

113TH CONGRESS
2^D SESSION

H. R. 5240

To reform classification and security clearance processes throughout the Federal Government and, within the Department of Homeland Security, to establish an effective and transparent process for the designation, investigation, adjudication, denial, suspension, and revocation of security clearances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2014

Mr. THOMPSON of Mississippi introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Homeland Security, Select Intelligence (Permanent Select), and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reform classification and security clearance processes throughout the Federal Government and, within the Department of Homeland Security, to establish an effective and transparent process for the designation, investigation, adjudication, denial, suspension, and revocation of security clearances, 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; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Clearance and Over-Classification Reform and Reduction
 4 Act” or the “CORRECT Act”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—REFORMS TO CLASSIFICATION AND CLEARANCE
 PROCESSES**

Subtitle A—Reducing Over-Classification

Sec. 101. Trend information on classified information and third evaluations.

Sec. 102. Uniformity in sampling.

Sec. 103. Ten percent reduction in holdings of classified information.

Sec. 104. Status update on efforts at reducing holdings of classified information.

Sec. 105. Report.

Sec. 106. Public Interest Declassification Board enhancements.

Sec. 107. Classification designation training.

Sec. 108. Reducing over-classification guidance.

Subtitle B—Governmentwide Reforms

Sec. 111. Sense of Congress.

Sec. 112. Report on certain designations.

Sec. 113. Transparency and accountability in personnel security investigations.

Sec. 114. Continuous evaluation programs and insider threat programs.

Sec. 115. Mitigating factors in the context of a continuous evaluation program or insider threat program.

Sec. 116. Appeal to the Merit Systems Protection Board.

Sec. 117. Automated or nongovernmental adjudication prohibited.

Sec. 118. Report on media contacts policy for intelligence personnel.

**TITLE II—DEPARTMENT OF HOMELAND SECURITY CLEARANCE
 PROCESS REFORMS**

Subtitle A—Designation

Sec. 201. Designation of national security sensitive and public trust positions.

Sec. 202. Audits.

Sec. 203. Review of position designations.

Subtitle B—Investigation

Sec. 211. Investigation services provider performance.

Sec. 212. Metrics.

Subtitle C—Adjudication

Sec. 221. Uniform adjudication standards.

Subtitle D—Denial, Suspension, Revocation, and Appeal

Sec. 231. Uniform revocation criteria and procedures.

Sec. 232. Annual reporting.

Sec. 233. Final appeals panel.

Subtitle E—Miscellaneous Provisions

Sec. 241. Intelligence Reform and Terrorism Prevention Act of 2004 review and security clearance reciprocity.

Sec. 242. Office of Inspector General report.

Sec. 243. Penalties for falsification relating to an investigation file.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **CHIEF SECURITY OFFICER.**—The term
 4 “Chief Security Officer” means the Classified Infor-
 5 mation Advisory Officer of the Department of
 6 Homeland Security (identified and designated pursu-
 7 ant to section 210F of the Homeland Security Act
 8 of 2002 (6 U.S.C. 124m)).

9 (2) **INTELLIGENCE REFORM AND TERRORISM**
 10 **PREVENTION ACT TERMS.**—The terms “agency”,
 11 “authorized investigative agency”, “authorized adju-
 12 dicative agency”, “current investigation file”, “peri-
 13 odic reinvestigations”, and “personnel security inves-
 14 tigation” have the meanings given those terms in
 15 section 3001(a) of the Intelligence Reform and Ter-
 16 rorism Prevention Act of 2004 (50 U.S.C. 3341(a)).

17 (3) **INVESTIGATION SERVICE PROVIDER.**—The
 18 term “investigation service provider” means the Of-
 19 fice of Personnel Management and any other entity

1 that undertakes investigative services, including
2 criminal record checks, financial record checks, field
3 interviews, employment review, and education
4 verifications, for an investigation file for a national
5 security position.

6 (4) NATIONAL SECURITY POSITION.—The term
7 “national security position” has the meaning given
8 that term in section 732.102 of title 5, Code of Fed-
9 eral Regulations.

10 **TITLE I—REFORMS TO CLASSI-**
11 **FICATION AND CLEARANCE**
12 **PROCESSES**

13 **Subtitle A—Reducing Over-**
14 **Classification**

15 **SEC. 101. TREND INFORMATION ON CLASSIFIED INFORMA-**
16 **TION AND THIRD EVALUATIONS.**

17 Subsection (b) of section 6 of the Reducing Over-
18 Classification Act (50 U.S.C. 3161 note; Public Law 111-
19 258) is amended—

20 (1) in paragraph (1)—

21 (A) in the matter preceding subparagraph

22 (A)—

23 (i) by striking “2016” and inserting

24 “2019”; and

1 (ii) by striking “no less than two” and
2 inserting “not fewer than three”;

3 (B) in subparagraph (A), by striking
4 “and” at the end;

5 (C) in subparagraph (B), by striking the
6 period at the end and inserting “; and”; and

7 (D) by adding after subparagraph (B) the
8 following new subparagraph:

9 “(C) beginning with the second evaluation
10 under paragraph (2)(B), to assess, with respect
11 to subparagraph (A) of this paragraph, the de-
12 gree to which the incentives for accurate classi-
13 fication decisions referred to in subsection (a)
14 have been utilized, and the extent to which the
15 use of such incentives, including cash incentives
16 or other alternative, non-cash awards, has im-
17 proved the accuracy of original classification de-
18 cisions or derivative classification decisions and
19 a reduction in classified information.”;

