

tration jointly shall issue government-wide implementing regulations related to voiding or rescission of contracts.

SEC. 3. Implementing regulations adopted pursuant to this Order shall, at a minimum, provide the following procedural protections:

(a) Written notice of the proposed action shall be given in each case to the person or entity affected;

(b) The person or entity affected shall be afforded an opportunity to submit pertinent information on its behalf before a final decision is made;

(c) Upon the request of the person or entity affected, a hearing shall be held at which it shall have the opportunity to call witnesses on its behalf and confront any witness the agency may present; and

(d) The head of the agency or his designee shall issue a final written decision specifying the amount of restitution or any other remedy authorized by section 218, provided that such remedy shall take into consideration the fair value of any tangible benefits received and retained by the agency.

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### § 219. Officers and employees acting as agents of foreign principals

(a) 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.

(b) 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.

(c) 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, or any department, agency, or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government.

(Added Pub. L. 89-486, § 8(b), July 4, 1966, 80 Stat. 249; amended Pub. L. 98-473, title II, § 1116, Oct. 12, 1984, 98 Stat. 2149; Pub. L. 99-646, § 30, Nov. 10, 1986, 100 Stat. 3598; Pub. L. 101-647, title XXXV, § 3511, Nov. 29, 1990, 104 Stat. 4922; Pub. L. 104-65, § 12(b), Dec. 19, 1995, 109 Stat. 701.)

#### REFERENCES IN TEXT

The Foreign Agents Registration Act of 1938, as amended, referred to in subsec. (a), is act June 8, 1938, ch. 327, 52 Stat. 631, as amended, which is classified generally to subchapter II (§ 611 et seq.) of chapter 11 of Title 22, Foreign Relations and Intercourse. Section 6 of the Foreign Agents Registration Act of 1938 is classified to section 616 of Title 22. For complete classifica-

tion of this Act to the Code, see Short Title note set out under section 611 of Title 22 and Tables.

The Lobbying Disclosure Act of 1995, referred to in subsec. (a), is Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, which is classified principally to chapter 26 (§ 1601 et seq.) of Title 2, The Congress. Section 3(6) of the Act is classified to section 1602(6) of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 2 and Tables.

#### PRIOR PROVISIONS

A prior section 219 was renumbered section 214.

#### AMENDMENTS

1995—Subsec. (a). Pub. L. 104-65 substituted "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" for ", as amended,".

1990—Subsec. (c). Pub. L. 101-647 substituted "Government" for "Governments" before "thereof".

1986—Subsec. (a). Pub. L. 99-646, § 30(1), designated first par. as subsec. (a) and amended it generally, which prior to amendment read as follows: "Whoever, being a public official of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, including the District of Columbia, is or acts as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both."

Subsec. (b). Pub. L. 99-646, § 30(2), designated second par. as subsec. (b).

Subsec. (c). Pub. L. 99-646, § 30(2), (3), designated third par. as subsec. (c) and substituted "Delegate" for "Delegate from the District of Columbia" and "branch of Government" for "branch of Government, or a juror".

1984—Pub. L. 98-473 substituted "a public official" for "an officer or employee" in first par., and inserted par. defining "public official".

#### EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-65 effective Jan. 1, 1996, except as otherwise provided, see section 24 of Pub. L. 104-65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

#### EFFECTIVE DATE

Section effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as an Effective Date of 1966 Amendment note under section 611 of Title 22, Foreign Relations and Intercourse.

### § 220. Illegal remunerations for referrals to recovery homes, clinical treatment facilities, and laboratories

(a) OFFENSE.—Except as provided in subsection (b), whoever, with respect to services covered by a health care benefit program, in or affecting interstate or foreign commerce, knowingly and willfully—

(1) solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind, in return for referring a patient or patronage to a recovery home, clinical treatment facility, or laboratory; or

(2) pays or offers any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind—

(A) to induce a referral of an individual to a recovery home, clinical treatment facility, or laboratory; or