

**SEC. 304. [50 U.S.C. 3073a] REQUIREMENTS FOR CERTAIN EMPLOYMENT ACTIVITIES BY FORMER INTELLIGENCE OFFICERS AND EMPLOYEES.****(a) TEMPORARY RESTRICTION.—**

(1) **COVERED POST-SERVICE POSITION.**—Except as provided by paragraph (2), an employee of an element of the intelligence community who occupies a covered intelligence position may not occupy a covered post-service position during the 30-month period following the date on which the employee ceases to occupy a covered intelligence position.

**(2) WAIVER.—**

(A) **AUTHORITY.**—On a case-by-case basis, the Director of National Intelligence may temporarily waive the restriction in paragraph (1) with respect to an employee or former employee who is subject to that restriction if—

(i) the employee or former employee submits to the Director a written application for such waiver in such form and manner as the Director determines appropriate; and

(ii) the Director determines that such waiver is necessary to advance the national security interests of the United States.

(B) **PERIOD OF WAIVER.**—A waiver issued under subparagraph (A) shall apply for a period not exceeding 5 years. The Director may renew such a waiver.

(C) **REVOCATION.**—The Director may revoke a waiver issued under subparagraph (A) to an employee or former employee, effective on the date that is 60 days after the date on which the Director provides the employee or former employee written notice of such revocation.

(D) **TOLLING.**—The 30-month restriction in paragraph (1) shall be tolled for an employee or former employee during the period beginning on the date on which a waiver is issued under subparagraph (A) and ending on the date on which the waiver expires or on the effective date of a revocation under subparagraph (C), as the case may be.

(E) **NOTIFICATION.**—Not later than 30 days after the date on which the Director issues a waiver under subparagraph (A) or a revocation of a waiver under subparagraph (C), the Director shall submit to the congressional intelligence committees written notification of the waiver or revocation, as the case may be. Such notification shall include the following:

(i) With respect to a waiver issued to an employee or former employee—

(I) the details of the application, including the covered intelligence position held or formerly held by the employee or former employee;

(II) the nature of the activities of the employee or former employee after ceasing to occupy a covered intelligence position;

(III) a description of the national security interests that will be advanced by reason of issuing such waiver; and

(IV) the specific reasons why the Director determines that issuing such waiver will advance such interests.

(ii) With respect to a revocation of a waiver issued to an employee or former employee—

(I) the details of the waiver, including any renewals of such waiver, and the dates of such waiver and renewals; and

(II) the specific reasons why the Director determined that such revocation is warranted.

(b) COVERED POST-SERVICE EMPLOYMENT REPORTING.—

(1) REQUIREMENT.—During the period described in paragraph (2), an employee who ceases to occupy a covered intelligence position shall—

(A) report covered post-service employment to the head of the element of the intelligence community that employed such employee in such covered intelligence position upon accepting such covered post-service employment; and

(B) annually (or more frequently if the head of such element considers it appropriate) report covered post-service employment to the head of such element.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on the date on which an employee ceases to occupy a covered intelligence position and ending on the date that is—

(A) 5 years after the employee ceases to occupy such position, plus

(B) the number of months for which the employee is issued a waiver under subsection (a)(2).

(3) REGULATIONS.—The head of each element of the intelligence community shall issue regulations requiring, as a condition of employment, each employee of such element occupying a covered intelligence position to sign a written agreement requiring the regular reporting of covered post-service employment to the head of such element pursuant to paragraph (1).

(c) PENALTIES.—

(1) CRIMINAL PENALTIES.—A former employee who knowingly and willfully violates subsection (a) or who knowingly and willfully fails to make a required report under subsection (b) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both. Each report under subsection (b) shall be subject to section 1001 of title 18, United States Code.

(2) SECURITY CLEARANCES.—The head of an element of the intelligence community shall revoke the security clearance of a former employee if the former employee knowingly and willfully fails to make a required report under subsection (b) or knowingly and willfully makes a false report under such subsection.

