

DHS has over 115,000 employees with access to classified information and many more with access to law enforcement sensitive data. Unauthorized disclosures of classified information, whether deliberate or unwitting, represent a significant threat to national security. The very nature of modern communication systems, as well as DHS' important information-sharing role with State and local partners, adds complexity to the challenge and requires thoughtful programs to educate employees and enhance DHS-wide detection capabilities.

The bill directs DHS to develop a strategy for the Department to identify, prevent, mitigate, and respond to insider threats and requires DHS to ensure that personnel understand what workplace behavior may be indicative of a potential insider threat and how their activity on DHS networks will be monitored. The bill codifies a comprehensive insider threat program at DHS that can be implemented through the Department and its component agencies and, most importantly, reinforces the importance of preventing future insider attacks.

I want to thank Homeland Security Chairman MCCAUL, Ranking Member THOMPSON, and Congressmen DAN DONOVAN and LOU BARLETTA for working with me to bring this bill to the floor.

The same bill passed the House floor in November 2015 by voice vote. Unfortunately, last-minute scheduling issues with the Senate prevented the bill from reaching the President's desk. I am pleased that the House is willing to take up this measure so quickly in the new Congress so we can move it through the process. I look forward to working with the Senate to move this measure forward.

I urge my colleagues to support this bill so we can establish a comprehensive, transparent, DHS-wide insider threat program. I urge support for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 666, the Department of Homeland Security Insider Threat and Mitigation Act of 2017. H.R. 666, the Department of Homeland Security Insider Threat and Mitigation Act of 2017, authorizes the Department of Homeland Security to address the homeland and national security risk posed by trusted insiders.

Typically, trusted insiders are given unrestricted access to mission-critical assets such as personnel, facilities, and computer networks. While DHS, like other Federal agencies, conducts extensive vetting of prospective employees, there is a risk that someone with insider status exploits their position to damage the United States through espionage, terrorism, or the unauthorized disclosure of sensitive national security information.

As the ranking member of the Committee on Homeland Security, I am supportive of the Department of Homeland Security's current Insider Threat Program. It is targeted at preventing and detecting when a vetted DHS employee or contractor with access to U.S. Government resources, including personnel, facilities, information, equipment, networks, and systems, exploits such access for nefarious, terrorist, or criminal purposes.

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Though I support the DHS program, I do have some concerns about DHS and other Federal agencies deploying continuous evaluation programs without transparency and congressional oversight. I am concerned that Federal agencies, with the understandable urge to protect their IT systems and facilities, are racing to acquire the capability before knowing whether such costly systems are even effective.

Therefore, I would like to reiterate to this Congress, as I did last Congress, that prior to establishing any such program, under which certain DHS employees would be subjected to ongoing automated credit, criminal, and social media monitoring, the Department engage Congress about not only the potential costs and benefits of such a program but what protections would be in place for workers subject to such a program.

Mr. Speaker, we live at a time when the threats to our Nation are complex. When this bill was considered last Congress, the prospect that a foreign intelligence agency would carry out an espionage campaign to influence the outcome of our Presidential election was material for the movies or for a good spy thriller. Today, in light of the Russian Government's actions in the 2016 elections, we have a greater appreciation for the importance of counter-intelligence efforts. As such, this bill is particularly timely. None of us wants to see someone exploit their access to DHS networks to carry out cybercrimes or other criminal activity.

Even as DHS works to detect and prevent such threats, it is important that such activities be carried out in a transparent way so as not to compound the chronic morale challenges that exist within its workforce. Each time DHS considers making an adjustment to its insider threat program, thoughtful consideration must be paid to whether the operational drawbacks and costs for such an adjustment outweigh the benefits of such a change.

That said, I commend General TAYLOR, the previous Under Secretary for Intelligence and Analysis at DHS, for the attention he gave to the insider threat challenge. I look forward to continuing to work with the Department's successor to bolster security within the Department.

I would also like to give Mr. KING particular credit for his interest in this effort to make sure that problems don't come from the inside if we can help it.

