

116TH CONGRESS  
1ST SESSION

# H. R. 424

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2019

Mr. THOMPSON of Mississippi (for himself and Mr. ROGERS of Alabama) introduced the following bill; which was referred to the Committee on Homeland Security

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## 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 manner consistent 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, 2019, 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 2024 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.—Each 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.”.

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