

116TH CONGRESS
1ST SESSION

H. R. 3997

To amend the Intelligence Reform and Terrorism Prevention Act of 2004 to prohibit individuals with security clearances from being employed by certain entities.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2019

Mr. BANKS introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Permanent Select Committee on Intelligence, 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 Intelligence Reform and Terrorism Prevention Act of 2004 to prohibit individuals with security clearances from being employed by certain entities.

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 “Safe Career Transi-
5 tions for Intelligence and National Security Profes-
6 sionals”.

1 **SEC. 2. PROHIBITION ON INDIVIDUALS WITH SECURITY**
2 **CLEARANCES FROM BEING EMPLOYED BY**
3 **CERTAIN ENTITIES.**

4 (a) PROHIBITION.—Section 3002 of the Intelligence
5 Reform and Terrorism Prevention Act of 2004 (50 U.S.C.
6 3343) is amended by adding at the end the following new
7 subsection:

8 “(e) PROHIBITION ON CERTAIN EMPLOYMENT.—

9 “(1) PROHIBITION.—A covered person may not
10 be employed by, contract with, or otherwise receive
11 funding from, any covered entity during the fol-
12 lowing periods:

13 “(A) A period in which the person holds a
14 security clearance.

15 “(B) The 5-year period beginning on the
16 date that the security clearance of a person be-
17 comes inactive.

18 “(2) PENALTIES.—Any person who knowingly
19 violates the prohibition in paragraph (1) shall be
20 fined under title 18, United States Code, or impris-
21 oned for not more than 5 years, or both.

22 “(3) NOTIFICATION.—A person who holds a se-
23 curity clearance shall be notified of the prohibition
24 in paragraph (1), including a list of the covered enti-
25 ties, as follows:

1 “(A) At the time at which the person is
2 issued the security clearance.

3 “(B) At the time at which the security
4 clearance of the person is renewed.

5 “(C) At the time at which the security
6 clearance of the person becomes inactive.

7 “(4) COVERED ENTITY.—

8 “(A) DEFINITION.—Subject to subpara-
9 graph (B), in this subsection, the term ‘covered
10 entity’ means any of the following entities (in-
11 cluding any subsidiary or affiliate of such enti-
12 ties):

13 “(i) Huawei Technologies Company.

14 “(ii) ZTE Corporation.

15 “(iii) Hytera Communications Cor-
16 poration.

17 “(iv) Hangzhou Hikvision Digital
18 Technology Company.

19 “(v) Dahua Technology Company.

20 “(vi) Kaspersky Lab.

21 “(B) MODIFICATIONS.—The Director of
22 National Intelligence, in consultation with the
23 Secretary of Defense or the Director of the
24 Federal Bureau of Investigation, may add or
25 remove entities to the list of covered entities in

1 subparagraph (A) based on whether the Direc-
2 tor determines there is reasonable belief that
3 the entity is owned or controlled by, or other-
4 wise connected to or receiving financial support
5 from, the government of the People’s Republic
6 of China, the government of the Russian Fed-
7 eration, the government of the Islamic Republic
8 of Iran, or the government of the Democratic
9 People’s Republic of Korea.”.

10 (b) APPLICATION.—

11 (1) IN GENERAL.—Subsection (e) of section
12 3002 of the Intelligence Reform and Terrorism Pre-
13 vention Act of 2004 (50 U.S.C. 3343) shall apply
14 with respect to an individual who is employed by,
15 contracts with, or otherwise receives funding from,
16 any covered entity under such subsection on or after
17 the date of the enactment of this Act.

18 (2) NOTIFICATION.—Not later than 30 days
19 after the date of the enactment of this Act, each
20 person who holds a security clearance as of such
21 date shall be notified of the prohibition in such sub-
22 section (e), including a list of the covered entities
23 under such subsection.

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