20 (2) in paragraph (2), by adding at the end the
21 following new subparagraph:

22 “(C) THIRD EVALUATIONS.—Each third
23 evaluation required by paragraph (1) shall re-
24 view progress made since the second evaluation
25 and the adequacy of the records to support each

1 self-inspection program determination in ac-
2 cordance with subsection (c), and assess such
3 department or agency's procedures and activi-
4 ties regarding classification challenges. Specifi-
5 cally, each third evaluation shall—

6 “(i)(I) assess implementation of pro-
7 cedures by such department or agency to
8 encourage authorized holders of classified
9 information, including authorized holders
10 outside the classifying agency, to challenge
11 the classification of information that they
12 believe is improperly classified or unclassi-
13 fied, as required by section 1.8 of Execu-
14 tive Order 13526 (50 U.S.C. 3161 note) or
15 successor order, and the degree to which
16 such department or agency makes each au-
17 thorized holder of classified information
18 aware of the procedures and encourages
19 such holders to challenge the classification
20 of information that they believe is improp-
21 erly classified or unclassified; and

22 “(II) to the extent practicable, review
23 data reflecting the disposition of challenges
24 received by such department or agency, in-

1 cluding how often such challenges resulted
2 in a change in classification;

3 “(ii) review the degree to which infor-
4 mation that was declassified was deter-
5 mined by the agency to be of extraordinary
6 public interest that does not undermine the
7 national security of the United States, in-
8 cluding information on the number of na-
9 tional security positions (pursuant to sec-
10 tion 732 of title 5, Code of Federal Regu-
11 lations), by classification level, that are
12 designated within the agency during that
13 period; and

14 “(iii) shall be completed not later than
15 September 30, 2019.”; and

16 (3) in paragraph (3)(B)—

17 (A) in clause (i), by striking “and” at the
18 end;

19 (B) in clause (ii), by striking the period at
20 the end and inserting “; and”; and

21 (C) by adding after clause (ii) the following
22 new clause:

23 “(iii) information relating to the as-
24 sessment required under paragraph
25 (1)(C).”.

1 **SEC. 102. UNIFORMITY IN SAMPLING.**

2 Section 6 of the Reducing Over-Classification Act (50
3 U.S.C. 3161 note; Public Law 111–258) is amended by
4 adding at the end the following new subsection:

5 “(c) UNIFORMITY IN SAMPLING.—The President,
6 acting through the Director of the Information Security
7 Oversight Office, shall issue a standardized sampling tech-
8 nique for department and agency self-inspection programs
9 as required pursuant to Executive Order 13526 (50
10 U.S.C. 3161 note) in order to address any vulnerabilities
11 in such programs.”.

12 **SEC. 103. TEN PERCENT REDUCTION IN HOLDINGS OF**
13 **CLASSIFIED INFORMATION.**

14 Section 6 of the Reducing Over-Classification Act (50
15 U.S.C. 3161 note; Public Law 111–258), as amended by
16 section 102 of this Act, is further amended by adding at
17 the end the following new subsection:

18 “(d) TEN PERCENT REDUCTION IN HOLDING OF
19 CLASSIFIED INFORMATION.—The President shall estab-
20 lish goals for reducing, by the date that is not later than
21 five years after the date of the enactment of this sub-
22 section, classified information, through declassification
23 and improved original and derivative classification deci-
24 sionmaking, by not less than ten percent as compared to
25 the amount of such information as of the day before such
26 date. For purposes of this subsection, classified informa-

1 tion that would otherwise be declassified pursuant to Ex-
2 ecutive Order 13526 (50 U.S.C. 3161 note) shall not
3 count towards such ten percent requirement.”.

4 **SEC. 104. STATUS UPDATE ON EFFORTS AT REDUCING**
5 **HOLDINGS OF CLASSIFIED INFORMATION.**

6 Section 704(d)(1) of the Public Interest Declassifica-
7 tion Act of 2000 (50 U.S.C. 3161 note; Public Law 106-
8 567) is amended by striking the period and inserting “and
9 information on the status of efforts, to the extent prac-
10 ticable on an agency-by-agency basis, at reducing the hold-
11 ing of classified information pursuant to section 6(d) of
12 the Reducing Over-Classification Act (50 U.S.C. 3161
13 note; Public Law 111-258).”.

14 **SEC. 105. REPORT.**

15 Section 6 of the Reducing Over-Classification Act (50
16 U.S.C. 3161 note; Public Law 111-258), as amended by
17 sections 102 and 103 of this Act, is further amended by
18 adding at the end the following new subsection:

19 “(e) REPORT.—The Inspector General of each de-
20 partment or agency of the United States with an officer
21 or employee who is authorized to make original and deriv-
22 ative classification decisions shall submit to the appro-
23 priate entities (as such term is defined in subsection
24 (b)(4)) a report relating to progress accomplished under
25 subsections (c) and (d).”.

1 **SEC. 106. PUBLIC INTEREST DECLASSIFICATION BOARD**
2 **ENHANCEMENTS.**

3 (a) **REVIEWS OF CLASSIFICATION GUIDANCE.**—Sub-
4 sections (a) and (b) of section 704 of the Public Interest
5 Declassification Act of 2000 (50 U.S.C. 3161 note; Public
6 Law 106–567) are amended to read as follows:

7 “(a) **AGENCY DECLASSIFICATION PROGRAMS AND**
8 **CLASSIFICATION GUIDANCE.**—

9 “(1) **DECLASSIFICATION PROGRAMS.**—

10 “(A) **REPORT.**—The head of any agency
11 with the authority under an Executive order to
12 classify information shall annually provide to
13 the Board, the Select Committee on Intelligence
14 of the Senate, and the Permanent Select Com-
15 mittee on Intelligence of the House of Rep-
16 resentatives a summary briefing and report on
17 the progress and plans of such agency in the
18 declassification of national security information.

