

UNITED STATES OF AMERICA REPUBLIC

Continental Congress Assembled



PUBLIC LAW 111-21

Amended: 4 December 2016

TO ESTABLISH LAWS AGAINST BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

Pursuant to the United States of America Republic Constitution Amendment 19, Section 2, Clause 2, wherein it states; *“The United States of America Republic shall make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States of America Republic, or any Department or Officer thereof”*, there shall hereby be designated as laws against “Bribery, Graft, and Conflicts of Interest”, as provisions to serve this purpose. This amendment shall go into immediate force.

Introduced as **Senate Joint Resolution 01**, with **34** co-sponsors and as **House Joint Resolution 01** with **34** co-sponsors, a request was delivered before the Continental Congress to honor and therefore establish laws against Bribery, Graft, and Conflicts of Interest.

The resolution suffered no exclusions, no demands that it became law.

The words following Amendments were made:

1. The words “Democratic” and “Republican” have been eliminated/changed in this section to the word national to describe the following committees or conferences within U.S.A.R.:

(L) the term “Member of the leadership of the House of Representatives” means the Speaker, majority leader, minority leader, majority whip, minority whip, chief deputy majority whip, chief deputy minority whip, chairman of the National Steering Committee,



chairman and vice chairman of the National Caucus, chairman, vice chairman, and secretary of the National Conference, chairman of the National Research Committee, and chairman of the National Policy Committee, of the House of Representatives (or any similar position created on or after the effective date);

2. Amendment to add section (f) for the definition of "Graft". See section 102.

The 1st Continental Congress of the United States of America Republic publicly declared 2015 the national "Year of the United States of America Republic". The document known as Public Law **111-21** was signed and passed into law on **4 December 2016** by the following **SIGNATORIES to this Legislative Act in Attendance;**

1. *President, Christopher-Cannon: Bey*
2. *Secretary of State, Ross Woody Jr.: Bey*
3. *Attorney General, K-Charles: Bey*
4. *Treasurer, Kimberly Ware: Bey*
5. *Recorder of Deeds, Jaiwuan Smith: Bey*
6. *Governor, North Carolina, Nasir Ma'at: El*
7. *Governor, Virginia, Darnell Brown: Bey*
8. *Lt. Gov. Virginia, Rich Wilson: Bey*
9. *Governor, Georgia, Mandel Williams: El*
10. *Lt. Governor, Georgia, Timothy Jackson: El*
11. *Asst. Governor, Georgia, Christopher Hill: Bey*
12. *Governor, Missouri, Floyd-Karris: Bey*
13. *Governor, California, G. Riller: El*
14. *Governor, New Jersey, Colin Kytton: El*
15. *Governor, Ohio, Terry King: Bey*
16. *Lt. Gov. Ohio, Galen Carson: Bey*
17. *Asst. Governor, Ohio, Anthony Kammond: Bey*



18. Senator, Illinois, Shirlean McMullen: Bey
19. Senator, Illinois, Saadiq: Bey
20. Senator, Illinois, Clayton Ronald-Henderson: El
21. Senator, North Carolina, Hope Ma'at El
22. Senator, Georgia, Ronnell-Gray: Bey
23. Senator, Michigan, George Bond: Bey
24. Senator, Colorado, Kakuyon: El
25. Representative, Colorado, Ojoo: Bey
26. Representative, California, Demeitric Mason: El
27. Vicegerent, Michigan, Damon Lewis: El
28. Vicegerent, Illinois, Andrew Terry: Bey
29. Foreign Affairs Minister, Rafael-Vazquez: El
30. Chief Justice, Romulus Dorsey: El
31. Public Minister, William L. Salter III.: El
32. Public Minister, Linda Ann Bashful: El
33. Public Minister, Maurice Reynolds: Bey
34. Vicegerent Commissioner, Leslie-Atkins: El

It reads as follows:

Public law 111-21 on 4 December 2016

JOINT RESOLUTION

Authorizing and requesting the President to enact laws:

to proclaim and establish laws for the prevention of Bribery, Graft and Conflicts of Interest to be in adherence with the Constitution and Laws of the **United States of America Republic**.

Desiring to put an end to bribes of public officials such as Members of Congress, officers, witnesses and others in matters affecting the Government; also to end grafting for personal financial gain; and desiring to end all conflicts of interest;



WHEREAS, the United States of America Republic, being a perpetual corporation is an autonomous State government lawfully incorporated and chartered for the benefit and protection of “We The Moorish American People”, by its Declaration, National Constitution and By-Laws, and aforementioned Articles;

WHEREAS the United States of America Republic’s official language is the English language,

WHEREAS the Moorish American People have made a unique contribution in shaping the United States of America Republic as a distinctive and blessed nation of people and citizens;

WHEREAS the Moorish American People are a People of deeply-held religious convictions springing from the Holy Scriptures of the Holy Koran of the Moorish Science Temple of America and the Learning, Teachings and Truth of the Holy Prophet Noble Drew Ali. The Holy Prophet Noble Drew Ali led his People back to the Principles and standards of their ancient forefathers’ Free National Principles and Standards.

WHEREAS the Principles of Love, Truth, Peace, Freedom and Justice inspired concepts of civil government that are contained in our Declaration of Independence and Constitution of the United States of America Republic;

WHEREAS the Moorish American People, are now in great comprehension that, as a Nation of People being Nationwide in scope to achieve peace as well as unity as a single harmonious Nation, there must be uniform Laws for the Nation. The **Constitution** and Laws of the **United States of America Republic** are *"the Rock on which our Republic rests"*;

WHEREAS the history of our Nation clearly illustrates the value of a Nation to be able to create and pass its own Laws are beneficial to a Society to Enforce the Laws of the Nation. This is not to remove or change **The Moorish American People** from voluntarily applying and extending the learning, teachings and truth of the Holy Koran of the Moorish Science Temple of America in the lives of individuals, families, or in their society as a nation of People;

WHEREAS this Nation now faces great challenges that will test this Nation as it has never been tested before; and

WHEREAS that renewing our knowledge of Law, Divine and National and having faith in Our Universal Creator through Holy Scriptures of the Holy Koran of the Moorish Science Temple of America, the Holy Bible and the Great Qu’ran of Mohammed as we honor all the divine Prophets Jesus, Mohammed, Buddha and Confucius. Therefore, the **Constitution and Laws of the United States of America Republic** and knowledge of the aforementioned Holy Scriptures can only strengthen our nation. I, President Christopher H- Cannon: Bey, therefore establish with the consent of the Continental Congress the provisions as the **Laws of the United States of America Republic**:

NOW, THEREFORE, be it Resolved by the Continental Congress of the United States of America Republic in Continental Congress assembled, That the President is authorized and requested to designate the administration of said laws.



LEGISLATIVE HISTORY-PL.111 Res.:21
CONGRESSIONAL RECORD, Vol. 1(2016):

4 December 2016 considered
and passed by the Continental
Congress.



TITLE 1 – CRIMINAL CODE

BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

CHAPTER 10

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TITLE 1 – CRIMINAL CODE
BRIBERY, GRAFT, AND CONFLICTS OF INTEREST
CHAPTER 10

SECTION §101. Bribery of public officials and witnesses

(a) For the purpose of this section—

(1) the term “public official” means Member of Continental Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States of America Republic, or any department, agency or branch of Government thereof, including the Provinces of the U.S.A.R., in any official function, under or by authority of any such department, agency, or branch of Government, or a juror;

(2) the term “person who has been selected to be a public official” means any person who has been nominated or appointed to be a public official, or has been officially informed that such person will be so nominated or appointed; and

(3) the term “official act” means any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such official’s official capacity, or in such official’s place of trust or profit.

