

116TH CONGRESS
1ST SESSION

H. R. 424

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2019

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Home-
3 land Security Clearance Management and Administration
4 Act”.

5 **SEC. 2. SECURITY CLEARANCE MANAGEMENT AND ADMIN-**
6 **ISTRATION.**

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

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

11 **“Subtitle A—Headquarters**
12 **Activities”;**

13 and

14 (2) by adding at the end the following new sub-
15 title:

16 **“Subtitle B—Security Clearances**

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

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

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

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

9 “(a) IN GENERAL.—Not later than July 6, 2019, and
10 every five years thereafter, the Secretary shall review all
11 sensitivity level designations of national security positions
12 (pursuant to part 1400 of title 5, Code of Federal Regula-
13 tions, or similar successor regulation) at the Department.

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

21 “(c) CONGRESSIONAL REPORTING.—Upon comple-
22 tion of each review required under subsection (a), the Sec-
23 retary shall report to the Committee on Homeland Secu-
24 rity of the House of Representatives and the Committee
25 on Homeland Security and Governmental Affairs of the

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

6 “(1) require access to classified information;

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

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

11 **“SEC. 713. AUDITS.**

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

17 **“SEC. 714. REPORTING.**

18 “(a) IN GENERAL.—The Secretary shall annually
19 through fiscal year 2024 submit to the Committee on
20 Homeland Security of the House of Representatives and
21 the Committee on Homeland Security and Governmental
22 Affairs of the Senate a report on the following:

23 “(1) The number of denials, suspensions, rev-
24 ocations, and appeals of the eligibility for access to

1 classified information of an individual throughout
2 the Department.

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

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

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

15 “(5) In the case of a suspension in excess of
16 180 days, an explanation for such duration.

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

21 **“SEC. 715. UNIFORM ADJUDICATION, SUSPENSION, DENIAL,
22 AND REVOCATION.**

23 “Not later than one year after the date of the enact-
24 ment of this section, the Secretary, in consultation with
25 the Homeland Security Advisory Committee, shall develop

1 a plan to achieve greater uniformity within the Depart-
2 ment with respect to the adjudication of eligibility of an
3 individual for access to classified information that are con-
4 sistent with the Adjudicative Guidelines for Determining
5 Access to Classified Information published on December
6 29, 2005, or similar successor regulation. The Secretary
7 shall submit to the Committee on Homeland Security of
8 the House of Representatives and the Committee on
9 Homeland Security and Governmental Affairs of the Sen-
10 ate the plan. The plan shall consider the following:

11 “(1) Mechanisms to foster greater compliance
12 with the uniform Department adjudication, suspen-
13 sion, denial, and revocation standards by the head of
14 each component and office of the Department with
15 the authority to adjudicate access to classified infor-
16 mation.

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

1 **“SEC. 716. DATA PROTECTION.**

2 “The Secretary shall ensure that all information re-
3 ceived for the adjudication of eligibility of an individual
4 for access to classified information is consistent with the
5 Adjudicative Guidelines for Determining Access to Classi-
6 fied Information published on December 29, 2005, or
7 similar successor regulation, and is protected against mis-
8 appropriation.

9 **“SEC. 717. REFERENCE.**

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

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

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

“Subtitle A—Headquarters Activities”;

17 and

18 (2) by inserting after the item relating to sec-
19 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.”.

Passed the House of Representatives January 29,
2019.

Attest:

KAREN L. HAAS,
Clerk.