

117TH CONGRESS  
1ST SESSION

# H. R. 3389

To amend the Foreign Agents Registration Act of 1938 to prohibit certain individuals from service as an agent of a foreign principal, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

Mr. GALLAGHER (for himself and Mr. GOLDEN) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To amend the Foreign Agents Registration Act of 1938 to prohibit certain individuals from service as an 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 “Congressional and Ex-  
5       ecutive Foreign Lobbying Ban Act”.

6       **SEC. 2. PROHIBITING CERTAIN INDIVIDUALS FROM ACTING**  
7       **AS AGENTS OF FOREIGN PRINCIPALS.**

8       (a) FORMER MEMBERS OF CONGRESS; GENERAL OR  
9       FLAG OFFICERS OF ARMED FORCES.—

1 (1) PROHIBITING REGISTRATION AS AGENT.—

2 The Foreign Agents Registration Act of 1938, as  
3 amended (22 U.S.C. 611 et seq.) is amended—

4 (A) by redesignating sections 12 through  
5 14 as sections 13 through 15; and

6 (B) by inserting after section 11 the fol-  
7 lowing new section:

8 **“SEC. 12. PROHIBITING REGISTRATION OF CERTAIN INDIVIDUALS.**  
9 **”**

10 “(a) PROHIBITION.—No individual may register  
11 under this Act or otherwise serve as the agent of a foreign  
12 principal if the individual at any time served as a Member  
13 of Congress, as a senior political appointee, or as a general  
14 or flag officer of the armed forces.

15 “(b) DEFINITIONS.—In this section—

16 “(1) the term ‘Member of Congress’ means a  
17 Senator or Representative in, or Delegate or Resi-  
18 dent Commissioner to, the Congress; and

19 “(2) the term ‘senior political appointee’—

20 “(A) means—

21 “(i) any individual occupying a full-  
22 time senior position and who is appointed  
23 by the President or the Vice President;

1 “(ii) any noncareer appointee in the  
2 Senior Executive Service (or other SES-  
3 type system); and

4 “(iii) any appointee to a position, at  
5 or above the level of a noncareer member  
6 of the Senior Executive Service, that has  
7 been excepted from the competitive service  
8 by reason of being of a confidential or pol-  
9 icymaking character (schedule C and other  
10 positions excepted under comparable cri-  
11 teria) in an executive agency; and

12 “(B) does not include any individual ap-  
13 pointed as a member of the Senior Foreign  
14 Service or, except for a general or flag officer  
15 of the armed forces, solely as a uniformed serv-  
16 ice commissioned officer.”.

17 (2) OTHER REPRESENTATION OF FOREIGN EN-  
18 TITIES.—Section 207(f)(1) of title 18, United States  
19 Code, is amended by inserting after “within 1 year”  
20 the following: “(or, in the case of a person who is  
21 subject to any of such restrictions and who is a  
22 Member of Congress, a senior political appointee (as  
23 that term is defined in section 12 of the Foreign  
24 Agents Registration Act of 1938, as amended (22

1 U.S.C. 611 et seq.)), or a general or flag officer of  
2 the armed forces, at any time)".

3 (b) EFFECTIVE DATE.—The amendments made by  
4 subsection (a) shall apply with respect to any individual  
5 whose service as a Member of Congress or as a general  
6 or flag officer of the armed forces terminates on or after  
7 the date of the enactment of this Act.

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