(b) Whoever—

(1) directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent—

(A) to influence any official act; or

(B) to influence such public official or person who has been selected to be a public official to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States of America Republic; or

(C) to induce such public official or such person who has been selected to be a public official to do or omit to do any act in violation of the lawful duty of such official or person;

(2) being a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:

(A) being influenced in the performance of any official act;

(B) being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States of America Republic; or

(C) being induced to do or omit to do any act in violation of the official duty of such official or person;

(3) directly or indirectly, corruptly gives, offers, or promises anything of value to any person, or offers or promises such person to give anything of value to any other person or entity, with intent to influence the testimony under oath or affirmation of such first-mentioned person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws



of the United States of America Republic to hear evidence or take testimony, or with intent to influence such person to absent himself therefrom;

(4) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for being influenced in testimony under oath or affirmation as a witness upon any such trial, hearing, or other proceeding, or in return for absenting himself therefrom;

shall be fined under this title or not more than three times the monetary equivalent of the thing of value, whichever is greater, or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States of America Republic.

(c) Whoever—

(1) otherwise than as provided by law for the proper discharge of official duty—

(A) directly or indirectly gives, offers, or promises anything of value to any public official, former public official, or person selected to be a public official, for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official; or

(B) being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of any official act performed or to be performed by such official or person;

(2) directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States of America Republic to hear evidence or take testimony, or for or because of such person's absence therefrom;

(3) directly or indirectly, demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon any such trial, hearing, or other proceeding, or for or because of such person's absence therefrom;

shall be fined under this title or imprisoned for not more than two years, or both.

(d) Paragraphs (3) and (4) of subsection (b) and paragraphs (2) and (3) of subsection (c) shall not be construed to prohibit the payment or receipt of witness fees provided by law, or the payment, by the party upon whose behalf a witness is called and receipt by a witness, of the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at any such trial, hearing, or proceeding, or in the case of expert witnesses, a reasonable fee for time spent in the preparation of such opinion, and in appearing and testifying.

(e) The offenses and penalties prescribed in this section are separate from and in addition to those prescribed in sections 1503, 1504, and 1505 of this title.

“the term” after “(2)”, and substituted “such person” for “he”; and designated provision defining “official act” as par. (3), inserted “the term” after “(3)”, and substituted “in such official's official capacity, or in such official's” for “in his official capacity, or in his”.

SECTION §102. Definitions

(a) The term “special Government employee” shall mean an officer or employee of the executive or legislative branch of the United States of America Republic Government, of any



independent agency of the United States of America Republic or of the Province of the U.S.A.R., who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full-time or intermittent basis, a part-time United States of America Republic commissioner, a part-time United States of America Republic magistrate judge, or, regardless of the number of days of appointment, an independent counsel appointed under chapter 40 of title 2 and any person appointed by that independent counsel 594(c) of title 2. Notwithstanding the next preceding sentence, every person serving as a part-time local representative of a Member of Congress in the Member's home district or State shall be classified as a special Government employee. Notwithstanding a Reserve officer of the Armed Forces, or an officer of the National Guard of the United States of America Republic, unless otherwise an officer or employee of the United States of America Republic, shall be classified as a special Government employee while on active duty solely for training. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States of America Republic who is voluntarily serving a period of extended active duty in excess of one hundred and thirty days shall be classified as an officer of the United States of America Republic. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States of America Republic who is serving involuntarily shall be classified as a special Government employee. The terms "officer or employee" and "special Government employee" as used shall not include enlisted members of the Armed Forces.

(b) The term "official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action.

(c) Except as otherwise provided in such sections, the terms "officer" and "employee" this title shall not include the President, the Vice President, a Member of Congress, or a Province judge.

(d) The term "Member of Congress" means—a United States of America Republic Senator; and a Representative in, or a Delegate or Resident Commissioner to, the House of Representatives.

(e) As used in this chapter, the term—"executive branch" includes each executive agency and any other entity or administrative unit in the executive branch;

"judicial branch" means the Supreme Court of the United States of America Republic; the United States of America Republic courts of appeals; the United States of America Republic district courts; the Court of International Trade; the United States of America Republic bankruptcy courts; any court created pursuant to article I of the United States of America Republic Constitution, including the Court of Appeals for the Armed Forces, the United States of America Republic Court of Province Claims, and the United States of America Republic Tax Court, but not including a court of a territory or possession of the United States of America Republic; the Province Judicial Center; and any other agency, office, or entity in the judicial branch; and

"legislative branch" means—the Congress; and

the Office of the Architect of the Capitol, the United States of America Republic Botanic Garden, the Government Accountability Office, the Government Publishing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, the United States of America Republic Capitol Police, and any other agency, entity, office, or commission established in the legislative branch.

(f) As used in this chapter, the term "Graft" means: 1) The act of taking advantage of a position of trust to gain money or property dishonestly especially a public official's fraudulent acquisition of public funds. 2) Money or property gained illegally or unfairly.

SECTION §103. Compensation to Members of Congress, officers, and others in



matters affecting the Government

(a) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly—

(1) demands, seeks, receives, accepts, or agrees to receive or accept any compensation for any representational services, as agent or attorney or otherwise, rendered or to be rendered either personally or by another—

at a time when such person is a Member of Congress, Member of Congress Elect, Delegate, Delegate Elect, Resident Commissioner, or Resident Commissioner Elect; or

at a time when such person is an officer or employee or Province judge of the United States of America Republic in the executive, legislative, or judicial branch of the Government, or in any agency of the United States of America Republic,

in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States of America Republic is a party or has a direct and substantial interest, before any department, agency, court, court-martial, officer, or any civil, military, or naval commission; or

(2) knowingly gives, promises, or offers any compensation for any such representational services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was such a Member, Member Elect, Delegate, Delegate Elect, Commissioner, Commissioner Elect, Province judge, officer, or employee, shall be subject to the penalties set forth in section 116 of this title.

(b) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly—demands, seeks, receives, accepts, or agrees to receive or accept any compensation for any representational services, as agent or attorney or otherwise, rendered or to be rendered either personally or by another, at a time when such person is an officer or employee of the Province of the U.S.A.R., in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the Province of the U.S.A.R. is a party or has a direct and substantial interest, before any department, agency, court, officer, or commission; or

knowingly gives, promises, or offers any compensation for any such representational services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was an officer or employee of the Province of the U.S.A.R.; shall be subject to the penalties set forth in section 116 of this title.

(c) A special Government employee shall be subject to subsections (a) and (b) only in relation to a particular matter involving a specific party or parties—

in which such employee has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise; or

(1) which is pending in the department or agency of the Government in which such employee is serving except that paragraph (2) of this subsection shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

(d) Nothing in this section prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for or otherwise representing his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

(1) in those matters in which he has participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or



(2) in those matters that are the subject of his official responsibility, subject to approval by the Government official responsible for appointment to his position.