(d) PROVISION OF INFORMATION.—

(1) TRAINING.—The head of each element of the intelligence community shall regularly provide training on the re-

porting requirements under subsection (b) to employees of that element who occupy a covered intelligence position.

(2) WRITTEN NOTICE.—The head of each element of the intelligence community shall provide written notice of the reporting requirements under subsection (b) to an employee when the employee ceases to occupy a covered intelligence position.

(e) ANNUAL REPORTS.—

(1) REQUIREMENT.—Not later than March 31 of each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on covered post-service employment occurring during the year covered by the report.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) The number of former employees who occupy a covered post-service position, broken down by—

- (i) the name of the employer;
- (ii) the foreign government, including by the specific foreign individual, agency, or entity, for whom the covered post-service employment is being performed; and
- (iii) the nature of the services provided as part of the covered post-service employment.

(B) A certification by the Director that—

(i) each element of the intelligence community maintains adequate systems and processes for ensuring that former employees are submitting reports required under subsection (b);

(ii) to the knowledge of the heads of the elements of the intelligence community, all former employees who occupy a covered post-service position are in compliance with this section;

(iii) the services provided by former employees who occupy a covered post-service position do not—

- (I) pose a current or future threat to the national security of the United States; or
- (II) pose a counterintelligence risk; and

(iv) the Director and the heads of such elements are not aware of any credible information or reporting that any former employee who occupies a covered post-service position has engaged in activities that violate Federal law, infringe upon the privacy rights of United States persons, or constitute abuses of human rights.

(3) FORM.—Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(f) NOTIFICATION.—In addition to the annual reports under subsection (e), if a head of an element of the intelligence community determines that the services provided by a former employee who occupies a covered post-service position pose a threat or risk described in clause (iii) of paragraph (2)(B) of such subsection, or include activities described in clause (iv) of such paragraph, the head shall notify the congressional intelligence committees of such determination by not later than 7 days after making such determination. The notification shall include the following:

- (1) The name of the former employee.
- (2) The name of the employer.
- (3) The foreign government, including the specific foreign individual, agency, or entity, for whom the covered post-service employment is being performed.
- (4) As applicable, a description of—
  - (A) the risk to national security, the counterintelligence risk, or both; and
  - (B) the activities that may violate Federal law, infringe upon the privacy rights of United States persons, or constitute abuses of human rights.

(g) DEFINITIONS.—In this section:

(1) COVERED INTELLIGENCE POSITION.—The term “covered intelligence position” means a position within an element of the intelligence community that, based on the level of access of a person occupying such position to information regarding sensitive intelligence sources or methods or other exceptionally sensitive matters, the head of such element determines should be subject to the requirements of this section.

(2) COVERED POST-SERVICE EMPLOYMENT.—The term “covered post-service employment” means direct or indirect employment by, representation of, or any provision of advice or services relating to national security, intelligence, the military, or internal security to, the government of a foreign country or any company, entity, or other person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized, in whole or in major part, by any government of a foreign country.

(3) COVERED POST-SERVICE POSITION.—The term “covered post-service position” means a position of employment described in paragraph (2).

(4) EMPLOYEE.—The term “employee”, with respect to an employee occupying a covered intelligence position, includes an officer or official of an element of the intelligence community, a contractor of such an element, a detailee to such an element, or a member of the Armed Forces assigned to such an element.

(5) FORMER EMPLOYEE.—The term “former employee” means an individual—

(A) who was an employee occupying a covered intelligence position; and

(B) who is subject to the requirements under subsection (a) or (b).

(6) GOVERNMENT OF A FOREIGN COUNTRY.—The term “government of a foreign country” has the meaning given the term in section 1(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(e)).

【Sections 304–306 were repealed by the law enacting title 5, United States Code (Public Law 89–544, September 6, 1966, 80 Stat. 654). Subsequently, section 305(a) of Public Law 113–293 adds after section 303 a new section 304 shown prior to this note (and amended in its entirety by section 308(a)(1) of division X of Public Law 117–103).】