

118TH CONGRESS
2D SESSION

S. 5642

To amend title 18, United States Code, to prevent and mitigate the potential for conflicts of interest following government service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20 (legislative day, DECEMBER 16), 2024

Mr. WELCH (for himself, Mr. CORNYN, and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prevent and mitigate the potential for conflicts of interest following government service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Conflict-free Leaving
5 Employment and Activity Restrictions Path Act” or the
6 “CLEAR Path Act”.

7 **SEC. 2. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

1 (1) Congress and the executive branch have rec-
 2 ognized the importance of preventing and mitigating
 3 the potential for conflicts of interest following gov-
 4 ernment service, including with respect to senior
 5 United States officials working on behalf of foreign
 6 governments; and

7 (2) Congress and the executive branch should
 8 jointly evaluate the status and scope of post-employ-
 9 ment restrictions.

10 **SEC. 3. POST-EMPLOYMENT RESTRICTIONS ON OFFICIALS**
 11 **IN POSITIONS SUBJECT TO SENATE CON-**
 12 **FIRMATION.**

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

16 “(m) EXTENDED POST-EMPLOYMENT RESTRICTIONS
 17 FOR OFFICIALS IN POSITIONS SUBJECT TO SENATE CON-
 18 FIRMATION.—

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

20 “(A) COUNTRY OF CONCERN.—The term
 21 ‘country of concern’ has the meaning given the
 22 term in section 1(m) of the State Department
 23 Basic Authorities Act of 1956 (22 U.S.C.
 24 2651a(m)).

1 “(B) FOREIGN GOVERNMENTAL ENTITY.—

2 The term ‘foreign governmental entity’ has the
3 meaning given the term in section 1(m) of the
4 State Department Basic Authorities Act of
5 1956 (22 U.S.C. 2651a(m)).

6 “(C) REPRESENT.—The term ‘represent’
7 does not include representation by an attorney,
8 who is duly licensed and authorized to provide
9 legal advice in a United States jurisdiction, of
10 a person or entity in a legal capacity or for the
11 purposes of rendering legal advice.

12 “(D) SENATE-CONFIRMED POSITION.—The
13 term ‘Senate-confirmed position’ means a posi-
14 tion in a department or agency of the executive
15 branch of the United States for which appoint-
16 ment is required to be made by the President,
17 by and with the advice and consent of the Sen-
18 ate.

19 “(2) AGENCY HEADS, DEPUTY HEADS, AND
20 OTHER POSITIONS SUBJECT TO SENATE CONFIRMA-
21 TION.—With respect to a person serving as the head
22 or deputy head of, or serving in any Senate-con-
23 firmed position in, a department or agency of the ex-
24 ecutive branch of the United States, the restrictions

1 described in subsection (f)(1) shall apply to any such
2 person who knowingly represents, aids, or advises—

3 “(A) a foreign governmental entity before
4 an officer or employee of the executive or legis-
5 lative branch of the United States with the in-
6 tent to influence a decision of the officer or em-
7 ployee in carrying out his or her official duties
8 for 2 years after the termination of the person’s
9 service in that position; or

10 “(B) a foreign governmental entity of a
11 country of concern before an officer or employee
12 of the executive or legislative branch of the
13 United States with the intent to influence a de-
14 cision of the officer or employee in carrying out
15 his or her official duties at any time after the
16 termination of the person’s service in that posi-
17 tion.

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

22 “(A) upon appointment by the President;
23 and

24 “(B) upon termination of service with the
25 relevant department or agency.

1 “(4) EFFECTIVE DATE.—The restrictions under
2 this subsection shall apply only to persons who are
3 appointed by the President to the positions ref-
4 erenced in this section on or after the date of enact-
5 ment of the Conflict-free Leaving Employment and
6 Activity Restrictions Path Act.

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

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

14 (1) by redesignating paragraphs (6) and (7) as
15 paragraphs (7) and (8), respectively; and

16 (2) by inserting after paragraph (5) the fol-
17 lowing:

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

1 **SEC. 4. MECHANISM TO AMEND DEFINITION OF “COUNTRY**
 2 **OF CONCERN”.**

3 Section 1(m) of the State Department Basic Authori-
 4 ties Act of 1956 (22 U.S.C. 2651a(m)), as amended by
 5 section 3(b), is amended by adding at the end the fol-
 6 lowing:

7 “(9) MODIFICATION TO DEFINITION OF ‘COUN-
 8 TRY OF CONCERN’.—

9 “(A) IN GENERAL.—The Secretary of
 10 State may, in consultation with the Attorney
 11 General, propose the addition or deletion of
 12 countries described in paragraph (1)(A).

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

15 “(i) be submitted to the Chairman
 16 and Ranking Member of the Committee on
 17 Foreign Relations of the Senate and the
 18 Chairman and Ranking Member of the
 19 Committee on the Judiciary of the House
 20 of Representatives; and

21 “(ii) become effective upon enactment
 22 of a joint resolution of approval as de-
 23 scribed in subparagraph (C).

24 “(C) JOINT RESOLUTION OF APPROVAL.—

25 “(i) IN GENERAL.—For purposes of
 26 subparagraph (B)(ii), the term ‘joint reso-

lution of approval’ means only a joint resolution—

“(I) that does not have a preamble;

“(II) that includes in the matter after the resolving clause the following: ‘That Congress approves the modification of the definition of “country of concern” under section 1(m) of the State Department Basic Authorities Act of 1956, as submitted by the Secretary of State on _____; and section 1(m)(1)(A) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(m)(1)(A)) is amended by _____.’, the blank spaces being appropriately filled in with the appropriate date and the amendatory language required to modify the list of countries in paragraph (1)(A) of this subsection by adding or deleting 1 or more countries; and

“(III) the title of which is as follows: ‘Joint resolution approving

1 modifications to definition of “country
2 of concern” under section 1(m) of the
3 State Department Basic Authorities
4 Act of 1956.’.

5 “(ii) REFERRAL.—

6 “(I) SENATE.—A resolution de-
7 scribed in clause (i) that is introduced
8 in the Senate shall be referred to the
9 Committee on Foreign Relations of
10 the Senate.

11 “(II) HOUSE OF REPRESENTA-
12 TIVES.—A resolution described in
13 clause (i) that is introduced in the
14 House of Representatives shall be re-
15 ferred to the Committee on the Judi-
16 ciary of the House of Representa-
17 tives.”.

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