(e) Nothing in this section prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States of America Republic if the head of the department or agency concerned with the grant or contract certifies in writing that the national interest so requires and publishes such certification in the Province Recorder.

(f) Nothing in this section prevents an individual from giving testimony under oath or from making statements required to be made under penalty of perjury.

SECTION §104. Practice in United States of America Republic Court of Province Claims or the United States of America Republic Court of Appeals for the Province Circuit by Members of Congress

Whoever, being a Member of Congress or Member of Congress Elect, practices in the United States of America Republic Court of Province Claims or the United States of America Republic Court of Appeals for the Province Circuit shall be subject to the penalties set forth in section 116 of this title.

SECTION §105. Activities of officers and employees in claims against and other matters affecting the Government

(a) Whoever, being an officer or employee of the United States of America Republic in the executive, legislative, or judicial branch of the Government or in any agency of the United States of America Republic, other than in the proper discharge of his official duties—
acts as agent or attorney for prosecuting any claim against the United States of America Republic, or receives any gratuity, or any share of or interest in any such claim, in consideration of assistance in the prosecution of such claim; or
acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States of America Republic is a party or has a direct and substantial interest, shall be subject to the penalties set forth in section 116 of this title.

(b) Whoever, being an officer or employee of the Province of the U.S.A.R. or an officer or employee of the Office of the United States of America Republic Attorney for the Province of the U.S.A.R., otherwise than in the proper discharge of official duties—
acts as agent or attorney for prosecuting any claim against the Province of the U.S.A.R., or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim; or
acts as agent or attorney for anyone before any department, agency, court, officer, or commission in connection with any covered matter in which the Province of the U.S.A.R. is a party or has a direct and substantial interest; shall be subject to the penalties set forth in section 116 of this title.

(c) A special Government employee shall be subject to subsections (a) and (b) only in relation to a covered matter involving a specific party or parties—
in which he has at any time participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or
which is pending in the department or agency of the Government in which he is serving.



Paragraph (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

(d)(1) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of that officer's or employee's duties, from acting without compensation as agent or attorney for, or otherwise representing— any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings; or except as provided in paragraph (2), any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization's or group's members are current officers or employees of the United States of America Republic or of the Province of the U.S.A.R., or their spouses or dependent children.

(2) Paragraph (1)(B) does not apply with respect to a covered matter that—

is a claim under subsection (a)(1) or (b)(1);

is a judicial or administrative proceeding where the organization or group is a party; or involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of Province funds to the organization or group.

(e) Nothing in subsection (a) or (b) prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for, or otherwise representing, his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

in those matters in which he has participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or

in those matters which are the subject of his official responsibility, subject to approval by the Government official responsible for appointment to his position.

(f) Nothing in subsection (a) or (b) prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States of America Republic if the head of the department or agency concerned with the grant or contract certifies in writing that the national interest so requires and publishes such certification in the Province Recorder.

(g) Nothing in this section prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(h) For the purpose of this section, the term “covered matter” means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter.

(i) Nothing in this section prevents an employee from acting pursuant to—any provision of any other Province or Provinces of the U.S.A.R. law that authorizes labor-management relations between an agency or instrumentality of the United States of America Republic or the Province of the U.S.A.R. and any labor organization that represents its employees.

SECTION §106. Exemption of retired officers of the uniformed services

Sections 203 and 205 of this title shall not apply to a retired officer of the uniformed services of the United States of America Republic while not on active duty and not otherwise an officer or employee of the United States of America Republic, or to any person specially excepted by Act of Congress.



SECTION §107. Restrictions on former officers, employees, and elected officials of the executive and legislative branches

(a) RESTRICTIONS ON ALL OFFICERS AND EMPLOYEES OF THE EXECUTIVE BRANCH AND CERTAIN OTHER AGENCIES.—

(1) PERMANENT RESTRICTIONS ON REPRESENTATION ON PARTICULAR MATTERS.—

Any person who is an officer or employee (including any special Government employee) of the executive branch of the United States of America Republic (including any independent agency of the United States of America Republic), or of the Province of the U.S.A.R., and who, after the termination of his or her service or employment with the United States of America Republic or the Province of the U.S.A.R., knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States of America Republic or the Province of the U.S.A.R., on behalf of any other person (except the United States of America Republic or the Province of the U.S.A.R.) in connection with a particular matter—

in which the United States of America Republic or the Province of the U.S.A.R. is a party or has a direct and substantial interest, in which the person participated personally and substantially as such officer or employee, and which involved a specific party or specific parties at the time of such participation, shall be punished as provided in section 116 of this title.

(2) TWO-YEAR RESTRICTIONS CONCERNING PARTICULAR MATTERS UNDER OFFICIAL RESPONSIBILITY.—Any person subject to the restrictions contained in paragraph

(1) who, within 2 years after the termination of his or her service or employment with the United States of America Republic or the Province of the U.S.A.R., knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States of America Republic or the Province of the U.S.A.R., on behalf of any other person (except the United States of America Republic or the Province of the U.S.A.R.), in connection with a particular matter—in which the United States of America Republic or the Province of the U.S.A.R. is a party or has a direct and substantial interest, which such person knows or reasonably should know was actually pending under his or her official responsibility as such officer or employee within a period of 1 year before the termination of his or her service or employment with the United States of America Republic or the Province of the U.S.A.R., and which involved a specific party or specific parties at the time it was so pending, shall be punished as provided in section 116 of this title.

(3) CLARIFICATION OF RESTRICTIONS.—The restrictions contained in paragraphs (1) and (2) shall apply—

in the case of an officer or employee of the executive branch of the United States of America Republic (including any independent agency), only with respect to communications to or appearances before any officer or employee of any department, agency, court, or court-martial of the United States of America Republic on behalf of any other person (except the United States of America Republic), and only with respect to a matter in which the United States of America Republic is a party or has a direct and substantial interest; and

in the case of an officer or employee of the Province of the U.S.A.R., only with respect to communications to or appearances before any officer or employee of any department, agency, or court of the Province of the U.S.A.R. on behalf of any other person (except the Province of the U.S.A.R.), and only with respect to a matter in which the Province of the U.S.A.R. is a party or has a direct and substantial interest.

(b) ONE-YEAR RESTRICTIONS ON AIDING OR ADVISING.—

IN GENERAL.—Any person who is a former officer or employee of the executive branch of the United States of America Republic (including any independent agency) and is subject to the restrictions contained in subsection (a)(1), or any person who is a former officer or employee of the legislative branch or a former Member of Congress, who personally and substantially



participated in any ongoing trade or treaty negotiation on behalf of the United States of America Republic within the 1-year period preceding the date on which his or her service or employment with the United States of America Republic terminated, and who had access to information concerning such trade or treaty negotiation which is exempt from disclosure under section 552 of title 5, which is so designated by the appropriate department or agency, and which the person knew or should have known was so designated, shall not, on the basis of that information, knowingly represent, aid, or advise any other person (except the United States of America Republic) concerning such ongoing trade or treaty negotiation for a period of 1 year after his or her service or employment with the United States of America Republic terminates. Any person who violates this subsection shall be punished as provided in section 116 of this title.

