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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R.

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

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

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”.

1 **SEC. 2. SECURITY CLEARANCE MANAGEMENT AND ADMIN-**
2 **ISTRATION.**

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

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

7 **“Subtitle A—Headquarters**
8 **Activities”;**

9 and

10 (2) by adding at the end the following new sub-
11 title:

12 **“Subtitle B—Security Clearances**

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

15 “(a) IN GENERAL.—The Secretary shall require the
16 designation of the sensitivity level of national security po-
17 sitions (pursuant to part 1400 of title 5, Code of Federal
18 Regulations, or similar successor regulation) be conducted
19 in a consistent manner with respect to all components and
20 offices of the Department, and consistent with Federal
21 guidelines.

22 “(b) IMPLEMENTATION.—In carrying out subsection
23 (a), the Secretary shall require the utilization of uniform
24 designation tools throughout the Department and provide
25 training to appropriate staff of the Department on such
26 utilization. Such training shall include guidance on factors

1 for determining eligibility for access to classified informa-
2 tion and eligibility to hold a national security position.

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

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

9 “(b) DETERMINATION.—If during the course of a re-
10 view required under subsection (a), the Secretary deter-
11 mines that a change in the sensitivity level of a position
12 that affects the need for an individual to obtain access
13 to classified information is warranted, such access shall
14 be administratively adjusted and an appropriate level peri-
15 odic reinvestigation completed, as necessary.

16 “(c) CONGRESSIONAL REPORTING.—Upon comple-
17 tion of each review required under subsection (a), the Sec-
18 retary shall report to the Committee on Homeland Secu-
19 rity of the House of Representatives and the Committee
20 on Homeland Security and Governmental Affairs of the
21 Senate on the findings of each such review, including the
22 number of positions by classification level and by compo-
23 nent and office of the Department in which the Secretary
24 made a determination in accordance with subsection (b)
25 to—

1 “(1) require access to classified information;

2 “(2) no longer require access to classified infor-
3 mation; or

4 “(3) otherwise require a different level of access
5 to classified information.

6 **“SEC. 713. AUDITS.**

7 “Beginning not later than 180 days after the date
8 of the enactment of this section, the Inspector General of
9 the Department shall conduct regular audits of compliance
10 of the Department with part 1400 of title 5, Code of Fed-
11 eral Regulations, or similar successor regulation.

12 **“SEC. 714. REPORTING.**

13 “(a) IN GENERAL.—The Secretary shall annually
14 through fiscal year 2022 submit to the Committee on
15 Homeland Security of the House of Representatives and
16 the Committee on Homeland Security and Governmental
17 Affairs of the Senate a report on the following:

18 “(1) The number of denials, suspensions, rev-
19 ocations, and appeals of the eligibility for access to
20 classified information of an individual throughout
21 the Department.

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

24 “(3) The identification of the sponsoring entity,
25 whether by a component, office, or headquarters of

1 the Department, of each action under paragraph (1),
2 and description of the grounds for each such action.

3 “(4) Demographic data, including data relating
4 to race, sex, national origin, and disability, of each
5 individual for whom eligibility for access to classified
6 information was denied, suspended, revoked, or ap-
7 pealed, and the number of years that each such indi-
8 vidual was eligible for access to such information.

9 “(5) In the case of a suspension in excess of
10 180 days, an explanation for such duration.

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

15 **“SEC. 715. UNIFORM ADJUDICATION, SUSPENSION, DENIAL,**
16 **AND REVOCATION.**

17 “Not later than one year after the date of the enact-
18 ment of this section, the Secretary, in consultation with
19 the Homeland Security Advisory Committee, shall develop
20 a plan to achieve greater uniformity within the Depart-
21 ment with respect to the adjudication of eligibility of an
22 individual for access to classified information that are con-
23 sistent with the Adjudicative Guidelines for Determining
24 Access to Classified Information published on December
25 29, 2005, or similar successor regulation. The Secretary

1 shall submit to the Committee on Homeland Security of
2 the House of Representatives and the Committee on
3 Homeland Security and Governmental Affairs of the Sen-
4 ate the plan. The plan shall consider the following:

5 “(1) Mechanisms to foster greater compliance
6 with the uniform Department adjudication, suspen-
7 sion, denial, and revocation standards by the head of
8 each component and office of the Department with
9 the authority to adjudicate access to classified infor-
10 mation.

11 “(2) The establishment of an internal appeals
12 panel responsible for final national security clear-
13 ance denial and revocation determinations that is
14 comprised of designees who are career, supervisory
15 employees from components and offices of the De-
16 partment with the authority to adjudicate access to
17 classified information and headquarters, as appro-
18 priate.

19 **“SEC. 716. DATA PROTECTION.**

20 “The Secretary shall ensure that all information re-
21 ceived for the adjudication of eligibility of an individual
22 for access to classified information is consistent with the
23 Adjudicative Guidelines for Determining Access to Classi-
24 fied Information published on December 29, 2005, or

1 similar successor regulation, and is protected against mis-
2 appropriation.

3 **“SEC. 717. REFERENCE.**

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

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

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

“Subtitle A—Headquarters Activities”;

11 and

12 (2) by inserting after the item relating to sec-
13 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.”.