

under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-191 effective Dec. 15, 1987, and applicable to independent counsel proceedings under 28 U.S.C. 591 et seq. pending on that date as well as to proceedings on and after that date, see section 6 of Pub. L. 100-191, set out as a note under section 591 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-578 effective Oct. 17, 1968, except when a later effective date is applicable, which is the earlier of date when implementation of amendment by appointment of magistrates [now United States magistrate judges] and assumption of office takes place or third anniversary of enactment of Pub. L. 90-578, see section 403 of Pub. L. 90-578, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section effective 90 days after Oct. 23, 1962, see section 4 of Pub. L. 87-849, set out as a note under section 201 of this title.

§ 203. 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—

(A) 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

(B) at a time when such person is an officer or employee or Federal judge of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States,

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 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, Federal judge, officer, or employee;

shall be subject to the penalties set forth in section 216 of this title.

(b) 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 ren-

dered either personally or by another, at a time when such person is an officer or employee of the District of Columbia, 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 District of Columbia is a party or has a direct and substantial interest, before any department, agency, court, officer, or 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 an officer or employee of the District of Columbia;

shall be subject to the penalties set forth in section 216 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—

(1) 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

(2) 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 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 Federal Register.

(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.

(Added Pub. L. 87-849, §1(a), Oct. 23, 1962, 76 Stat. 1121; amended Pub. L. 91-405, title II, §204(d)(2),

(3), Sept. 22, 1970, 84 Stat. 853; Pub. L. 99-646, § 47(a), Nov. 10, 1986, 100 Stat. 3604; Pub. L. 101-194, title IV, § 402, Nov. 30, 1989, 103 Stat. 1748; Pub. L. 101-280, § 5(b), May 4, 1990, 104 Stat. 159.)

Editorial Notes

PRIOR PROVISIONS

A prior section 203, act June 25, 1948, ch. 645, 62 Stat. 692, related to the acceptance or demand by district attorneys, or marshals and their assistants of any fee other than provided by law, prior to the general amendment of this chapter by Pub. L. 87-849 and is substantially covered by revised section 201.

Provisions similar to those comprising this section were contained in section 281 of this title prior to the repeal of such section and the general amendment of this chapter by Pub. L. 87-849.

AMENDMENTS

1990—Subsec. (a)(1)(B). Pub. L. 101-280, § 5(b)(1), inserted “or Federal judge” after “employee”.

Subsec. (a)(2). Pub. L. 101-280, § 5(b)(2), inserted “Commissioner Elect, Federal judge,” after “Commissioner.”

Subsec. (b)(2). Pub. L. 101-280, § 5(b)(3), inserted “representational” before “services”.

Subsec. (d)(1). Pub. L. 101-280, § 5(b)(4), substituted “Government employee or as a special Government employee” for “Government employee.”

Subsec. (f). Pub. L. 101-280, § 5(b)(5), added subsec. (f).

1989—Subsec. (a). Pub. L. 101-194, § 402(3), in concluding provisions, substituted “shall be subject to the penalties set forth in section 216 of this title” for “shall be fined under this title or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States”.

Subsec. (a)(1). Pub. L. 101-194, § 402(1), (2), (7), in introductory provisions, substituted “representational services, as agent or attorney or otherwise,” for “services”, in concluding provisions, inserted “court,” after “department, agency,” and in subpar. (B), struck out “including the District of Columbia,” after “agency of the United States”.

Subsec. (a)(2). Pub. L. 101-194, § 402(4)–(6), inserted “representational” before “services”, “Member Elect,” after “Member,” and “Delegate Elect,” after “Delegate.”

Subsec. (b). Pub. L. 101-194, § 402(9), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 101-194, § 402(8), redesignated subsec. (b) as (c) and substituted “subsections (a) and (b)” for “subsection (a)”.

Subsecs. (d), (e). Pub. L. 101-194, § 402(10), added subsecs. (d) and (e).

1986—Pub. L. 99-646, § 47(a)(3)(D), provided for alignment of margins of each subsection, paragraph, and subparagraph of this section.

Subsec. (a). Pub. L. 99-646, § 47(a)(1), (2), substituted “indirectly—” for “indirectly” in introductory provisions, redesignated the undesignated par. which followed former subsec. (b) as concluding par. of subsec. (a), and substituted “shall be fined under this title” for “Shall be fined not more than \$10,000”.

Subsec. (a)(1). Pub. L. 99-646, § 47(a)(1), substituted “(1) demands, seeks, receives, accepts, or agrees to receive or accept any” for “receives or agrees to receive, or asks, demands, solicits, or seeks, any” and “personally or by” for “by himself or”, redesignated former par. (1) as subpar. (A) and substituted “such person” for “he” and “Delegate, Delegate Elect” for “Delegate from the District of Columbia, Delegate Elect from the District of Columbia”, redesignated former par. (2) as subpar. (B) and substituted “such person” for “he”, and in closing provisions substituted “commission; or” for “commission, or”.

Subsec. (a)(2). Pub. L. 99-646, § 47(a)(2), redesignated former subsec. (b) as par. (2) and substituted “know-

ingly gives” for “Whoever, knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly gives” and “employee;” for “employee—”.

Subsecs. (b), (c). Pub. L. 99-646, § 47(a)(3), (4), redesignated former subsec. (c) as (b) and substituted “parties—” for “parties”, “such employee” for “he”, “otherwise; or” for “otherwise, or”, and “in which such employee is serving except that paragraph (2) of this subsection” for “in which he is serving: *Provided*, That clause (2)”. Former subsec. (b) redesignated (a)(2).

1970—Subsec. (a)(1). Pub. L. 91-405, § 204(d)(2), included references to Delegate from District of Columbia and Delegate Elect from District of Columbia.