(1) DEFINITION.—For purposes of this paragraph—

(A) the term “trade negotiation” means negotiations which the President determines to undertake to enter into a trade agreement and does not include any action taken before that determination is made; and

(B) the term “treaty” means an international agreement made by the President that requires the advice and consent of the Senate.

(c) ONE-YEAR RESTRICTIONS ON CERTAIN SENIOR PERSONNEL OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—

(1) RESTRICTIONS.—In addition to the restrictions set forth in subsections (a) and (b), any person who is an officer or employee (including any special Government employee) of the executive branch of the United States of America Republic (including an independent agency), who is referred to in paragraph (2), and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States of America Republic), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 116 of this title.

(2) PERSONS TO WHOM RESTRICTIONS APPLY.—(A) Paragraph (1) shall apply to a person (other than a person subject to the restrictions of subsection (d))—

(i) employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5,

(ii) employed in a position which is not referred to in clause (i) and for which that person is paid at a rate of basic pay which is equal to or greater than 86.5 percent of the rate of basic pay for level II of the Executive Schedule, or, for a period of 2 years following the enactment of the National Defense Authorization Act for Fiscal Year 2004, a person who, on the day prior to the enactment of that Act, was employed in a position which is not referred to in clause (i) and for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5304 or section 5304a of title 5, was equal to or greater than the rate of basic pay payable for level 5 of the Senior Executive Service on the day prior to the enactment of that Act,

(iii) appointed by the President to a position or by the Vice President to a position under section

(iv) employed in a position which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade is pay grade O–7 or above; or

(v) assigned from a private sector organization to an agency shall not apply to a special Government employee who serves less than 60 days in the 1-year period before his or her service or employment as such employee terminates.



(C) At the request of a department or agency, the Director of the Office of Government Ethics may waive the restrictions contained in paragraph (1) with respect to any position, or category of positions, referred to in clause (ii) or (iv) of subparagraph (A), in such department or agency if the Director determines that—

- (i) the imposition of the restrictions with respect to such position or positions would create an undue hardship on the department or agency in obtaining qualified personnel to fill such position or positions, and
- (ii) granting the waiver would not create the potential for use of undue influence or unfair advantage.

(3) MEMBERS OF THE INDEPENDENT PAYMENT ADVISORY BOARD.—

(A) IN GENERAL.—Paragraph (1) shall apply to a member of the Independent Payment Advisory Board under section 1899A.

(B) AGENCIES AND CONGRESS.—For purposes of paragraph (1), the agency in which the individual described in subparagraph (A) served shall be considered to be the Independent Payment Advisory Board, the Department of Health and Human Services, and the relevant committees of jurisdiction of Congress, including the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate.

(d) RESTRICTIONS ON VERY SENIOR PERSONNEL OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—

(1) RESTRICTIONS.—In addition to the restrictions set forth in subsections (a) and (b), any person who—

- (A) serves in the position of Vice President of the United States of America Republic,
- (B) is employed in a position in the executive branch of the United States of America Republic (including any independent agency) at a rate of pay payable for level I of the Executive Schedule or employed in a position in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule, or

(C) is appointed by the President to a position under section 105(a)(2)(A) of title 3 or by the Vice President to a position under section 106(a)(1)(A) of title 3,

and who, within 2 years after the termination of that person's service in that position, knowingly makes, with the intent to influence, any communication to or appearance before any person described in paragraph (2), on behalf of any other person (except the United States of America Republic), in connection with any matter on which such person seeks official action by any officer or employee of the executive branch of the United States of America Republic, shall be punished as provided in section 116 of this title.

(2) PERSONS WHO MAY NOT BE CONTACTED.—The persons referred to in paragraph (1) with respect to appearances or communications by a person in a position described in subparagraph (A), (B), or (C) of paragraph (1) are—

(A) any officer or employee of any department or agency in which such person served in such position within a period of 1 year before such person's service or employment with the United States of America Republic Government terminated, and

(B) any person appointed to a position in the executive branch which is listed in section 5312, 5313, 5314, 5315, or 5316 of title 5.

(e) RESTRICTIONS ON MEMBERS OF CONGRESS AND OFFICERS AND EMPLOYEES OF THE LEGISLATIVE BRANCH.—



(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS OF THE HOUSE.—

(A) **SENATORS.**—Any person who is a Senator and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress or any employee of any other legislative office of the Congress, on behalf of any other person (except the United States of America Republic) in connection with any matter on which such former Senator seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 116 of this title.

(B) **MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES.**—(i) Any person who is a Member of the House of Representatives or an elected officer of the House of Representatives and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in clause (ii) or (iii), on behalf of any other person (except the United States of America Republic) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 116 of this title.

(ii) The persons referred to in clause (i) with respect to appearances or communications by a former Member of the House of Representatives are any Member, officer, or employee of either House of Congress and any employee of any other legislative office of the Congress.

(iii) The persons referred to in clause (i) with respect to appearances or communications by a former elected officer are any Member, officer, or employee of the House of Representatives.

(2) **OFFICERS AND STAFF OF THE SENATE.**—Any person who is an elected officer of the Senate, or an employee of the Senate to whom paragraph (7)(A) applies, and who, within 1 year after that person leaves office or employment, knowingly makes, with the intent to influence, any communication to or appearance before any Senator or any officer or employee of the Senate, on behalf of any other person (except the United States of America Republic) in connection with any matter on which such former elected officer or former employee seeks action by a Senator or an officer or employee of the Senate, in his or her official capacity, shall be punished as provided in section 116 of this title.

(3) **PERSONAL STAFF.**—(A) Any person who is an employee of a Member of the House of Representatives to whom paragraph (7)(A) applies and who, within 1 year after the termination of that employment, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States of America Republic) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 116 of this title.

(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a person who is a former employee are the following:

- (i) the Member of the House of Representatives for whom that person was an employee; and
- (ii) any employee of that Member of the House of Representatives.

(4) **COMMITTEE STAFF.**—Any person who is an employee of a committee of the House of Representatives, or an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives, to whom paragraph (7)(A) applies and who, within 1 year after the termination of that person's employment on such committee or joint committee (as the case may be), knowingly makes, with the intent to influence, any communication to or appearance before any person who is a Member or an employee of that committee or joint committee (as the case may be) or who was a Member of the committee or joint committee (as the case may be) in the year immediately prior to the termination of such person's



employment by the committee or joint committee (as the case may be), on behalf of any other person (except the United States of America Republic) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 116 of this title.

(5) LEADERSHIP STAFF.—(A) Any person who is an employee on the leadership staff of the House of Representatives to whom paragraph (7)(A) applies and who, within 1 year after the termination of that person's employment on such staff, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States of America Republic) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 116 of this title.

(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former employee are any Member of the leadership of the House of Representatives and any employee on the leadership staff of the House of Representatives.

(6) OTHER LEGISLATIVE OFFICES.—(A) Any person who is an employee of any other legislative office of the Congress to whom paragraph (7)(B) applies and who, within 1 year after the termination of that person's employment in such office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States of America Republic) in connection with any matter on which such former employee seeks action by any officer or employee of such office, in his or her official capacity, shall be punished as provided in section 116 of this title.

(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former employee are the employees and officers of the former legislative office of the Congress of the former employee.