19 “(B) **CONTENTS.**—Each briefing and re-
20 port required under subparagraph (A) shall—

21 “(i) cover the declassification goals set
22 by statute, regulation, or policy, the
23 progress of the agency towards completing
24 such goals, and the planned goals and pri-
25 orities of the agency for its declassification

1 activities over the 2 fiscal years following
2 the report;

3 “(ii) give particular attention to
4 progress on the declassification of records
5 and materials that are of extraordinary
6 public interest to the people of the United
7 States; and

8 “(iii) include information on the dis-
9 position of recommendations regarding
10 Special Searches for Records of Extraor-
11 dinary Public Interest submitted pursuant
12 to section 704(c).

13 “(C) CONSOLIDATED REPORT.—The an-
14 nual briefing and report under paragraph (1)
15 for agencies within the Department of Defense,
16 including the military departments and the ele-
17 ments of the intelligence community (as defined
18 in section 3(4) of the National Security Act of
19 1947 (50 U.S.C. 3003(4))), shall be provided
20 on a consolidated basis.

21 “(2) REVIEW OF CLASSIFICATION GUIDANCE.—
22 The Board shall, on an ongoing basis, review classi-
23 fication guidance required pursuant to Executive
24 Order 13526 (50 U.S.C. 3161 note) or any suc-
25 cessor order utilized within each agency to assess—

1 “(A) the validity of the national security
2 basis for each instruction in the classification
3 guidance;

4 “(B) the clarity of each instruction within
5 the classification guidance to ensure that only
6 the minimum necessary information is classi-
7 fied; and

8 “(C) the feasibility of narrowing or elimi-
9 nating any classification guidance that is un-
10 necessary or obsolete.

11 “(3) PLAN FOR REVIEWING CLASSIFICATION
12 GUIDANCE.—Not later than 90 days after the date
13 of the enactment of the Clearance and Over-Classi-
14 fication Reform and Reduction Act, the Chairperson
15 of the Board shall submit a multi-year plan for re-
16 viewing classification guidance utilized within each
17 agency, with benchmarks for when and, to the extent
18 practicable, which classification guidance will be re-
19 viewed and how the findings will be shared with the
20 head of each agency and the inspector general of
21 each agency.

22 “(4) RECOMMENDATIONS FOR HARMONIZING
23 AND REDUCING CLASSIFICATION GUIDANCE.—Not
24 later than one year after the date of the enactment
25 of the Clearance and Over-Classification Reform and

1 Reduction Act, the Chairperson of the Board shall
2 submit recommendations for harmonizing and reduc-
3 ing classification guidance across the Federal Gov-
4 ernment to the President.

5 “(b) RECOMMENDATIONS ON AGENCY DECLAS-
6 SIFICATION PROGRAMS AND CLASSIFICATION GUID-
7 ANCE.—

8 “(1) IN GENERAL.—Upon reviewing classifica-
9 tion guidance and discussing declassification plans
10 and progress with an agency, the Board shall pro-
11 vide to the head of that agency, the Director of the
12 Office of Management and Budget, and the Assist-
13 ant to the President for National Security Affairs
14 the written recommendations of the Board as to how
15 the classification guidance and declassification pro-
16 gram of the agency could be improved.

17 “(2) PUBLIC AVAILABILITY.—Not later than 60
18 days after the Board provides written recommenda-
19 tions to the head of an agency in accordance with
20 paragraph (1), the Board shall make such rec-
21 ommendations public in accordance with subsection
22 (k).”.

23 (b) STAFF AND DETAILEES.—Subsection (f) of sec-
24 tion 703 of such Act is amended to read as follows:

25 “(f) DIRECTOR AND STAFF.—

1 “(1) DIRECTOR.—The Chairperson of the
2 Board, in accordance with rules agreed upon by the
3 Board, shall appoint and fix the compensation of a
4 Director, except that no rate of pay fixed under this
5 paragraph may exceed the equivalent of that payable
6 for a position at level V of the Executive Schedule
7 under section 5316 of title 5, United States Code.

8 “(2) STAFF.—The Chairperson of the Board, in
9 accordance with rules agreed upon by the Board,
10 may appoint and fix the pay of personnel as may be
11 necessary to enable the Board to carry out its func-
12 tions.

13 “(3) APPLICABILITY OF CERTAIN CIVIL SERV-
14 ICE LAWS.—The Director and staff may be ap-
15 pointed without regard to the provisions of title 5,
16 United States Code, governing appointments in the
17 competitive service, and may be paid without regard
18 to the provisions of chapter 51 and subchapter III
19 of chapter 53 of such title relating to classification
20 and General Schedule pay rates.

21 “(4) DETAILEES.—Any employee of the Federal
22 Government may be detailed to the Board with the
23 agreement of, and without reimbursement to, the de-
24 tailing agency, and such detail shall be without

1 interruption or loss of civil, military, or foreign serv-
2 ice status or privilege.”.