With that, Mr. Speaker, I urge passage of H.R. 666.

I yield back the balance of my time. Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, let me thank the ranking member for his support and for his kind words, and let me fully agree with him on the outstanding job General TAYLOR did during his time at DHS and throughout his career in public service.

Mr. Speaker, on a daily basis, adversaries are targeting DHS and other Federal agencies seeking to acquire sensitive information. U.S. citizens with trusted access to government facilities and electronic networks have been responsible for some of the most damaging attacks to the U.S. Government.

This bill provides the framework for DHS to implement an insider threat program that identifies and disrupts malicious insiders who seek to do the Department and its employees harm. It also seeks to protect the Department's workforce by conducting a transparent process to reinforce cyber hygiene, data security, and an awareness of malicious activity through a robust training program.

Mr. Speaker, I urge my colleagues to vote for this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 666.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF HOMELAND SECURITY CLEARANCE MANAGEMENT AND ADMINISTRATION ACT

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 697) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Homeland Security Clearance Management and Administration Act".

SEC. 2. SECURITY CLEARANCE MANAGEMENT AND ADMINISTRATION.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 is amended—

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

"**Subtitle A—Headquarters Activities**";

and

(2) by adding at the end the following new subtitle:

“Subtitle B—Security Clearances

“SEC. 711. DESIGNATION OF NATIONAL SECURITY SENSITIVE AND PUBLIC TRUST POSITIONS.

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

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

“SEC. 712. REVIEW OF POSITION DESIGNATIONS.

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

“(b) DETERMINATION.—If during the course of a review required under subsection (a), the Secretary determines that a change in the sensitivity level of a position that affects the need for an individual to obtain access to classified information is warranted, such access shall be administratively adjusted and an appropriate level periodic reinvestigation completed, as necessary.

“(c) CONGRESSIONAL REPORTING.—Upon completion of each review required under subsection (a), the Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the findings of each such review, including the number of positions by classification level and by component and office of the Department in which the Secretary made a determination in accordance with subsection (b) to—

“(1) require access to classified information;

“(2) no longer require access to classified information; or

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

“SEC. 713. AUDITS.

“Beginning not later than 180 days after the date of the enactment of this section, the Inspector General of the Department shall conduct regular audits of compliance of the Department with part 1400 of title 5, Code of Federal Regulations, or similar successor regulation.

“SEC. 714. REPORTING.

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

“(1) The number of denials, suspensions, revocations, and appeals of the eligibility for access to classified information of an individual throughout the Department.

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

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

“(4) Demographic data, including data relating to race, sex, national origin, and dis-

ability, of each individual for whom eligibility for access to classified information was denied, suspended, revoked, or appealed, and the number of years that each such individual was eligible for access to such information.

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

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

“SEC. 715. UNIFORM ADJUDICATION, SUSPENSION, DENIAL, AND REVOCATION.

“Not later than one year after the date of the enactment of this section, the Secretary, in consultation with the Homeland Security Advisory Committee, shall develop a plan to achieve greater uniformity within the Department with respect to the adjudication of eligibility of an individual for access to classified information that are consistent with the Adjudicative Guidelines for Determining Access to Classified Information published on December 29, 2005, or similar successor regulation. The Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the plan. The plan shall consider the following:

“(1) Mechanisms to foster greater compliance with the uniform Department adjudication, suspension, denial, and revocation standards by the head of each component and office of the Department with the authority to adjudicate access to classified information.

“(2) The establishment of an internal appeals panel responsible for final national security clearance denial and revocation determinations that is comprised of designees who are career, supervisory employees from components and offices of the Department with the authority to adjudicate access to classified information and headquarters, as appropriate.

“SEC. 716. DATA PROTECTION.

“The Secretary shall ensure that all information received for the adjudication of eligibility of an individual for access to classified information is consistent with the Adjudicative Guidelines for Determining Access to Classified Information published on December 29, 2005, or similar successor regulation, and is protected against misappropriation.