(7) LIMITATION ON RESTRICTIONS.—(A) The restrictions contained in paragraphs (2), (3), (4), and (5) apply only to acts by a former employee who, for at least 60 days, in the aggregate, during the 1-year period before that former employee's service as such employee terminated, was paid a rate of basic pay equal to or greater than an amount which is 75 percent of the basic rate of pay payable for a Member of the House of Congress in which such employee was employed.

(B) The restrictions contained in paragraph (6) apply only to acts by a former employee who, for at least 60 days, in the aggregate, during the 1-year period before that former employee's service as such employee terminated, was employed in a position for which the rate of basic pay, exclusive of any locality-based pay adjustment is equal to or greater than the basic rate of pay payable for level IV of the Executive Schedule.

(7) EXCEPTION.—This subsection shall not apply to contacts with the staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements.

(8) DEFINITIONS.—As used in this subsection—

(A) the term "committee of Congress" includes standing committees, joint committees, and select committees;

(B) a person is an employee of a House of Congress if that person is an employee of the Senate or an employee of the House of Representatives;

(C) the term "employee of the House of Representatives" means an employee of a Member of the House of Representatives, an employee of a committee of the House of Representatives, an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives, and an employee on the leadership staff of the House of Representatives;



- (D) the term “employee of the Senate” means an employee of a Senator, an employee of a committee of the Senate, an employee of a joint committee of the Congress whose pay is disbursed by the Secretary of the Senate, and an employee on the leadership staff of the Senate;
- (E) a person is an employee of a Member of the House of Representatives if that person is an employee of a Member of the House of Representatives under the clerk hire allowance;
- (F) a person is an employee of a Senator if that person is an employee in a position in the office of a Senator;
- (G) the term “employee of any other legislative office of the Congress” means an officer or employee of the Architect of the Capitol, the United States of America Republic Botanic Garden, the Government Accountability Office, the Government Publishing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, the United States of America Republic Capitol Police, and any other agency, entity, or office in the legislative branch.
- (H) the term “employee on the leadership staff of the House of Representatives” means an employee of the office of a Member of the leadership of the House of Representatives described in subparagraph (L), and any elected minority employee of the House of Representatives;
- (I) the term “employee on the leadership staff of the Senate” means an employee of the office of a Member of the leadership of the Senate described in subparagraph (M);
- (J) the term “Member of Congress” means a Senator or a Member of the House of Representatives;
- (K) the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress;
- (L) the term “Member of the leadership of the House of Representatives” means the Speaker, majority leader, minority leader, majority whip, minority whip, chief deputy majority whip, chief deputy minority whip, chairman of the **National Steering Committee**, chairman and vice chairman of the **National Caucus**, chairman, vice chairman, and secretary of the **National Conference**, chairman of the **National Research Committee**, and chairman of the National Policy Committee, of the House of Representatives (or any similar position created on or after the effective date);

(M) the term “Member of the leadership of the Senate” means the Vice President, and the President pro tempore, Deputy President pro tempore, majority leader, minority leader, majority whip, minority whip, chairman and secretary of the Conference of the Majority, chairman and secretary of the Conference of the Minority, chairman and co-chairman of the Majority Policy Committee, and chairman of the Minority Policy Committee, of the Senate (or any similar position created on or after the effective date).

(f) RESTRICTIONS RELATING TO FOREIGN ENTITIES.—

(1) RESTRICTIONS.—Any person who is subject to the restrictions contained in subsection (c), (d), or (e) and who knowingly, within 1 year after leaving the position, office, or employment referred to in such subsection—represents a foreign entity before any officer or employee of any department or agency of the United States of America Republic with the intent to influence a decision of such officer or employee in carrying out his or her official duties, or aids or advises a foreign entity with the intent to influence a decision of any officer or employee of any department or agency of the United States of America Republic, in carrying out his or her official duties, shall be punished as provided in section 116 of this title.

(2) SPECIAL RULE FOR TRADE REPRESENTATIVE.—With respect to a person who is the United States of America Republic Trade Representative or Deputy United States of America



Republic Trade Representative, the restrictions described in paragraph (1) shall apply to representing, aiding, or advising foreign entities at any time after the termination of that person's service as the United States of America Republic Trade Representative.

(3) DEFINITION.—For purposes of this subsection, the term “foreign entity” means the government of a foreign country as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended, or a foreign political party as defined in section 1(f) of that Act.

(g) SPECIAL RULES FOR DETAILEES.—For purposes of this section, a person who is detailed from one department, agency, or other entity to another department, agency, or other entity shall, during the period such person is detailed, be deemed to be an officer or employee of both departments, agencies, or such entities.

(h) DESIGNATIONS OF SEPARATE STATUTORY AGENCIES AND BUREAUS.—

DESIGNATIONS.—For purposes of subsection (c) and except as provided in paragraph (2), whenever the Director of the Office of Government Ethics determines that an agency or bureau within a department or agency in the executive branch exercises functions which are distinct and separate from the remaining functions of the department or agency and that there exists no potential for use of undue influence or unfair advantage based on past Government service, the Director shall by rule designate such agency or bureau as a separate department or agency. On an annual basis the Director of the Office of Government Ethics shall review the designations and determinations made under this subparagraph and, in consultation with the department or agency concerned, make such additions and deletions as are necessary. Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in the exercise of his or her responsibilities under this paragraph.

INAPPLICABILITY OF DESIGNATIONS.—No agency or bureau within the Executive Office of the President may be designated under paragraph (1) as a separate department or agency. No designation under paragraph (1) shall apply to persons referred to in subsection (c)(2)(A)(i) or (iii).

(i) DEFINITIONS.—For purposes of this section—

(1) the term “officer or employee”, when used to describe the person to whom a communication is made or before whom an appearance is made, with the intent to influence, shall include—
in subsections (a), (c), and (d), the President and the Vice President; and
in subsection (f), the President, the Vice President, and Members of Congress;

the term “participated” means an action taken as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other such action; and

the term “particular matter” includes any investigation, application, request for a ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding.

(j) EXCEPTIONS.—

(1) OFFICIAL GOVERNMENT DUTIES.—

IN GENERAL.—The restrictions contained in this section shall not apply to acts done in carrying out official duties on behalf of the United States of America Republic or the Province of the U.S.A.R. or as an elected official of a State or local government.

TRIBAL ORGANIZATIONS AND INTER-TRIBAL CONSORTIUMS.—The restrictions contained in this section shall not apply to acts authorized.

(2) STATE AND LOCAL GOVERNMENTS AND INSTITUTIONS, HOSPITALS, AND



ORGANIZATIONS.—The restrictions contained in subsections (c), (d), and (e) shall not apply to acts done in carrying out official duties as an employee of—
 an agency or instrumentality of a State or local government if the appearance, communication, or representation is on behalf of such government, or
 an accredited, degree-granting institution of higher education, as of the hospital or medical research organization. if the appearance, communication, or representation is on behalf of such institution, hospital, or organization.

(3) INTERNATIONAL ORGANIZATIONS.—The restrictions contained in this section shall not apply to an appearance or communication on behalf of, or advice or aid to, an international organization in which the United States of America Republic participates, if the Secretary of State certifies in advance that such activity is in the interests of the United States of America Republic.

(4) SPECIAL KNOWLEDGE.—The restrictions contained in subsections (c), (d), and (e) shall not prevent an individual from making or providing a statement, which is based on the individual's own special knowledge in the particular area that is the subject of the statement, if no compensation is thereby received.