3 (c) COMPENSATION AND TRAVEL EXPENSES.—Sub-
4 section (h) of section 703 of such Act is amended to read
5 as follows:

6 “(h) COMPENSATION AND TRAVEL EXPENSES.—

7 “(1) COMPENSATION.—

8 “(A) CHAIRPERSON.—The Chairperson of
9 the Board shall be compensated at the rate of
10 pay payable for a position at level III of the Ex-
11 ecutive Schedule under section 5314 of title 5,
12 United States Code.

13 “(B) MEMBERS.—Each member of the
14 Board shall be compensated at a rate of pay
15 payable for a position at level IV of the Execu-
16 tive Schedule under section 5315 of such title,
17 for each day during which that member is en-
18 gaged in the actual performance of the duties
19 of the Board.

20 “(2) TRAVEL EXPENSES.—Members of the
21 Board shall receive travel expenses, including per
22 diem in lieu of subsistence, in accordance with appli-
23 cable provisions under subchapter I of chapter 57 of
24 title 5, United States Code.”.

1 (d) PUBLIC MEETINGS.—Section 704(c) of such Act
2 is amended by adding at the end the following new para-
3 graph:

4 “(3) In carrying out this subsection, the Board shall
5 conduct public meetings on at least a semiannual basis
6 and publish in the Federal Register notice of such meet-
7 ings.”.

8 (e) EXTENSION OF SUNSET.—Subsection (b) of sec-
9 tion 710 of such Act is amended by striking “2018” and
10 inserting “2024”.

11 **SEC. 107. CLASSIFICATION DESIGNATION TRAINING.**

12 Section 7 of the Reducing Over-Classification Act (50
13 U.S.C. 3344; Public Law 111–258) is amended—

14 (1) in subsection (a), in the matter preceding
15 paragraph (1)—

16 (A) in the first sentence, by inserting “, in-
17 cluding computer-based training,” after “an-
18 nual training”; and

19 (B) in the second sentence, by inserting
20 “such” before “training”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(c) RECORDKEEPING.—The head of each Executive
24 agency shall maintain records and make such records
25 available to the inspector general of each such agency of

1 the extent to which training required under this section
2 is completed by each employee subject to such training.”.

3 **SEC. 108. REDUCING OVER-CLASSIFICATION GUIDANCE.**

4 The Secretary of Homeland Security shall develop
5 and disseminate to components of the Department of
6 Homeland Security and make available to other agencies
7 guidance on best practices and strategies to implement the
8 Reducing Over-Classification Act (Public Law 111–258),
9 as amended by this Act. Such guidance shall include infor-
10 mation on the following:

11 (1) Administrative approaches, including the es-
12 tablishment of internal quarterly meetings and work-
13 ing groups to carry out the requirements of the Re-
14 ducing Over-Classification Act (Public Law 111–
15 258).

16 (2) Consolidation of information security poli-
17 cies throughout an agency.

18 (3) Provision of training, including in-person
19 initial training and computer-based recurrent train-
20 ing, in accordance with section 7 of the Reducing
21 Over-Classification Act, as amended by section 105
22 of this Act.

23 (4) Adoption of uniform formats for the prepa-
24 ration, production, or publication of classified infor-
25 mation.

1 (5) Ways to encourage an authorized holder of
2 classified information to challenge the classification
3 of information that such holder believes is improp-
4 erly classified or unclassified, as required by section
5 1.8 of Executive Order 13526 (50 U.S.C. 3161
6 note) or successor order.

7 **Subtitle B—Governmentwide** 8 **Reforms**

9 **SEC. 111. SENSE OF CONGRESS.**

10 It is the sense of Congress that a position shall only
11 be designated as a national security position if access to
12 classified information is required or if that position—

13 (1) presents a risk of a material adverse effect
14 on the national security (as described in section
15 732.201 of title 5, Code of Federal Regulations);
16 and

17 (2) is determined to be a public trust position
18 (as described in section 731.106 of title 5, Code of
19 Federal Regulations).

20 **SEC. 112. REPORT ON CERTAIN DESIGNATIONS.**

21 (a) REPORT.—Not later than 6 months after the date
22 of enactment of this Act and biannually thereafter, the
23 head of each agency with the authority to designate a na-
24 tional security position shall submit to Congress a report
25 that provides information regarding any national security

1 position for which access to classified materials is not re-
2 quired and the position is not determined to be a public
3 trust position (as described in section 731.106 of title 5,
4 Code of Federal Regulations).

5 (b) CONTENTS.—The report required under sub-
6 section (a) shall include—

7 (1) a description for the position, including spe-
8 cific information on duties and day-to-day oper-
9 ations;

10 (2) the history of the position’s national secu-
11 rity position designation, including whether the posi-
12 tion is newly created or was transferred from an-
13 other department, division, or program;

14 (3) an explanation of the position’s national se-
15 curity position designation and whether responsibil-
16 ities have been added to the position to explain the
17 designation;

18 (4) an explanation of the national security im-
19 plications of the position;

20 (5) the advertising and recruitment mechanisms
21 used to fill the position;

22 (6) information on the individual who holds the
23 position, including as appropriate, information on
24 periods when the individual had previously held a
25 national security position; and

1 (7) demographic information on the individual
2 who holds the position, including age, gender, race,
3 ethnicity, employment status, and geographic loca-
4 tion.

5 (c) PUBLIC REPORT.—The report required under
6 subsection (a) shall be submitted in unclassified form and
7 be made publicly available, but may include a classified
8 annex for any sensitive or classified information if nec-
9 essary.