“SEC. 717. REFERENCE.

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

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

(1) by inserting before the item relating to section 701 the following new item:

“Subtitle A—Headquarters Activities”;

and

(2) by inserting after the item relating to section 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.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gen-

tleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 697, the Department of Homeland Security Clearance Management and Administration Act, and I commend the gentleman from Mississippi for sponsoring it.

A security clearance is a privilege granted to individuals who have pledged to protect the American people from threats domestically and abroad. DHS has approximately 115,000 employees with varying access to classified materials. One important element of H.R. 697 is the requirement for the Secretary of Homeland Security to conduct an inventory of the Department's positions that require security clearances and assess what positions may be duplicative or are no longer necessary. It is just good government to ensure that individuals still have a need to know.

In 2013, then-Director of National Intelligence James Clapper called the number of individuals with clearances “too high.” In a memo to government agencies, Director Clapper expressed his concern with the growing number of individuals with access to classified information, particularly TS and SCI clearances.

Security clearances are costly to investigate, adjudicate, and maintain. This bill would ensure that DHS conducts a thorough accounting of its workforce needs and reduces the number of positions if determined appropriate. The bill also includes requirements for additional transparency on how security clearances are adjudicated, including when there are reasons to suspend or deny a security clearance.

H.R. 697, introduced by Ranking Member THOMPSON, is an example of the accounting that each Federal department should be conducting today and will lead to a more effective and lean Department of Homeland Security in the future.

The bill is identical to the version the House passed last Congress by voice vote. I urge support for the gentleman's bill.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 697, the Department of Homeland Security Clearance Management and Administration Act.

Mr. Speaker, I want to start off by thanking the chairman of the Counterterrorism and Intelligence Subcommittee, Mr. KING, as well as Chairman McCaul for their support for my bill. I reintroduced H.R. 697, the Department of Homeland Security Clearance Management and Administration Act, to reform how the Department manages its security clearance processes.

This measure, which the House approved by voice vote in November, 2015, specifically addresses how DHS carries out the complex and expensive tasks of, number one, identifying positions that warrant security clearances; number two, investigating candidates for clearances; and number three, administering its clearance adjudications, denials, suspensions, revocations, and appeals processes.

Since September 11, there has been a massive proliferation of classified material across the Federal Government. Along with the enormous growth in classified material holdings has come a sizeable growth in the number of Federal positions requiring security clearances.

H.R. 697 reflects regulations issued by the Office of Personnel Management and the Office of the Director of National Intelligence to help ensure that national security positions are properly designated by Federal agencies. By doing so, agencies can avoid the costly exercise of recruiting, investigating, and hiring individuals at clearance levels and salaries well above what is necessary.

Simply put, Mr. Speaker, H.R. 697 seeks to put DHS on a path to right-sizing the number of classified positions in its workforce. Specifically, my bill directs DHS to ensure that the sensitivity levels of national security positions are designated appropriately across the Department and its components. It also requires the Department's chief security officer to audit national security positions periodically to ensure that such security designations are still appropriate.

Additionally, the bill directs DHS to develop a plan to ensure that adjudications of eligibility for a security clearance are done accurately across the Department. Lastly, Mr. Speaker, in response to growing security threats from data breaches, my bill also provides safeguards for the protection of applicants' personal information.

Mr. Speaker, as I mentioned, passage of H.R. 697 will help ensure that the Department of Homeland Security takes targeted steps to improve critical aspects of its secured clearance program.

If enacted, H.R. 697 would make DHS a leader among Federal agencies with respect to security clearance and position designation practices.

With that, Mr. Speaker, I ask my colleagues' support, and I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I, once again, thank the gentleman and commend him for his leadership on this issue.

I urge my colleagues to support H.R. 697, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 697.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FUSION CENTER ENHANCEMENT ACT OF 2017

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 642) to amend the Homeland Security Act of 2002 to enhance the partnership between the Department of Homeland Security and the National Network of Fusion Centers, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fusion Center Enhancement Act of 2017".