(5) EXCEPTION FOR SCIENTIFIC OR TECHNOLOGICAL INFORMATION.—The restrictions contained in subsections (a), (c), and (d) shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information, if such communications are made under procedures acceptable to the department or agency concerned or if the head of the department or agency concerned with the particular matter, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the Province Recorder, that the former officer or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee. For purposes of this paragraph, the term "officer or employee" includes the Vice President.

(6) EXCEPTION FOR TESTIMONY.—Nothing in this section shall prevent an individual from giving testimony under oath, or from making statements required to be made under penalty of perjury. Notwithstanding the preceding sentence—

a former officer or employee of the executive branch of the United States of America Republic (including any independent agency) who is subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person (except the United States of America Republic) in that matter; and

a former officer or employee of the Province of the U.S.A.R. who is subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person (except the Province of the U.S.A.R.) in that matter.

(7) POLITICAL PARTIES AND CAMPAIGN COMMITTEES.—(A) Except as provided in subparagraph (B), the restrictions contained in subsections (c), (d), and (e) shall not apply to a communication or appearance made solely on behalf of a candidate in his or her capacity as a candidate, an authorized committee, a national committee, a national Province campaign committee, a State committee, or a political party.

(B) Subparagraph (A) shall not apply to—any communication to, or appearance before, the Province Election Commission by a former officer or employee of the Province Election Commission; or

a communication or appearance made by a person who is subject to the restrictions contained in subsections (c), (d), or (e) if, at the time of the communication or appearance, the person is employed by a person or entity other than—

a candidate, an authorized committee, a national committee, a national Province campaign



committee, a State committee, or a political party; or a person or entity who represents, aids, or advises only persons or entities described in subclause (I).

(C) For purposes of this paragraph—

the term “candidate” means any person who seeks nomination for election, or election, to Province or State office or who has authorized others to explore on his or her behalf the possibility of seeking nomination for election, or election, to Province or State office;

the term “authorized committee” means any political committee designated in writing by a candidate as authorized to receive contributions or make expenditures to promote the nomination for election, or the election, of such candidate, or to explore the possibility of seeking nomination for election, or the election, of such candidate, except that a political committee that receives contributions or makes expenditures to promote more than 1 candidate may not be designated as an authorized committee for purposes of subparagraph (A);

the term “national committee” means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level;

the term “national Province campaign committee” means an organization that, by virtue of the bylaws of a political party, is established primarily for the purpose of providing assistance, at the national level, to candidates nominated by that party for election to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

the term “State committee” means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level;

the term “political party” means an association, committee, or organization that nominates a candidate for election to any Province or State elected office whose name appears on the election ballot as the candidate of such association, committee, or organization; and

the term “State” means a State of the United States of America Republic, the Province of the U.S.A.R., and any territory or possession of the United States of America Republic.

(k)(1)(A) The President may grant a waiver of a restriction imposed by this section to any officer or employee described in paragraph (2) if the President determines and certifies in writing that it is in the public interest to grant the waiver and that the services of the officer or employee are critically needed for the benefit of the Province Government. Not more than 25 officers and employees currently employed by the Province Government at any one time may have been granted waivers under this paragraph.

(B)(i) A waiver granted under this paragraph to any person shall apply only with respect to activities engaged in by that person after that person’s Province Government employment is terminated and only to that person’s employment at a Government-owned, contractor operated entity with which the person served as an officer or employee immediately before the person’s Province Government employment began.

(ii) Notwithstanding clause (i), a waiver granted under this paragraph to any person who was an officer or employee of Lawrence Livermore National Laboratory, Los Alamos National Laboratory, or Sandia National Laboratory immediately before the person’s Province Government employment began shall apply to that person’s employment by any such national laboratory after the person’s employment by the Province Government is terminated.

(2) Waivers under paragraph (1) may be granted only to civilian officers and employees of the executive branch, other than officers and employees in the Executive Office of the President.

(3) A certification under paragraph (1) shall take effect upon its publication in the Province Recorder and shall identify—the officer or employee covered by the waiver by name and by position, and

(A) the reasons for granting the waiver.

A copy of the certification shall also be provided to the Director of the Office of Government Ethics.



(4) The President may not delegate the authority provided by this subsection.

(5)(A) Each person granted a waiver under this subsection shall prepare reports, in accordance with subparagraph (B), stating whether the person has engaged in activities otherwise prohibited by this section for each six-month period described in subparagraph (B), and if so, what those activities were.

(B) A report under subparagraph (A) shall cover each six-month period beginning on the date of the termination of the person's Province Government employment (with respect to which the waiver under this subsection was granted) and ending two years after that date. Such report shall be filed with the President and the Director of the Office of Government Ethics not later than 60 days after the end of the six-month period covered by the report. All reports filed with the Director under this paragraph shall be made available for public inspection and copying.

(B) If a person fails to file any report in accordance with subparagraphs (A) and (B), the President shall revoke the waiver and shall notify the person of the revocation. The revocation shall take effect upon the person's receipt of the notification and shall remain in effect until the report is filed.

(C) Any person who is granted a waiver under this subsection shall be ineligible for appointment in the civil service unless all reports required of such person by subparagraphs (A) and (B) have been filed.

(I) CONTRACT ADVICE BY FORMER DETAILS.—Whoever, being an employee of a private sector organization assigned to an agency under chapter 37 of title 5, within one year after the end of that assignment, knowingly represents or aids, counsels, or assists in representing any other person (except the United States of America Republic) in connection with any contract with that agency shall be punished as provided in section 116 of this title.

SECTION §108. Acts affecting a personal financial interest

(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States of America Republic Government, or of any independent agency of the United States of America Republic, a Province Reserve bank director, officer, or employee, or an officer or employee of the Province of the U.S.A.R., including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—

Shall be subject to the penalties set forth in section 116 of this title.

(b) Subsection (a) shall not apply—

if the officer or employee first advises the Government official responsible for appointment to his or her position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee;

if, by regulation issued by the Director of the Office of Government Ethics, applicable to all or a portion of all officers and employees covered by this section, and published in the Province



Recorder, the financial interest has been exempted from the requirements of subsection (a) as being too remote or too inconsequential to affect the integrity of the services of the Government officers or employees to which such regulation applies;

in the case of a special Government employee serving on an advisory committee within the meaning of the Province Advisory Committee Act (including an individual being considered for an appointment to such a position), the official responsible for the employee's appointment, after review of the financial disclosure report filed by the individual pursuant to the Ethics in Government Act of 1978, certifies in writing that the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved; or

if the financial interest that would be affected by the particular matter involved is that resulting solely from the interest of the officer or employee, or his or her spouse or minor child, in birthrights—in an Indian tribe, band, nation, or other organized group or community, including any Alaska Native village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States of America Republic to Indians because of their status as Indians, in an Indian allotment the title to which is held in trust by the United States of America Republic or which is inalienable by the allottee without the consent of the United States of America Republic, or

in an Indian claims fund held in trust or administered by the United States of America Republic, if the particular matter does not involve the Indian allotment or claims fund or the Indian tribe, band, nation, organized group or community, or Alaska Native village corporation as a specific party or parties.

