

**AMENDMENT TO H.R. 3180, AS REPORTED  
OFFERED BY MR. ESPAILLAT OF NEW YORK**

Page 55, after line 20, insert the following:

1 **SEC. 610. PROHIBITION OF INDIVIDUALS WHO THREATEN**  
2 **TO DESTROY THE GOVERNMENT FROM PAR-**  
3 **TICIPATING IN OR ATTENDING NATIONAL SE-**  
4 **CURITY COUNCIL MEETINGS.**

5 (a) FINDINGS.—Congress makes the following find-  
6 ings:

7 (1) Steve Bannon was appointed to serve as  
8 chief strategist and senior counselor to the President  
9 in January 2017 and was appointed, via executive  
10 order, to the National Security Council on January  
11 28, 2017.

12 (2) Under section 101 of the National Security  
13 Act of 1947 (50 U.S.C. 3021), the National Security  
14 Council is responsible for the integration of domes-  
15 tic, foreign, and military policies relating to the na-  
16 tional security so as to enable the military services  
17 and the other departments and agencies of the Gov-  
18 ernment to cooperate more effectively in matters in-  
19 volving the national security.

1           (3) To participate in highly sensitive meetings  
2 of the National Security Council, it is a prerequisite  
3 to have the highest available security clearances, in-  
4 cluding access to compartmented information.

5           (4) Question 23.9 on United States Government  
6 Standard Form 86, which all applicants seeking a  
7 security clearance must submit, asks: “have you ever  
8 advocated any acts of terrorism or activities de-  
9 signed to overthrow the U.S. Government by force?”

10          (5) Question 29.4 asks: “have you ever been a  
11 member of an organization dedicated to the use of  
12 violence or force to overthrow the United States  
13 Government...”

14          (6) Question 29.6 asks: “have you ever know-  
15 ingly engaged in activities designed to overthrow the  
16 United States Government by force?”

17          (7) Steve Bannon has made numerous inflam-  
18 matory statements in support of overthrowing the  
19 United States Government.

20          (8) In an interview dated August 22, 2016,  
21 Bannon referred to himself as a “Leninist”, saying  
22 “Lenin... wanted to destroy the state, and that’s my  
23 goal too. I want to bring everything crashing down,  
24 and destroy all of today’s establishment”.

1           (9) The Director of the National Background  
2           Investigations Bureau, Charles Phalen, Jr., testified  
3           before the Committee on Oversight and Government  
4           Reform of the House of Representatives on Feb-  
5           ruary 2, 2017, about the process to investigate ap-  
6           plicants for security clearances.

7           (10) In response to questions from Ranking  
8           Member Elijah E. Cummings, Director Phalen  
9           agreed that calling oneself a Leninist would cause  
10          concerns during the background check process for a  
11          security clearance, saying “It would, and the investi-  
12          gator should pursue that avenue of discussion with  
13          the subject as to what that means.”.

14          (11) In response to a specific question about  
15          someone whose goal was to “destroy the state,” Di-  
16          rector Phalen responded “That would elicit a very  
17          strong line of questioning with that individual and  
18          with others to determine what he means by that so  
19          that we can give a full picture to the adjudicator.”.

20          (12) When asked what would happen if Bannon  
21          denied making these statements, Director Phalen re-  
22          sponded that background check investigators would  
23          “determine what the truth is”.

24          (b) SENSE OF CONGRESS REGARDING THE SUSPEN-  
25          SION OF SECURITY CLEARANCES FOR FEDERAL EMPLOY-

1 EES WHO THREATEN TO DESTROY THE STATE.—It is the  
2 sense of Congress that the head of a department or agency  
3 of the Federal Government that issues a security clearance  
4 for an employee, including for an employee of the Execu-  
5 tive Office of the President, should consider suspending  
6 the security clearance of the employee, if the employee  
7 threatens or has threatened to destroy the State or to take  
8 hostile actions against the United States, to ensure such  
9 employee does not pose a threat to the United States.

10 (c) PROHIBITION.—Section 101(c) of the National  
11 Security Act of 1947 (50 U.S.C. 3021(c)) is amended—

12 (1) in paragraph (2), by striking “The Presi-  
13 dent” and inserting “Except as provided in para-  
14 graph (3), the President”; and

15 (2) by adding at the end the following new  
16 paragraph:

17 “(3) INDIVIDUALS WHO THREATEN TO DE-  
18 STROY THE GOVERNMENT.—Any individual who  
19 threatens to destroy the Government, including in  
20 speech, written form, or through action, may not  
21 participate in or attend any meeting of the Council  
22 or any meeting of the Principal’s Committee.”.

23 (d) EFFECTIVE DATE.—Paragraph (3) of subsection  
24 (c) of section 101 of the National Security Act of 1947  
25 (50 U.S.C. 3021), as added by subsection (c), shall take

1 effect on the date that is 30 days after the date of the  
2 enactment of this Act.