10 **SEC. 113. TRANSPARENCY AND ACCOUNTABILITY IN PER-**
11 **SONNEL SECURITY INVESTIGATIONS.**

12 (a) IN GENERAL.—Not later than 120 days after the
13 date of the enactment of this Act, the Director of National
14 Intelligence and the Director of the Office of Personnel
15 Management shall establish requirements for a uniform
16 markings process to identify the investigation service pro-
17 vider that originated each piece of information in a current
18 investigation file.

19 (b) UTILIZATION.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the establishment of the uniform markings process
22 pursuant to subsection (a), investigation service pro-
23 viders shall utilize such uniform markings process
24 and make available, upon request by the authorized

1 adjudicative agency, all documents in a current in-
2 vestigation file.

3 (2) EXCEPTION.—This subsection shall not
4 apply to a personnel security investigation that an
5 agency conducts using its own personnel, under dele-
6 gated or statutory authority.

7 **SEC. 114. CONTINUOUS EVALUATION PROGRAMS AND IN-**
8 **SIDER THREAT PROGRAMS.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) The term “continuous evaluation” as de-
11 fined in Executive Order 13467, means reviewing
12 the background of an individual who has been deter-
13 mined to be eligible for access to classified informa-
14 tion at any time during the period of eligibility.

15 (2) Since 1998, at least 10 continuous evalua-
16 tion pilot studies have been carried out by Federal
17 agencies to monitor the individuals with security
18 clearances on an ongoing basis.

19 (3) The Department of Defense has conducted
20 multiple continuous evaluation pilots since early
21 2002 and has more than one pilot that is ongoing
22 as of July 1, 2014. By October 2014, the Depart-
23 ment anticipates 100,000 people to be subject to
24 continuous evaluation with the population steadily
25 rising to 1 million by 2017.

1 (4) The Office of the Director of National Intel-
2 ligence plans for all individuals with Top Secret
3 clearances or higher to be subject to continuous eval-
4 uation by 2016.

5 (5) Since 2010, applicants submitting an appli-
6 cation for a security clearance, the Standard Form
7 86, are required to consent to being monitored
8 through continuous evaluation.

9 (6) In February 2014, the Office of Manage-
10 ment and Budget issued a 120-day review of Federal
11 employee suitability and contractor fitness deter-
12 minations as well as security clearance procedures
13 and recommended an accelerated timetable for an
14 integrated solution or continuous evaluation program
15 across all Federal agencies and security levels.

16 (7) In addition to continuous evaluation, some
17 Federal agencies are establishing insider threat pro-
18 grams pursuant to Executive Order 13587 (50
19 U.S.C. 3161 note), which authorized the establish-
20 ment of insider threat programs to, among other
21 things, identify any Government or contracted em-
22 ployee that may have compromised national security
23 through such employee's work capacity.

24 (8) Continuous evaluation and insider threat
25 programs are proliferating throughout the Federal

1 government without requirements for protections to
2 ensure that such programs be designed and imple-
3 mented in a manner that not only protects national
4 security but also promotes fairness, transparency,
5 and employee protections, including whistleblower
6 protections.

7 (b) REQUIREMENTS.—Not later than 180 days after
8 the date of enactment of this Act, the Privacy and Civil
9 Liberties Oversight Board, established under section 1061
10 of the Intelligence Reform and Terrorism Prevention Act
11 of 2004 (42 U.S.C. 2000ee), shall publish in the Federal
12 Register standards for the protection of national security
13 and promotion of fairness, transparency, and employee
14 protections, including safeguards to preserve the rights
15 and confidentiality of whistleblowers with respect to the
16 operation of a continuous evaluation program and the op-
17 eration of an insider threat program by a Federal agency.

18 (c) CERTIFICATION.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date of publication of the standards under sub-
21 section (b), the head of any agency that is operating
22 a continuous evaluation program or insider threat
23 program as of the date of the enactment of this Act
24 shall—

1 (A) certify whether such program is in
2 compliance with the standards established
3 under subsection (b); and

4 (B) publish such certification in the Fed-
5 eral Register.

6 (2) SUSPENSION OR PROGRAM.—Any such head
7 who certifies that a continuous evaluation program
8 or insider threat program does not meet such stand-
9 ards or who fails to publish a certification of compli-
10 ance pursuant to paragraph (1) shall suspend the
11 program until such program is compliant and certifi-
12 cation of compliance is published in the Federal
13 Register.

14 (d) REPORT.—The head of any agency that is oper-
15 ating a continuous evaluation program or insider threat
16 program as of the date of enactment of this Act shall an-
17 nually submit to Congress a report that includes the fol-
18 lowing information:

19 (1) The number of individuals in the agency
20 subject to the continuous evaluation program or in-
21 sider threat program.

22 (2) The number of individuals in the agency
23 whose eligibility for access to classified information
24 was suspended or revoked as a result of information

1 acquired through the continuous evaluation program
2 or insider threat program.

3 (3) The total number of individuals in the agen-
4 cy who are eligible to access classified information.

5 (4) Demographic information on each individual
6 whose eligibility for access to classified information
7 was changed as a result of information collected
8 through the continuous evaluation program or in-
9 sider threat program, including age, race, gender,
10 and ethnicity.

11 (5) A description of the mechanisms used to
12 conduct the evaluations, including how individuals
13 were selected, whether the evaluations were random-
14 ized, and if so, the nature of the randomization, in-
15 cluding the degree to which it was temporally ran-
16 domized and the degree to which the selection of in-
17 dividuals subject to the program was randomized.

18 (6) A description of the types of information
19 that were captured through the continuous evalua-
20 tion program or insider threat program and were the
21 basis for further investigation.

