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114TH CONGRESS
1ST SESSION

H. R. 3505

[Report No. 114-]

To amend the Homeland Security Act of 2002 to improve the management and administration of the security clearance processes throughout the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2015

Mr. THOMPSON of Mississippi introduced the following bill; which was referred to the Committee on Homeland Security

OCTOBER --, 2015

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To amend the Homeland Security Act of 2002 to improve the management and administration of the security clearance processes throughout the Department of Homeland Security, 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 “Department of Home-
5 land Security Clearance Management and Administration
6 Act”.

7 **SEC. 2. SECURITY CLEARANCE MANAGEMENT AND ADMIN-**
8 **ISTRATION.**

9 (a) IN GENERAL.—Title VII of the Homeland Secu-
10 rity Act of 2002 is amended—

11 (1) by inserting before section 701 (6 U.S.C.
12 341) the following:

13 **“Subtitle A—Headquarters**
14 **Activities”;**

15 and

16 (2) by adding at the end the following new sub-
17 title:

18 **“Subtitle B—Security Clearances**

19 **“SEC. 711. DESIGNATION OF NATIONAL SECURITY SEN-**
20 **SITIVE AND PUBLIC TRUST POSITIONS.**

21 “(a) IN GENERAL.—The Secretary shall require the
22 designation of the sensitivity level of national security po-
23 sitions (pursuant to part 1400 of title 5, Code of Federal
24 Regulations, or similar successor regulation) be conducted
25 in a consistent manner with respect to all components and

1 offices of the Department, and consistent with Federal
2 guidelines.

3 “(b) IMPLEMENTATION.—In carrying out subsection
4 (a), the Secretary shall require the utilization of uniform
5 designation tools throughout the Department and provide
6 training to appropriate staff of the Department on such
7 utilization. Such training shall include guidance on factors
8 for determining eligibility for access to classified informa-
9 tion and eligibility to hold a national security position.

10 **“SEC. 712. REVIEW OF POSITION DESIGNATIONS.**

11 “(a) IN GENERAL.—Not later than July 6, 2017, and
12 every five years thereafter, the Secretary shall review all
13 sensitivity level designations of national security positions
14 (pursuant to part 1400 of title 5, Code of Federal Regula-
15 tions, or similar successor regulation) at the Department.

16 “(b) DETERMINATION.—If during the course of a re-
17 view required under subsection (a), the Secretary deter-
18 mines that a change in the sensitivity level of a position
19 that affects the need for an individual to obtain access
20 to classified information is warranted, such access shall
21 be administratively adjusted and an appropriate level peri-
22 odic reinvestigation completed, as necessary.

23 “(c) CONGRESSIONAL REPORTING.—Upon comple-
24 tion of each review required under subsection (a), the Sec-
25 retary shall report to the Committee on Homeland Secu-

1 rity of the House of Representatives and the Committee
2 on Homeland Security and Governmental Affairs of the
3 Senate on the findings of each such review, including the
4 number of positions by classification level and by compo-
5 nent and office of the Department in which the Secretary
6 made a determination in accordance with subsection (b)
7 to—

- 8 “(1) require access to classified information;
9 “(2) no longer require access to classified infor-
10 mation; or
11 “(3) otherwise require a different level of access
12 to classified information.

13 **“SEC. 713. AUDITS.**

14 “Beginning not later than 180 days after the date
15 of the enactment of this section, the Inspector General of
16 the Department shall conduct regular audits of compliance
17 of the Department with part 1400 of title 5, Code of Fed-
18 eral Regulations, or similar successor regulation.

19 **“SEC. 714. REPORTING.**

20 “(a) IN GENERAL.—The Secretary shall annually
21 through fiscal year 2021 submit to the Committee on
22 Homeland Security of the House of Representatives and
23 the Committee on Homeland Security and Governmental
24 Affairs of the Senate a report on the following:

1 “(1) The number of denials, suspensions, rev-
2 ocations, and appeals of the eligibility for access to
3 classified information of an individual throughout
4 the Department.

5 “(2) The date and status or disposition of each
6 reported action under paragraph (1).

7 “(3) The identification of the sponsoring entity,
8 whether by a component, office, or headquarters of
9 the Department, of each action under paragraph (1),
10 and description of the grounds for each such action.

11 “(4) Demographic data, including data relating
12 to race, sex, national origin, and disability, of each
13 individual for whom eligibility for access to classified
14 information was denied, suspended, revoked, or ap-
15 pealed, and the number of years that each such indi-
16 vidual was eligible for access to such information.

17 “(5) In the case of a suspension in excess of
18 180 days, an explanation for such duration.

19 “(b) FORM.—The report required under subsection
20 (a) shall be submitted in unclassified form and be made
21 publicly available, but may include a classified annex for
22 any sensitive or classified information if necessary.

1 **“SEC. 715. UNIFORM ADJUDICATION, SUSPENSION, DENIAL,**
2 **AND REVOCATION.**

3 “Not later than one year after the date of the enact-
4 ment of this section, the Secretary, in consultation with
5 the Homeland Security Advisory Committee, shall develop
6 a plan to achieve greater uniformity within the Depart-
7 ment with respect to the adjudication of eligibility of an
8 individual for access to classified information that are con-
9 sistent with the Adjudicative Guidelines for Determining
10 Access to Classified Information published on December
11 29, 2005, or similar successor regulation. The Secretary
12 shall submit to the Committee on Homeland Security of
13 the House of Representatives and the Committee on
14 Homeland Security and Governmental Affairs of the Sen-
15 ate the plan. The plan shall consider the following:

16 “(1) Mechanisms to foster greater compliance
17 with the uniform Department adjudication, suspen-
18 sion, denial, and revocation standards by the head of
19 each component and office of the Department with
20 the authority to adjudicate access to classified infor-
21 mation.

22 “(2) The establishment of an internal appeals
23 panel responsible for final national security clear-
24 ance denial and revocation determinations that is
25 comprised of designees who are career, supervisory
26 employees from components and offices of the De-

1 partment with the authority to adjudicate access to
2 classified information and headquarters, as appro-
3 priate.

4 **“SEC. 716. DATA PROTECTION.**

5 “The Secretary shall ensure that all information re-
6 ceived for the adjudication of eligibility of an individual
7 for access to classified information that is consistent with
8 the Adjudicative Guidelines for Determining Access to
9 Classified Information published on December 29, 2005,
10 or similar successor regulation, and is protected against
11 misappropriation.

12 **“SEC. 717. REFERENCE.**

13 “Except as otherwise provided, for purposes of this
14 subtitle, any reference to the ‘Department’ includes all
15 components and offices of the Department.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 of the Homeland Security Act of 2002 is amended—

18 (1) by inserting before the item relating to sec-
19 tion 701 the following new item:

 “Subtitle A—Headquarters Activities”;

20 and

21 (2) by inserting after the item relating to sec-
22 tion 707 the following new items:

 “Subtitle B—Security Clearances

 “Sec. 711. Designation of national security sensitive and public trust positions.

 “Sec. 712. Review of position designations.

 “Sec. 713. Audits.

 “Sec. 714. Reporting.

“Sec. 715. Uniform adjudication, suspension, denial, and revocation.
“Sec. 716. Data protection.
“Sec. 717. Reference.”.