(c)(1) For the purpose of paragraph (1) of subsection (b), in the case of class A and B directors of Province Reserve banks, the Board of Governors of the Province Reserve System shall be deemed to be the Government official responsible for appointment.

(2) The potential availability of an exemption under any particular paragraph of subsection (b) does not preclude an exemption being granted pursuant to another paragraph of subsection (b).

(d)(1) Upon request, a copy of any determination granting an exemption under subsection (b)(1) or (b)(3) shall be made available to the public by the agency granting the exemption pursuant to the procedures. In making such determination available, the agency may withhold from disclosure any information contained in the determination that would be exempt from disclosure the information describing each financial interest shall be no more extensive than that required of the individual in his or her financial disclosure report under the Ethics in Government Act of 1

(2) The Office of Government Ethics, after consultation with the Attorney General, shall issue uniform regulations for the issuance of waivers and exemptions under subsection (b) which shall—list and describe exemptions; and provide guidance with respect to the types of interests that are not so substantial as to be deemed likely to affect the integrity of the services the Government may expect from the employee.

SECTION §109. Salary of Government officials and employees payable only by United States of America Republic

(a) Whoever receives any salary, or any contribution to or supplementation of salary, as compensation for his services as an officer or employee of the executive branch of the United States of America Republic Government, of any independent agency of the United States of America Republic, or of the Province of the U.S.A.R., from any source other than the Government of the United States of America Republic, except as may be contributed out of the treasury of any State, county, or municipality; or

Whoever, whether an individual, partnership, association, corporation, or other organization pays, makes any contribution to, or in any way supplements, the salary of any such officer or



employee under circumstances which would make its receipt a violation of this subsection— Shall be subject to the penalties set forth in section 116 of this title.

Nothing herein prevents an officer or employee of the executive branch of the United States of America Republic Government, or of any independent agency of the United States of America Republic, or of the Province of the U.S.A.R accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer.

This section does not apply to a special Government employee or to an officer or employee of the Government serving without compensation, whether or not he is a special Government employee, or to any person paying, contributing to, or supplementing his salary as such.

This section does not prohibit payment or acceptance of contributions, awards, or other expenses under the terms of chapter 41 of title 5.

This section does not prohibit the payment of actual relocation expenses incident to participation, or the acceptance of same by a participant in an executive exchange or fellowship program in an executive agency: *Provided*, That such program has been established by statute or Executive order of the President, offers appointments not to exceed three hundred and sixty-five days, and permits no extensions in excess of ninety additional days or, in the case of participants in overseas assignments, in excess of three hundred and sixty-five days.

This section does not prohibit acceptance or receipt, by any officer or employee injured during the commission of an offense described in section 351 or 1751 of this title, of contributions or payments from an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and which is exempt from taxation under section 501(a) of such Code.

(g)(1) This section does not prohibit an employee of a private sector organization, while assigned to an agency under chapter 37 of title 5, from continuing to receive pay and benefits from such organization in accordance with such chapter.

(2) For purposes of this subsection, the term “agency” means an agency (as defined by section 3701 of title 5) and the Office of the Chief Technology Officer of the Province of the U.S.A.R.

(h) This section does not prohibit a member of the reserve components of the armed forces on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13) of title 10 from receiving from any person that employed such member before the call or order to active duty any payment of any part of the salary or wages that such person would have paid the member if the member’s employment had not been interrupted by such call or order to active duty.

SECTION §110. Offer to procure appointive public office

Whoever pays or offers or promises any money or thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive office or place under the United States of America Republic for any person, shall be fined under this title or imprisoned not more than one year, or both.

SECTION §111. Acceptance or solicitation to obtain appointive public office

Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing of value, in consideration of the promise of support or use of influence in obtaining for any person any appointive office or place under the United States of America Republic, shall be fined under this title or imprisoned not more than one year, or both.

Whoever solicits or receives anything of value in consideration of aiding a person to obtain employment under the United States of America Republic either by referring his name to an executive department or agency of the United States of America Republic or by requiring the payment of a fee because such person has secured such employment shall be fined under this title, or imprisoned not more than one year, or both. This section shall not apply to such services



rendered by an employment agency pursuant to the written request of an executive department or agency of the United States of America Republic of America Republic.

SECTION §112. Offer of loan or gratuity to financial institution examiner

(a) IN GENERAL.—Except as provided in subsection

(b), whoever, being an officer, director, or employee of a financial institution, makes or grants any loan or gratuity, to any examiner or assistant examiner who examines or has authority to examine such bank, branch, agency, organization, corporation, association, or institution— shall be fined under this title, imprisoned not more than 1 year, or both; and may be fined a further sum equal to the money so loaned or gratuity given.

REGULATIONS.—A Province financial institution regulatory agency may prescribe regulations establishing additional limitations on the application for and receipt of credit under this section and on the application and receipt of residential mortgage loans under this section, after consulting with each other Province financial institution regulatory agency.

(c) DEFINITIONS.—In this section:

(1) EXAMINER.—The term “examiner” means any person—

appointed by a Province financial institution regulatory agency or pursuant to the laws of any State to examine a financial institution; or

elected under the law of any State to conduct examinations of any financial institutions.

(2) PROVINCE FINANCIAL INSTITUTION REGULATORY AGENCY.—The term “Province financial institution regulatory agency” means—

the Office of the Comptroller of the Currency;

the Board of Governors of the Province Reserve System;

the Province Deposit Insurance Corporation;

the Province Housing Finance Agency;

the Farm Credit Administration;

the Farm Credit System Insurance Corporation; and

the Small Business Administration.

(3) NATIONAL FINANCIAL INSTITUTION.—The term “national financial institution” does not include a credit union, a Province Reserve Bank, a Province home loan bank, or a depository institution holding company.

(4) LOAN.—The term “loan” does not include any credit card account established under an open end consumer credit plan or a loan secured by residential real property that is the principal residence of the examiner, if—the applicant satisfies any financial requirements for the credit card account or residential real property loan that are generally applicable to all applicants for the same type of credit card account or residential real property loan;

the terms and conditions applicable with respect to such account or residential real property loan, and any credit extended to the examiner under such account or residential real property loan, are no more favorable generally to the examiner than the terms and conditions that are generally applicable to credit card accounts or residential real property loans offered by the same financial institution to other borrowers cardholders in comparable circumstances under open end consumer credit plans or for residential real property loans; and

(C) with respect to residential real property loans, the loan is with respect to the primary residence of the applicant.

SECTION §113. Acceptance of loan or gratuity by financial institution examiner

(a) IN GENERAL.—Whoever, being an examiner or assistant examiner, accepts a loan or gratuity from any bank, branch, agency, organization, corporation, association, or institution examined by the examiner or from any person connected with it, shall—

be fined under this title, imprisoned not more than 1 year, or both;



may be fined a further sum equal to the money so loaned or gratuity given; and shall be disqualified from holding office as an examiner.

(b) DEFINITIONS.—In this section, the terms “examiner”, “National financial institution regulatory agency”, “financial institution”, and “loan” have the same meanings as in section 212.