22 (7) The frequency that information captured
23 through the continuous evaluation program or in-
24 sider threat program was the basis for further inves-
25 tigation.

1 (8) Information on any individual whose eligi-
2 bility for access to classified information was
3 changed as a result of information collected through
4 the continuous evaluation program or insider threat
5 program, including the clearance level of each im-
6 pacted individual and what position, if any, the indi-
7 vidual holds within the agency, number of years the
8 individual has been eligible to access classified infor-
9 mation at the level held at the time that the indi-
10 vidual was subject to the continuous evaluation pro-
11 gram or insider threat program and, if available, the
12 frequency that classified information was accessed
13 by each such individual.

14 (9) Identification of each database that was
15 accessed.

16 (10) Protocols for resolution of information
17 captured through the continuous evaluation program
18 or insider threat program that was the basis for fur-
19 ther investigation, including the provision of notifica-
20 tion to the impacted individual's supervisor and the
21 impacted individual.

22 (11) Information on any specific instance in
23 which the continuous evaluation program or insider
24 threat program resulted in the protection of classi-
25 fied information and national security.

1 (12) Information on the annual and life-cycle
2 costs of the continuous investigation or insider
3 threat program and, in the event that the head of
4 the agency intends to expand the program, informa-
5 tion on the anticipated costs of expansion.

6 (e) PILOT PROGRAM.—The head of any agency that
7 establishes a continuous evaluation program after the date
8 of the enactment of this Act shall be subject to the fol-
9 lowing requirements:

10 (1) Before initiating a continuous evaluation
11 program or insider threat program, such head shall
12 conduct a pilot continuous evaluation program or
13 pilot insider threat program that is not shorter than
14 120 days in duration and uses a representative sam-
15 ple of individuals eligible for access to classified in-
16 formation, including individuals employed by con-
17 tractors. Participants in the program shall receive
18 notification and, in the event that derogatory infor-
19 mation is identified through the program that re-
20 sults in changes to such participant's eligibility for
21 access to classified information, shall be provided ac-
22 cess to the redress process described under section
23 116.

24 (2) Before conducting a pilot continuous eval-
25 uation program or pilot insider threat program

1 under paragraph (1), such head shall publish, in the
2 Federal Register, a notice of the program that pro-
3 vides information on the provisions of the program,
4 metrics for evaluating its efficacy, and a privacy im-
5 pact assessment.

6 (3) Not later than 90 days after the initiation
7 of a pilot continuous evaluation program or pilot in-
8 sider threat program pursuant to paragraph (1),
9 such head shall submit to Congress a preliminary re-
10 port that includes—

11 (A) the number of individuals evaluated
12 under the program;

13 (B) the total number of individuals in the
14 agency who are eligible to access classified in-
15 formation;

16 (C) demographics of the individuals evalu-
17 ated under the program, including age, race,
18 gender, ethnicity, employer, clearance level, and
19 the number of years the individual has been eli-
20 gible to access classified information;

21 (D) a position description for each indi-
22 vidual evaluated under the program;

23 (E) a description of the mechanisms used
24 to conduct the evaluations, including how indi-
25 viduals were selected, whether the evaluations

1 were randomized, and if so, the nature of the
2 randomization, including the degree to which it
3 was temporally randomized and the degree to
4 which the selection of individuals subject to the
5 program was randomized;

6 (F) a description of the types of informa-
7 tion that were captured through the program
8 and were the basis for further investigation;

9 (G) the frequency that information cap-
10 tured through the program was the basis for
11 further investigation; and

12 (H) information on the number of individ-
13 uals whose eligibility for access to classified in-
14 formation was changed as a result of informa-
15 tion collected through the program.

16 (4) Not later than 180 days after the conclu-
17 sion of a pilot continuous evaluation program or
18 pilot insider threat program pursuant to paragraph
19 (1) or expansion of a pilot continuous evaluation
20 program or pilot insider threat program, such head
21 shall submit to Congress a final report that updates
22 the information required in the preliminary report
23 under paragraph (3). The report shall include—

24 (A) an identification of each database that
25 was accessed;

1 (B) protocols for resolution of information
2 captured through the program that was the
3 basis for further investigation, including the
4 provision of notification to the impacted individ-
5 ual's supervisor and the impacted individual;

6 (C) information on any specific instance in
7 which continuous evaluation resulted in the pro-
8 tection of classified information and national se-
9 curity; and

10 (D) information regarding the annual and
11 life-cycle costs of the program and, in the event
12 that such head intends to expand the program
13 or initiate a continuous evaluation program or
14 insider threat program, information on the an-
15 ticipated costs of an expansion or initiation.

16 (5) Prior to expanding a pilot continuous eval-
17 uation program or insider threat program or initi-
18 ating a continuous evaluation program or insider
19 threat program, such head shall secure a privacy im-
20 pact assessment from the top privacy and civil lib-
21 erties officials at such agency.

22 (f) UNCLASSIFIED REPORTS.—All reports required
23 under this section shall be submitted in unclassified form
24 and be made publicly available, but may include a classi-
25 fied annex if necessary.

1 (g) LIMITATION ON DATA COLLECTION.—Not later
2 than 180 days after the date of enactment of this Act,
3 the head of an agency that operates a continuous evalua-
4 tion program shall ensure that data collection under the
5 program is limited to databases and other sources of infor-
6 mation accessed for a periodic reinvestigation as of the
7 date of enactment of this Act.