SEC. 2. DEPARTMENT OF HOMELAND SECURITY FUSION CENTER PARTNERSHIP INITIATIVE.

(a) IN GENERAL.—Section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h) is amended—

(1) by amending the section heading to read as follows:

"SEC. 210A. DEPARTMENT OF HOMELAND SECURITY FUSION CENTER PARTNERSHIP INITIATIVE.;"

(2) in subsection (a), by adding at the end the following new sentence: "Beginning on the date of the enactment of the Fusion Center Enhancement Act of 2017, such Initiative shall be known as the 'Department of Homeland Security Fusion Center Partnership Initiative'.";

(3) by amending subsection (b) to read as follows:

"(b) INTERAGENCY SUPPORT AND COORDINATION.—Through the Department of Homeland Security Fusion Center Partnership Initiative, in coordination with principal officials of fusion centers in the National Network of Fusion Centers and the officers designated as the Homeland Security Advisors of the States, the Secretary shall—

"(1) coordinate with the heads of other Federal departments and agencies to provide operational and intelligence advice and assistance to the National Network of Fusion Centers;

"(2) support the integration of fusion centers into the information sharing environment;

"(3) support the maturation and sustainment of the National Network of Fusion Centers;

"(4) reduce inefficiencies and maximize the effectiveness of Federal resource support to the National Network of Fusion Centers;

"(5) provide analytic and reporting advice and assistance to the National Network of Fusion Centers;

"(6) review information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that is gathered by the National Network of Fusion Centers and incorporate such information, as appropriate, into the Department's own such information;

"(7) provide for the effective dissemination of information within the scope of the information sharing environment to the National Network of Fusion Centers;

"(8) facilitate close communication and coordination between the National Network of Fusion Centers and the Department and other Federal departments and agencies;

"(9) provide the National Network of Fusion Centers with expertise on Department resources and operations;

"(10) coordinate the provision of training and technical assistance to the National Network of Fusion Centers and encourage participating fusion centers to take part in terrorism threat-related exercises conducted by the Department;

"(11) ensure, to the greatest extent practicable, that support for the National Network of Fusion Centers is included as a national priority in applicable homeland security grant guidance;

"(12) ensure that each fusion center in the National Network of Fusion Centers has a privacy policy approved by the Chief Privacy Officer of the Department and a civil rights and civil liberties policy approved by the Officer for Civil Rights and Civil Liberties of the Department;

"(13) coordinate the nationwide suspicious activity report initiative to ensure information gathered by the National Network of Fusion Centers is incorporated as appropriate;

"(14) lead Department efforts to ensure fusion centers in the National Network of Fusion Centers are the primary focal points for the sharing of homeland security information, terrorism information, and weapons of mass destruction information with State, local, tribal, and territorial entities to the greatest extent practicable;

"(15) develop and disseminate best practices on the appropriate levels for staffing at fusion centers in the National Network of Fusion Centers of qualified representatives from State, local, tribal, and territorial law enforcement, fire, emergency medical, and emergency management services, and public health disciplines, as well as the private sector; and

"(16) carry out such other duties as the Secretary determines appropriate.";

(4) in subsection (c)—

(A) by striking so much as precedes paragraph (3)(B) and inserting the following:

"(c) RESOURCE ALLOCATION.—

"(1) INFORMATION SHARING AND PERSONNEL ASSIGNMENT.—

"(A) INFORMATION SHARING.—The Under Secretary for Intelligence and Analysis shall ensure that, as appropriate—

"(i) fusion centers in the National Network of Fusion Centers have access to homeland security information sharing systems; and

"(ii) Department personnel are deployed to support fusion centers in the National Network of Fusion Centers in a manner consistent with the Department's mission and existing statutory limits.

"(B) PERSONNEL ASSIGNMENT.—Department personnel referred to in subparagraph (A)(ii) may include the following:

"(i) Intelligence officers.

"(ii) Intelligence analysts.

"(iii) Other liaisons from components and offices of the Department, as appropriate.