

116TH CONGRESS
1ST SESSION

H. R. 867

To amend the Foreign Agents Registration Act of 1938 to prohibit any individual who served as the head of any element of the intelligence community from acting as the agent of a foreign principal, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2019

Mr. CASTRO of Texas (for himself, Mr. CARSON of Indiana, Mr. MCGOVERN, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Permanent Select Committee on Intelligence (Permanent Select), 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 Foreign Agents Registration Act of 1938 to prohibit any individual who served as the head of any element of the intelligence community from acting as the agent of a foreign principal, 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 “Intelligence Directors
5 Lobbying Prevention Act of 2019”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) President Donald J. Trump issued an Exec-
4 utive Order on January 28, 2017, entitled “Ethics
5 Commitments by Executive Branch Appointees”,
6 paragraph (4) of which requires Executive Branch
7 appointees to contractually commit to the following:
8 “I will not, at any time after the termination of my
9 employment in the United States Government, en-
10 gage in any activity on behalf of any foreign govern-
11 ment or foreign political party which, were it under-
12 taken on January 20, 2017, would require me to
13 register under the Foreign Agents Registration Act
14 of 1938, as amended.”.

15 (2) To the extent that paragraph (4) of this
16 Executive Order has no time restriction, the Execu-
17 tive Order amounts to a lifetime ban on lobbying on
18 behalf of a foreign principal by employees of the ex-
19 ecutive branch.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that—

22 (1) the United States intelligence community
23 provides the backbone of security for the United
24 States, and its members contribute daily to the safe-
25 ty, security, and well-being of Americans worldwide;

1 (2) leaders of the intelligence community,
 2 whether political or civilian appointees, should be
 3 held to the highest of ethical standards; and

4 (3) given recent revelations regarding previous
 5 heads of elements of the intelligence community lob-
 6 bying on behalf of foreign principals, Congress
 7 should codify and expand the Executive Order
 8 signed by President Trump on January 28, 2017, so
 9 that it applies to the heads of elements of the intel-
 10 ligence community.

11 **SEC. 3. PROHIBITING HEADS OF ELEMENTS OF INTEL-**
 12 **LIGENCE COMMUNITY FROM ACTING AS**
 13 **AGENTS OF FOREIGN PRINCIPALS.**

14 (a) PROHIBITION.—The Foreign Agents Registration
 15 Act of 1938, as amended (22 U.S.C. 611 et seq.) is
 16 amended by adding at the end the following new section:

17 **“SEC. 12. PROHIBITING REGISTRATION BY FORMER HEADS**
 18 **OF ELEMENTS OF INTELLIGENCE COMMU-**
 19 **NITY.**

20 “(a) PROHIBITION.—No individual may register
 21 under this Act or otherwise serve as the agent of a foreign
 22 principal, including by engaging in lobbying activity on be-
 23 half of a foreign entity under the Lobbying Disclosure Act
 24 of 1995 (2 U.S.C. 1601 et seq.), if the individual at any

1 time served as the head of an element of the intelligence
2 community.

3 “(b) ANNUAL REPORT.—On an annual basis, the Di-
4 rector of National Intelligence, in coordination with the
5 head of each element of the intelligence community, shall
6 submit to Congress a report on the compliance of former
7 heads of such elements with respect to the prohibition
8 under subsection (a).

9 “(c) DEFINITION.—In this section, the term ‘element
10 of the intelligence community’ means each agency included
11 in paragraph (4) of section 3 of the National Security Act
12 of 1947 (50 U.S.C. 3003(4)), and includes the National
13 Counterterrorism Center and the National Counterpro-
14 liferation Center.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply with respect to any individual
17 who, on or after the date of the enactment of this Act,
18 serves as the head of an element of the intelligence com-
19 munity as described in section 12 of the Foreign Agents
20 Registration Act of 1938, as amended, as added by sub-
21 section (a).

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