8 (h) DEFINITIONS.—In this section:

9 (1) CONTINUOUS EVALUATION PROGRAM.—The
10 term “continuous evaluation program” means any
11 program continually reviewing the background of an
12 individual who has been determined to be eligible for
13 access to classified information pursuant to Execu-
14 tive Order 12968 (50 U.S.C. 3161 note) or any
15 other similar authority.

16 (2) INSIDER THREAT PROGRAM.—The term “in-
17 sider threat program” means any program moni-
18 toring the activity of an individual who has been de-
19 termined to be eligible for access to classified infor-
20 mation to improve insider threat detection and pre-
21 vention pursuant to Executive Order 13587 (50
22 U.S.C. 3161 note), or successor order.

1 **SEC. 115. MITIGATING FACTORS IN THE CONTEXT OF A**
2 **CONTINUOUS EVALUATION PROGRAM OR IN-**
3 **SIDER THREAT PROGRAM.**

4 (a) **CONTINUOUS EVALUATION.**—Not later than 120
5 days after the date of enactment of this Act, for each adju-
6 dicative guideline for individuals with access to classified
7 information (as described in part 147 of title 32, Code
8 of Federal Regulations or similar successor regulation) the
9 President shall update and tailor the conditions that miti-
10 gate security concerns to address continuous evaluation of
11 such individuals performed pursuant to Executive Order
12 12968 (50 U.S.C. 3161 note) or any other authority, in-
13 cluding the implications of recency on the availability of
14 mitigation.

15 (b) **INSIDER THREAT PROGRAM.**—Not later than 240
16 days after the date of enactment of this Act, the President
17 shall establish adjudicative guidelines, including conditions
18 that mitigate security concerns that consider the implica-
19 tions of recency on the availability of mitigation, for an
20 individual who is subject to an adverse decision based on
21 an insider threat program established pursuant to Execu-
22 tive Order 13587 (50 U.S.C. 3161 note) or successor
23 order.

1 **SEC. 116. APPEAL TO THE MERIT SYSTEMS PROTECTION**
2 **BOARD.**

3 An employee for whom a final determination of ineli-
4 gibility for a national security position has been made is
5 entitled to appeal to the Merit Systems Protection Board
6 under section 7701 of title 5, United States Code.

7 **SEC. 117. AUTOMATED OR NONGOVERNMENTAL ADJUDICA-**
8 **TION PROHIBITED.**

9 (a) IN GENERAL.—An adjudication by an agency
10 that an individual may not have access to classified infor-
11 mation may only be made by a Federal employee and may
12 not be rendered by an automated, electronic, or computer
13 system.

14 (b) FEDERAL EMPLOYEE DEFINED.—In this section,
15 the term “Federal employee” has the meaning given the
16 term “employee” in section 2105 of title 5, United States
17 Code, and includes any member of the uniformed services.

18 **SEC. 118. REPORT ON MEDIA CONTACTS POLICY FOR IN-**
19 **TELLIGENCE PERSONNEL.**

20 Not later than 90 days after the date of the enact-
21 ment of this Act, the head of each element of the intel-
22 ligence community (as such term is defined in section 3(4)
23 of the National Security Act of 1947 (50 U.S.C. 3003(4)))
24 shall submit to Congress a report on each such element’s
25 implementation of policy directives regarding contacts
26 with news media by intelligence community personnel.

1 Such report shall describe how each such element’s imple-
2 mentation of such directives protects the free speech rights
3 of intelligence community personnel, including intelligence
4 community personnel who choose to discuss unclassified
5 public policy issues with friends or family members who
6 may use new media technologies.

7 **TITLE II—DEPARTMENT OF**
8 **HOMELAND SECURITY**
9 **CLEARANCE PROCESS RE-**
10 **FORMS**

11 **Subtitle A—Designation**

12 **SEC. 201. DESIGNATION OF NATIONAL SECURITY SEN-**
13 **SITIVE AND PUBLIC TRUST POSITIONS.**

14 (a) IN GENERAL.—The Secretary of Homeland Secu-
15 rity shall require the Department of Homeland Security,
16 including all components of the Department, to designate
17 the sensitivity level of national security positions (pursu-
18 ant to part 732 of title 5, Code of Federal Regulations,
19 or similar successor regulation) in an accurate and con-
20 sistent manner within the Department, including all such
21 components.

22 (b) IMPLEMENTATION.—In carrying out subsection
23 (a), the Secretary of Homeland Security shall require the
24 utilization of uniform designation tools throughout the De-
25 partment of Homeland Security, including all components

1 of the Department, and provide training to appropriate
2 staff of the Department, including staff of all such compo-
3 nents, on such utilization. Such training shall include
4 guidance on factors for determining eligibility for access
5 to classified information and facilities with classified infor-
6 mation.

7 **SEC. 202. AUDITS.**

8 Not later than 180 days after the Director of Na-
9 tional Intelligence and Director of the Office of Personnel
10 Management issue a rule for designation of national secu-
11 rity positions (pursuant to part 732 of title 5, Code of
12 Federal Regulations, or similar successor regulation), the
13 Inspector General of the Department of Homeland Secu-
14 rity shall conduct regular audits of compliance of the De-
15 partment with such rule.

16 **SEC. 203. REVIEW OF POSITION DESIGNATIONS.**

17 (a) IN GENERAL.—The Secretary of Homeland Secu-
18 rity, acting through the Chief Security Officer of the De-
19 partment of Homeland Security, shall biennially conduct
20 a review of all sensitivity level designations of national se-
21 curity positions (pursuant to part 732 of title 5, Code of
22 Federal Regulations, or similar successor regulation) at
23 the Department.