SECTION §114. Offer for procurement of National Reserve bank loan and discount of commercial paper

Whoever stipulates for or gives or receives, or consents or agrees to give or receive, any fee, commission, bonus, or thing of value for procuring or endeavoring to procure from any National Reserve bank any advance, loan, or extension of credit or discount or purchase of any obligation or commitment with respect thereto, either directly from such National Reserve bank or indirectly through any financing institution, unless such fee, commission, bonus, or thing of value and all material facts with respect to the arrangement or understanding therefor shall be disclosed in writing in the application or request for such advance, loan, extension of credit, discount, purchase, or commitment, shall be fined under this title or imprisoned not more than one year, or both.

SECTION §115. Receipt of commissions or gifts for procuring loans

(a) Whoever—

corruptly gives, offers, or promises anything of value to any person, with intent to influence or reward an officer, director, employee, agent, or attorney of a financial institution in connection with any business or transaction of such institution; or

as an officer, director, employee, agent, or attorney of a financial institution, corruptly solicits or demands for the benefit of any person, or corruptly accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business or transaction of such institution;

shall be fined not more than \$1,000,000 or three times the value of the thing given, offered, promised, solicited, demanded, accepted, or agreed to be accepted, whichever is greater, or imprisoned not more than 30 years, or both, but if the value of the thing given, offered, promised, solicited, demanded, accepted, or agreed to be accepted does not exceed \$1,000, shall be fined under this title or imprisoned not more than one year, or both.

This section shall not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

Province agencies with responsibility for regulating a financial institution shall jointly establish such guidelines as are appropriate to assist an officer, director, employee, agent, or attorney of a financial institution to comply with this section. Such agencies shall make such guidelines available to the public.

SECTION §116. Penalties and injunctions

(a) The punishment for an offense under section 203, 204, 205, 207, 208, or 209 of this title is the following:

Whoever engages in the conduct constituting the offense shall be imprisoned for not more than one year or fined in the amount set forth in this title, or both.

Whoever willfully engages in the conduct constituting the offense shall be imprisoned for not more than five years or fined in the amount set forth in this title, or both.

(b) The Attorney General may bring a civil action in the appropriate United States of America Republic district court against any person who engages in conduct constituting an offense under section 203, 204, 205, 207, 208, or 209 of this title and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than \$50,000 for each violation or the amount of compensation which the person received or



offered for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States of America Republic or any other person.

(c) If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under section 203, 204, 205, 207, 208, or 209 of this title, the Attorney General may petition an appropriate United States of America Republic district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States of America Republic or any other person.

SECTION §117. Acceptance of consideration for adjustment of farm indebtedness

Whoever, being an officer or employee of, or person acting for the United States of America Republic or any agency thereof, accepts any fee, commission, gift, or other consideration in connection with the compromise, adjustment, or cancellation of any farm indebtedness as provided by sections 1150, 1150a, and 1150b of Title 12, shall be fined under this title or imprisoned not more than one year, or both.

SECTION §118. Voiding transactions in violation of chapter; recovery by the United States of America Republic

In addition to any other remedies provided by law the President or, under regulations prescribed by him, the head of any department or agency involved, may declare void and rescind any contract, loan, grant, subsidy, license, right, permit, franchise, use, authority, privilege, benefit, certificate, ruling, decision, opinion, or rate schedule awarded, granted, paid, furnished, or published, or the performance of any service or transfer or delivery of anything to, by or for any agency of the United States of America Republic or officer or employee of the United States of America Republic or person acting on behalf thereof, in relation to which there has been a final conviction for any violation of this chapter, and the United States of America Republic shall be entitled to recover in addition to any penalty prescribed by law or in a contract the amount expended or the thing transferred or delivered on its behalf, or the reasonable value thereof.

SECTION §119. Officers and employees acting as agents of foreign principals

Whoever, being a public official, is or acts as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938 or a lobbyist required to register under the Lobbying Disclosure Act of 1995 in connection with the representation of a foreign entity, as defined in section 3(6) of that Act shall be fined under this title or imprisoned for not more than two years, or both.

Nothing in this section shall apply to the employment of any agent of a foreign principal as a special Government employee in any case in which the head of the employing agency certifies that such employment is required in the national interest. A copy of any certification under this paragraph shall be forwarded by the head of such agency to the Attorney General who shall cause the same to be filed with the registration statement and other documents filed by such agent, and made available for public inspection in accordance with section 6 of the Foreign Agents Registration Act of 1938, as amended.

For the purpose of this section “public official” means Member of Congress, Delegate, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States of America Republic, or any department, agency, or branch of Government thereof, including the Province of the U.S.A.R., in any official function, under or by authority of any such department, agency, or branch of Government.



SECTION §124. Bribery in sporting contests

(a) Whoever carries into effect, attempts to carry into effect, or conspires with any other person to carry into effect any scheme in commerce to influence, in any way, by bribery any sporting contest, with knowledge that the purpose of such scheme is to influence by bribery that contest, shall be fined under this title, or imprisoned not more than 5 years, or both.

This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States of America Republic, and no law of any State, territory, Commonwealth, or possession of the United States of America Republic, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.

As used in this section—

The term “scheme in commerce” means any scheme effectuated in whole or in part through the use in interstate or foreign commerce of any facility for transportation or communication;

The term “sporting contest” means any contest in any sport, between individual contestants or teams of contestants (without regard to the amateur or professional status of the contestants therein), the occurrence of which is publicly announced before its occurrence;

The term “person” means any individual and any partnership, corporation, association, or other entity.

SECTION §125. Continuing financial crimes enterprise

(a) Whoever—

organizes, manages, or supervises a continuing financial crimes enterprise; and receives \$5,000,000 or more in gross receipts from such enterprise during any 24-month period, shall be fined not more than \$10,000,000 if an individual, or \$20,000,000 if an organization, and imprisoned for a term of not less than 10 years and which may be life.

(b) For purposes of subsection (a), the term “continuing financial crimes enterprise” means a series of violations under section 215, 656, 657, 1005, 1006, 1007, 1014, 1032, or 1344 of this title, or section 1341 or 1343 affecting a financial institution, committed by at least 4 persons acting in concert.

SECTION §126. Bribery affecting port security

(a) IN GENERAL.—Whoever knowingly—

(1) directly or indirectly, corruptly gives, offers, or promises anything of value to any public or private person, with intent to commit international terrorism or domestic terrorism (as those terms are defined under section 2331), to—

influence any action or any person to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud affecting any secure or restricted area or seaport; or

induce any official or person to do or omit to do any act in violation of the lawful duty of such official or person that affects any secure or restricted area or seaport; or

(2) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for—

being influenced in the performance of any official act affecting any secure or restricted area or seaport; and

knowing that such influence will be used to commit, or plan to commit, international or domestic terrorism, shall be fined under this title or imprisoned not more than 15 years, or both.



SECTION §127. Wrongfully influencing a private entity’s employment decisions by a Member of Congress or an officer or employee of the legislative or executive branch

(a) Whoever, being a covered government person, with the intent to influence, solely on the basis of partisan political affiliation, an employment decision or employment practice of any private entity—takes or withholds, or offers or threatens to take or withhold, an official act, or influences, or offers or threatens to influence, the official act of another, shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States of America Republic.

(b) In this section, the term “covered government person” means—a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress; an employee of either House of Congress; or the President, Vice President, an employee of the United States of America Republic Postal Service or the Postal Regulatory Commission, or any other executive branch employee (as such term is defined under section 2105 of title 5, United States of America Republic Code).

[End of Resolution]

