

118TH CONGRESS  
1ST SESSION

# S. 442

To amend title 18, United States Code, to prohibit former Presidential appointees from acting on behalf of the Government of the People’s Republic of China, the Chinese Communist Party, and Chinese military companies.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2023

Mr. BARRASSO (for himself, Ms. LUMMIS, Mr. BRAUN, Mr. HAGERTY, and Mrs. BRITT) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to prohibit former Presidential appointees from acting on behalf of the Government of the People’s Republic of China, the Chinese Communist Party, and Chinese military companies.

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 “Cutting Off Com-  
5 munist Profiteers Act”.

1 **SEC. 2. POST-EMPLOYMENT LIMITATIONS ON PRESI-**  
 2 **DENTIAL APPOINTEES WITH RESPECT TO**  
 3 **CHINA.**

4 Section 207 of title 18, United States Code, is  
 5 amended—

6 (1) by redesignating subsections (g) through (l)  
 7 as subsection (h) through (m), respectively; and

8 (2) by inserting after subsection (f) the fol-  
 9 lowing:

10 “(g) POST-EMPLOYMENT LIMITATIONS ON PRESI-  
 11 DENTIAL APPOINTEES WITH RESPECT TO CHINA.—

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

13 “(A) CHINESE ENTITY.—The term ‘Chi-  
 14 nese entity’ means—

15 “(i) the Government of the People’s  
 16 Republic of China;

17 “(ii) the Chinese Communist Party;

18 “(iii) an entity listed in accordance  
 19 with section 1237(b) of the Strom Thur-  
 20 mond National Defense Authorization Act  
 21 for Fiscal Year 1999 (Public Law 105-  
 22 261; 50 U.S.C. 1701 note);

23 “(iv) an entity identified under section  
 24 1260H of the William M. (Mac) Thorn-  
 25 berry National Defense Authorization Act

1 for Fiscal Year 2021 (Public Law 116–  
2 283; 134 Stat. 3965); and

3 “(v) an entity based in the People’s  
4 Republic of China that is included on the  
5 entity list maintained by the Bureau of In-  
6 dustry and Security of the Department of  
7 Commerce and set forth in Supplement  
8 No. 4 to part 744 of title 15, Code of Fed-  
9 eral Regulations.”.

10 “(B) FORMER PRESIDENTIAL AP-  
11 POINTEE.—The term ‘Former presidential ap-  
12 pointee’ means an individual who formerly  
13 served in a position in any department or agen-  
14 cy of the United States pursuant to an appoint-  
15 ment made by the President.

16 “(2) PROHIBITION.—A former Presidential ap-  
17 pointee who—

18 “(A) knowingly represents a Chinese entity  
19 before any officer or employee of a department  
20 or agency of the United States with the intent  
21 to influence a decision of the officer or em-  
22 ployee in carrying out the official duties of the  
23 officer or employee; or

24 “(B) knowingly aids or advises a Chinese  
25 entity with the intent to influence a decision of

1           any officer or employee of a department or  
2           agency of the United States in carrying out the  
3           official duties of the officer or employee,  
4           shall be punished as provided in section 216.”.

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