resolution of approval as de-
9 scribed in subparagraph (C).

10 “(C) JOINT RESOLUTION OF APPROVAL.—

11 “(i) IN GENERAL.—For purposes of
12 subparagraph (B)(ii), the term ‘joint reso-
13 lution of approval’ means only a joint reso-
14 lution—

15 “(I) that does not have a pre-
16 amble;

17 “(II) that includes in the matter
18 after the resolving clause the fol-
19 lowing: ‘That Congress approves the
20 modification of the definition of
21 “country of concern” under section
22 1(m) of the State Department Basic
23 Authorities Act of 1956, as submitted
24 by the Secretary of State on
25 _____; and section 1(m)(1)(A) of

1 the State Department Basic Authori-
2 ties Act of 1956 (22 U.S.C.
3 2651a(m)(1)(A)) is amended by
4 _____.', the blank spaces
5 being appropriately filled in with the
6 appropriate date and the amendatory
7 language required to modify the list of
8 countries in paragraph (1)(A) of this
9 subsection by adding or deleting 1 or
10 more countries; and

11 “(III) the title of which is as fol-
12 lows: ‘Joint resolution approving
13 modifications to definition of “country
14 of concern” under section 1(m) of the
15 State Department Basic Authorities
16 Act of 1956’.

17 “(ii) REFERRAL.—

18 “(I) SENATE.—A resolution de-
19 scribed in clause (i) that is introduced
20 in the Senate shall be referred to the
21 Committee on Foreign Relations of
22 the Senate.

23 “(II) HOUSE OF REPRESENTA-
24 TIVES.—A resolution described in
25 clause (i) that is introduced in the

1 House of Representatives shall be re-
2 ferred to the Committee on the Judi-
3 ciary of the House of Representa-
4 tives.”.

