

117TH CONGRESS
1ST SESSION

H. R. 5362

To amend the Ethics in Government Act of 1978 to require senior Government officials and their family members to divest foreign financial interests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2021

Mr. GOLDEN introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Ethics in Government Act of 1978 to require senior Government officials and their family members to divest foreign financial interests, 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 “Stop Foreign Payoffs
5 Act”.

1 **SEC. 2. DIVESTITURE OF FOREIGN FINANCIAL INTERESTS.**

2 (a) IN GENERAL.—The Ethics in Government Act of
3 1978 (5 U.S.C. App.) is amended by adding after title
4 V the following:

5 **“TITLE VI—LIMITATION ON**
6 **FOREIGN FINANCIAL INTERESTS**

7 **“§ 601. Limitation on foreign financial interests**

8 “(a) DIVESTITURE.—

9 “(1) IN GENERAL.—A covered individual may
10 not hold any foreign financial interest, and shall di-
11 vest of any such interest by—

12 “(A) converting each such interest to cash
13 or other investment; or

14 “(B) placing each such interest in a quali-
15 fied blind trust as defined in section 102(f)(3)
16 or a diversified trust under section
17 102(f)(4)(B).

18 “(2) APPLICATION.—

19 “(A) Not later than 30 days after the date
20 regulations are promulgated to carry out this
21 section, a covered individual holding any foreign
22 financial interest on such date shall divest of
23 such interest pursuant to paragraph (1).

24 “(B) Within 30 days that an individual as-
25 sumes an office described under subparagraph
26 (A), (B), or (C) of subsection (d)(1), such indi-

1 vidual, and any applicable individual described
2 under subparagraph (D) of such subsection,
3 shall divest of such interest pursuant to para-
4 graph (1).

5 “(b) PROHIBITION ON RECEIVING FOREIGN PAY-
6 MENTS.—A covered individual may not receive any wage,
7 salary, dividend, or any other payment from any foreign
8 business.

9 “(c) ENFORCEMENT.—

10 “(1) IN GENERAL.—The Attorney General may
11 bring a civil action in any appropriate United States
12 district court against any individual who knowingly
13 and willfully violates the provisions of this section.
14 The court in which such action is brought may as-
15 sess against such individual a civil penalty in any
16 amount not to exceed twice the value of any foreign
17 financial interest held, or any unlawfully foreign
18 payment received, in violation of this section.

19 “(2) NEGLIGENT VIOLATIONS.—The Attorney
20 General may bring a civil action in any appropriate
21 United States district court against any individual
22 who negligently violates the provisions of this sec-
23 tion. The court in which such action is brought may
24 assess against such individual a civil penalty in any
25 amount not to exceed the value of any foreign finan-

1 cial interest held, or any unlawfully foreign payment
2 received, in violation of this section.

3 “(d) DEFINITIONS.—In this section—

4 “(1) the term ‘child’ includes a child of any
5 age, an adopted child or recognized natural child,
6 and a stepchild or foster child;

7 “(2) the term ‘covered individual’ means—

8 “(A) the President;

9 “(B) a Member of Congress (as that term
10 is defined in section 2106 of title 5, United
11 States Code);

12 “(C) any cabinet-level position within the
13 executive branch of Government, including the
14 head of any executive department (as that term
15 is defined in section 101 of title 5, United
16 States Code); and

17 “(D) the spouse, child, or the spouse of a
18 child, of any individual described in subpara-
19 graph (A), (B), or (C);

20 “(3) the term ‘foreign business’ means a part-
21 nership, association, corporation, organization, or
22 other combination of persons organized under the
23 laws of or having its principal place of business in
24 a foreign country; and

1 “(4) the term ‘foreign financial interest’ means
2 any financial interest in a foreign business, including
3 a stock, ownership interest, bond, or debt, but does
4 not include any financial interest in a foreign private
5 issuer (as that term is defined in section 240.3b–4
6 of title 17, Code of Federal Regulations, as in effect
7 on the date of enactment of this section) of securi-
8 ties that are publicly traded on United States stock
9 exchanges.”.

10 (b) REGULATIONS.—Not later than 120 days after
11 the date of enactment of this Act—

12 (1) with respect to covered individuals (as that
13 term is described in subsection (d)(1) of section 601
14 of the Ethics in Government Act of 1978, as added
15 in subsection (a)) in the executive branch (including
16 the Vice President), the Director of the Office of
17 Government Ethics shall promulgate regulations to
18 carry out such section 601; and

19 (2) with respect to covered individuals in the
20 legislative branch, the Committee on Ethics of the
21 House of Representatives and the Select Committee
22 on Ethics of the Senate shall promulgate regulations
23 to carry out such section 601.

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