

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
ROGERS OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

29L (2)

AMENDMENT TO THE RULES COMMITTEE PRINT

FOR H.R. 4681

OFFERED BY MR. ROGERS (MI)

After section 309, insert the following new section:

1 SEC. 310. RESTRICTIONS ON CERTAIN FORMER INTEL-
2 LIGENCE OFFICERS AND EMPLOYEES.

3 (a) RESTRICTION.—Title III of the National Security
4 Act of 1947 (50 U.S.C. 3071 et seq.) is amended by in-
5 serting after section 303 the following new section:

6 “SEC. 304. RESTRICTIONS ON CERTAIN FORMER INTEL-
7 LIGENCE OFFICERS AND EMPLOYEES.

8 “(a) NEGOTIATIONS.—A covered employee shall no-
9 tify the element of the intelligence community employing
10 such employee not later than 3 business days after the
11 commencement of any negotiation for future employment
12 or compensation between such covered employee and a
13 covered entity.

14 “(b) SEPARATION.—A covered employee may not
15 commence employment with or be contracted by a covered
16 entity—

17 “(1) for a period of one year following the ter-
18 mination of the service or employment of such cov-

1 ered employee by an element of the intelligence com-
2 munity; and

3 “(2) for a period of two years following such
4 termination with respect to any matter that was a
5 part of the official responsibility of such covered em-
6 ployee during the final year of the service or employ-
7 ment of such covered employee by an element of the
8 intelligence community.

9 “(c) ANNUAL REPORTING.—

10 “(1) REPORTING REQUIRED.—Each former cov-
11 ered employee who was a covered employee at the
12 time of separation from an element of the intel-
13 ligence community shall annually report in writing
14 to the element of the intelligence community that
15 most recently previously employed such covered em-
16 ployee any payment received in the preceding year
17 from a foreign government or a covered entity.

18 “(2) APPLICABILITY.—The requirement to sub-
19 mit a report under paragraph (1) for each former
20 covered employee shall terminate on the date that is
21 5 years after the date on which such former covered
22 employee was most recently employed by an element
23 of the intelligence community.

24 “(d) DETERMINATION OF FOREIGN GOVERNMENTS
25 POSING A SIGNIFICANT COUNTERINTELLIGENCE

1 THREAT.—The Director of National Intelligence shall an-
2 nually—

3 “(1) determine which foreign governments pose
4 a significant counterintelligence threat to the United
5 States; and

6 “(2) submit to the congressional intelligence
7 committees a list of such foreign governments.

8 “(e) DEFINITIONS.—In this section:

9 “(1) COVERED EMPLOYEE.—The term ‘covered
10 employee’ means—

11 “(A) an employee of an element of the in-
12 telligence community with access to sensitive
13 compartmented information occupying a posi-
14 tion—

15 “(i) classified at GS-15 of the General
16 Schedule (chapter 53 of title 5, United
17 States Code); or

18 “(ii) as a senior civilian officer of the
19 intelligence community (as defined in Intel-
20 ligence Community Directive No. 610 or
21 any successor directive); and

22 “(B) a person who during the preceding
23 12-month period was an officer or employee of
24 the Congress (as defined in section 109(13) of
25 the Ethics in Government Act of 1978 (5

1 U.S.C. App.)) with access to sensitive compart-
2 mented information.

3 “(2) COVERED ENTITY.—The term ‘covered en-
4 tity’ means—

5 “(A) any person acting on behalf or under
6 the supervision of a designated foreign govern-
7 ment; or

8 “(B) any entity owned or controlled by a
9 designated foreign government.

10 “(3) DESIGNATED FOREIGN GOVERNMENT.—
11 The term ‘designated foreign government’ means a
12 government that the Director of National Intel-
13 ligence determines poses a significant counterintel-
14 ligence threat to the United States under subsection
15 (d).”.

16 (b) EFFECTIVE DATE OF NEGOTIATION PERIOD NO-
17 TICE.—The requirement under section 304(a) of the Na-
18 tional Security Act of 1947, as added by subsection (a)
19 of this section, shall take effect on the date that is 30
20 days after the date of the enactment of this Act.

21 (c) APPLICABILITY OF SEPARATION PERIOD.—The
22 requirement under section 304(b) of the National Security
23 Act of 1947, as added by subsection (a) of this section,
24 shall not apply to a covered employee that has entered into

1 an employment agreement on or before the date of the
2 enactment of this Act.

3 (d) FIRST REPORTING REQUIREMENT.—The first re-
4 port required to be submitted by each former covered em-
5 ployee under section 304(c) of the National Security Act
6 of 1947, as added by subsection (a) of this section, shall
7 be submitted not later than one year after the date of the
8 enactment of this Act.

9 (e) FIRST DESIGNATION REQUIREMENT.—The Di-
10 rector of National Intelligence shall submit to the congres-
11 sional intelligence committees the initial list of foreign
12 governments under section 304(d) of the National Secu-
13 rity Act of 1947, as added by subsection (a) of this sec-
14 tion, not later than 30 days after the date of the enact-
15 ment of this Act.

16 (f) TABLE OF CONTENTS AMENDMENTS.—The table
17 of contents in the first section of such Act is amended—

18 (1) by striking the second item relating to sec-
19 tion 302 (Under Secretaries and Assistant Secre-
20 taries) and the items relating to sections 304, 305,
21 and 306; and

22 (2) by inserting after the item relating to sec-
23 tion 303 the following new item:

“Sec. 304. Restrictions on certain former intelligence officers and employees.”.