Subsec. (b). Pub. L. 91-405, § 204(d)(3), included reference to Delegate.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-646, § 47(b), Nov. 10, 1986, 100 Stat. 3605, provided that: “The amendments made by this section [amending this section] shall take effect 30 days after the date of enactment of this Act [Nov. 10, 1986].”

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-405 effective Sept. 22, 1970, see section 206(b) of Pub. L. 91-405, set out as an Effective Date note under section 25a of Title 2, The Congress.

EFFECTIVE DATE

Section effective 90 days after Oct. 23, 1962, see section 4 of Pub. L. 87-849, set out as a note under section 201 of this title.

EXEMPTIONS

Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126, provided in part that: “All exemptions from the provisions of sections 281, 282, 283, 284, 434, or 1914 of title 18 of the United States Code heretofore created or authorized by statute which are in force on the effective date of this Act [see Effective Date note under section 201 of this title] shall, on and after that date, be deemed to be exemptions from sections 203, 204, 205, 207, 208, or 209, respectively, of title 18 of the United States Code except to the extent that they affect officers or employees of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, as to whom they are no longer applicable.”

PRIVATE SECTOR REPRESENTATIVES ON UNITED STATES DELEGATIONS TO INTERNATIONAL TELECOMMUNICATIONS MEETINGS AND CONFERENCES

Pub. L. 97-241, title I, § 120, Aug. 24, 1982, 96 Stat. 280, provided that:

“(a) Sections 203, 205, 207, and 208 of title 18, United States Code, shall not apply to a private sector representative on the United States delegation to an international telecommunications meeting or conference who is specifically designated to speak on behalf of or otherwise represent the interests of the United States at such meeting or conference with respect to a particular matter, if the Secretary of State (or the Secretary’s designee) certifies that no Government employee on the delegation is as well qualified to represent United States interests with respect to such matter and that such designation serves the national interest. All such representatives shall have on file with the Department of State the financial disclosure report required for special Government employees.

“(b) As used in this section, the term ‘international telecommunications meeting or conference’ means the conferences of the International Telecommunications Union, meetings of its International Consultative Committees for Radio and for Telephone and Telegraph, and such other international telecommunications meetings

or conferences as the Secretary of State may designate.”

Executive Documents

DELEGATION OF AUTHORITY

Authority of President under subsec. (d) of this section to grant exemptions or approvals to individuals delegated to agency heads, see section 401 of Ex. Ord. No. 12674, Apr. 12, 1989, 54 F.R. 15159, as amended, set out as a note under section 7301 of Title 5, Government Organization and Employees.

Authority of President under subsec. (d) of this section to grant exemptions or approvals for Presidential appointees to committees, commissions, boards, or similar groups established by the President, and for individuals appointed pursuant to sections 105 and 107(a) of Title 3, The President, delegated to Counsel to President, see section 402 of Ex. Ord. No. 12674, Apr. 12, 1989, 54 F.R. 15159, as amended, set out as a note under section 7301 of Title 5.

§ 204. Practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress

Whoever, being a Member of Congress or Member of Congress Elect, practices in the United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit shall be subject to the penalties set forth in section 216 of this title.

(Added Pub. L. 87-849, §1(a), Oct. 23, 1962, 76 Stat. 1122; amended Pub. L. 91-405, title II, §204(d)(2), Sept. 22, 1970, 84 Stat. 853; Pub. L. 97-164, title I, §147, Apr. 2, 1982, 96 Stat. 45; Pub. L. 101-194, title IV, §403, Nov. 30, 1989, 103 Stat. 1749; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

Editorial Notes

PRIOR PROVISIONS

A prior section 204, act June 25, 1948, ch. 645, 62 Stat. 692, related to an offer to influence a Member of Congress, prior to the general amendment of this chapter by Pub. L. 87-849 and is substantially covered by revised section 201.

Provisions similar to this section were contained in former section 282 of this title prior to the repeal of such section and the general amendment of this chapter by Pub. L. 87-849.

AMENDMENTS

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court” in section catchline and in text.

1989—Pub. L. 101-194 amended section generally. Prior to amendment, section read as follows: “Whoever, being a Member of Congress, Member of Congress Elect, Delegate from the District of Columbia, Delegate Elect from the District of Columbia, Resident Commissioner, or Resident Commissioner Elect, practices in the United States Claims Court or the United States Court of Appeals for the Federal Circuit, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both, and shall be incapable of holding any office of honor, trust, or profit under the United States.”

1982—Pub. L. 97-164 substituted “United States Claims Court or the United States Court of Appeals for the Federal Circuit” for “Court of Claims”.

1970—Pub. L. 91-405 included references to Delegate from District of Columbia and Delegate Elect from District of Columbia.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-405 effective Sept. 22, 1970, see section 206(b) of Pub. L. 91-405, set out as an Effective Date note under section 25a of Title 2, The Congress.

EFFECTIVE DATE

Section effective 90 days after Oct. 23, 1962, see section 4 of Pub. L. 87-849, set out as a note under section 201 of this title.

EXEMPTIONS

Exemptions from former section 282 of this title deemed to be exemptions from this section, see section 2 of Pub. L. 87-849, set out as a note under section 203 of this title.

§ 205. 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 in the executive, legislative, or judicial branch of the Government or in any agency of the United States, other than in the proper discharge of his official duties—

(1) acts as agent or attorney for prosecuting any claim against the United States, 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

(2) 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 is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

(b) Whoever, being an officer or employee of the District of Columbia or an officer or employee of the Office of the United States Attorney for the District of Columbia, otherwise than in the proper discharge of official duties—

(1) acts as agent or attorney for prosecuting any claim against the District of Columbia, 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

(2) acts as agent or attorney for anyone before any department, agency, court, officer, or commission in connection with any covered matter in which the District of Columbia is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 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—