

117TH CONGRESS
2D SESSION

S. 4456

To prohibit certain former employees of the intelligence community from providing certain services to governments of countries that are state sponsors of terrorism, the People's Republic of China, and the Russian Federation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2022

Mr. CORNYN (for himself, Mr. KING, Mr. SASSE, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

A BILL

To prohibit certain former employees of the intelligence community from providing certain services to governments of countries that are state sponsors of terrorism, the People's Republic of China, and the Russian Federation, 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. PROHIBITION ON EMPLOYMENT WITH GOVERN-**
4 **MENTS OF CERTAIN COUNTRIES.**

5 (a) IN GENERAL.—Title III of the National Security
6 Act of 1947 (50 U.S.C. 3091 et seq.) is amended by in-
7 serting after section 304 the following:

1 **“SEC. 305. PROHIBITION ON EMPLOYMENT WITH GOVERN-**
2 **MENTS OF CERTAIN COUNTRIES.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) COVERED EMPLOYEE.—The term ‘covered
5 employee’, with respect to an employee occupying a
6 position within an element of the intelligence com-
7 munity, means an officer or official of an element of
8 the intelligence community, a contractor of such an
9 element, a detailee to such an element, or a member
10 of the Armed Forces assigned to such an element
11 that, based on the level of access of a person occu-
12 pying such position to information regarding sen-
13 sitive intelligence sources or methods or other excep-
14 tionally sensitive matters, the head of such element
15 determines should be subject to the requirements of
16 this section.

17 “(2) FORMER COVERED EMPLOYEE.—The term
18 ‘former covered employee’ means an individual who
19 was a covered employee on or after the date of en-
20 actment of this section and is no longer a covered
21 employee.

22 “(3) STATE SPONSOR OF TERRORISM.—The
23 term ‘state sponsor of terrorism’ means a country
24 the government of which the Secretary of State de-
25 termines has repeatedly provided support for inter-
26 national terrorism pursuant to—

1 “(A) section 1754(c)(1)(A) of the Export
2 Control Reform Act of 2018 (50 U.S.C.
3 4813(c)(1)(A));

4 “(B) section 620A of the Foreign Assist-
5 ance Act of 1961 (22 U.S.C. 2371);

6 “(C) section 40 of the Arms Export Con-
7 trol Act (22 U.S.C. 2780); or

8 “(D) any other provision of law.

9 “(b) PROHIBITION ON EMPLOYMENT AND SERV-
10 ICES.—No former covered employee may provide services
11 relating to intelligence, the military, or internal security
12 to—

13 “(1) the government of a country that is a state
14 sponsor of terrorism, the People’s Republic of China,
15 or the Russian Federation;

16 “(2) a person or entity that is directed and con-
17 trolled by a government described in paragraph (1).

18 “(c) TRAINING AND WRITTEN NOTICE.—The head of
19 each element of the intelligence community shall—

20 “(1) regularly provide to the covered employees
21 of the element training on the prohibition in sub-
22 section (b); and

23 “(2) provide to each covered employee of the
24 element before the covered employee becomes a

1 former covered employee written notice of the prohi-
2 bition in subsection (b).

3 “(d) LIMITATION ON ELIGIBILITY FOR ACCESS TO
4 CLASSIFIED INFORMATION.—A former covered employee
5 who knowingly and willfully violates subsection (b) shall
6 not be considered eligible for access to classified informa-
7 tion (as defined in the procedures established pursuant to
8 section 801(a) of this Act (50 U.S.C. 3161(a))) by any
9 element of the intelligence community.

10 “(e) CRIMINAL PENALTIES.—A former employee who
11 knowingly and willfully violates subsection (b) shall be
12 fined under title 18, United States Code, or imprisoned
13 for not more than 5 years, or both.

14 “(f) APPLICATION.—Nothing in this section shall
15 apply to—

16 “(1) a former covered employee who continues
17 to provide services described in subsection (b) that
18 the former covered employee first began to provide
19 before the date of the enactment of this section;

20 “(2) a former covered employee who, on or
21 after the date of the enactment of this section, pro-
22 vides services described in subsection (b) to a person
23 or entity that is directed and controlled by a country
24 that is a state sponsor of terrorism, the People’s Re-
25 public of China, or the Russian Federation as a re-

1 sult of a merger, acquisition, or similar change of
2 ownership that occurred after the date on which
3 such former covered employee first began to provide
4 such services;

5 “(3) a former covered employee who, on or
6 after the date of the enactment of this section, pro-
7 vides services described in subsection (b) to—

8 “(A) a government that was designated as
9 a state sponsor of terrorism after the date on
10 which such former covered employee first began
11 to provide such services; or

12 “(B) a person or entity directed and con-
13 trolled by a government described in subpara-
14 graph (A).”.

15 (b) ANNUAL REPORTS.—Not later than March 31 of
16 each year through 2032, the Director of National Intel-
17 ligence shall submit to the congressional intelligence com-
18 mittees a report on any violations of subsection (b) of sec-
19 tion 305 of the National Security Act of 1947, as added
20 by subsection (a) of this section, by former covered em-
21 ployees (as defined in subsection (a) of such section 305).

22 (c) CLERICAL AMENDMENT.—The table of contents
23 immediately preceding section 2 of the National Security
24 Act of 1947 (50 U.S. C. 3002) is amended by inserting

- 1 after the item relating to section 304 the following new
- 2 item:

“Sec. 305. Prohibition on employment with governments of certain countries.”.

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