24 (b) DETERMINATION.—If during the course of a re-
25 view required under subsection (a) the Secretary of Home-

1 land Security determines that a change in the sensitivity
2 level of a position that affects the need for an individual
3 to obtain access to classified information is warranted,
4 such access shall be administratively adjusted or periodic
5 reinvestigation completed, as necessary.

6 (c) REPORT.—

7 (1) IN GENERAL.—Upon completion of each re-
8 view required under subsection (a), the Secretary of
9 Homeland Security shall submit to the Committee
10 on Homeland Security of the House of Representa-
11 tives and the Committee on Homeland Security and
12 Governmental Affairs of the Senate a report on the
13 number of positions by classification level and by
14 component of the Department of Homeland Security
15 that are to be redesignated in accordance with sub-
16 section (b) to—

17 (A) require access to classified informa-
18 tion;

19 (B) no longer require access to classified
20 information; or

21 (C) otherwise require a different level of
22 access to classified information.

23 (2) FORM.—The report required under para-
24 graph (1) shall be submitted in unclassified form
25 and be made publicly available, but may include a

1 classified annex for any sensitive or classified infor-
2 mation if necessary.

3 **Subtitle B—Investigation**

4 **SEC. 211. INVESTIGATION SERVICES PROVIDER PERFORM-** 5 **ANCE.**

6 (a) IN GENERAL.—The Secretary of Homeland Secu-
7 rity, acting through the Chief Security Officer of the De-
8 partment of Homeland Security, shall annually survey the
9 head of each component or office of the Department with
10 the authority to adjudicate a current investigation file for
11 a national security position to help determine whether—

12 (1) investigation service providers are adhering
13 to Federal requirements, including requirements
14 under the Intelligence Reform and Terrorism Pre-
15 vention Act of 2004 (Public Law 108–458) and re-
16 quirements promulgated by the Office of Personnel
17 Management; and

18 (2) records provided are adequate to conduct
19 adjudications.

20 (b) CONTENTS.—Each survey under subsection (a)
21 shall consider the following:

22 (1) Punctuality of completed personnel security
23 investigations, including adherence to timelines re-
24 quired under section 3001 of the Intelligence Reform

1 and Terrorism Prevention Act of 2004 (50 U.S.C.
2 3341).

3 (2) Frequency that the adjudicator must seek
4 clarifying or additional information from the inves-
5 tigation service provider.

6 (3) Frequency that the adjudicator orders a full
7 or partial reinvestigation.

8 (4) Frequency that the adjudicator finds ad-
9 verse information after the completed background
10 investigation is submitted by the investigation serv-
11 ice provider.

12 (5) Frequency that the complete investigation
13 file, including investigative notes, is provided.

14 (6) Overall performance of the investigation
15 service provider.

16 (7) Satisfaction with the overall performance of
17 the investigation service provider.

18 (c) CORRECTIVE ACTION.—If information provided
19 under subsection (a) identifies a pattern of performance
20 problems with a particular investigation service provider,
21 the Chief Security Officer of the Department of Homeland
22 Security shall make a recommendation to the Secretary
23 of Homeland Security and, where appropriate, to the head
24 of each component or office of the Department that uses
25 the particular investigation service provider regarding cor-

1 rective action, including suspension or cancellation of serv-
2 ices.

3 (d) AVAILABILITY.—The Secretary of Homeland Se-
4 curity shall publish the results of each survey under sub-
5 section (a) and make each such publication publicly avail-
6 able on the website of the Department of Homeland Secu-
7 rity.

8 **SEC. 212. METRICS.**

9 The Secretary of Homeland Security shall utilize
10 metrics, including, to the extent practicable, any metrics
11 in use by the Office of Personnel Management as of the
12 date of the enactment of this Act, to assess the timeliness,
13 completeness, and overall quality of the provision of inves-
14 tigative services by investigation service providers.

15 **Subtitle C—Adjudication**

16 **SEC. 221. UNIFORM ADJUDICATION STANDARDS.**

17 (a) IN GENERAL.—The Secretary of Homeland Secu-
18 rity, acting through the Chief Security Officer of the De-
19 partment of Homeland Security, shall issue uniform adju-
20 dication standards, consistent with part 147 of title 32,
21 Code of Federal Regulations, or similar successor regula-
22 tion, to be utilized by Department adjudicators with re-
23 spect to adjudicating the eligibility of an individual for ac-
24 cess to classified information.

1 (b) CERTIFICATION.—Not later than one year after
2 the issuance of the uniform adjudication standards under
3 subsection (a), the Secretary of Homeland Security, acting
4 through the Chief Security Officer of the Department of
5 Homeland Security, shall require the head of each compo-
6 nent and office of the Department with the authority to
7 adjudicate access to classified information of an individual
8 to certify compliance with the uniform adjudication stand-
9 ards under subsection (a).

10 (c) AUDIT.—Not later than two years after the last
11 head of a component of the Department of Homeland Se-
12 curity certifies compliance under subsection (b) with the
13 uniform adjudication standards under subsection (a), the
14 Inspector General of the Department shall audit all such
15 components to verify such compliance.

16 **Subtitle D—Denial, Suspension,**
17 **Revocation, and Appeal**

18 **SEC. 231. UNIFORM REVOCATION CRITERIA AND PROCE-**
19 **DURES.**

20 (a) IN GENERAL.—The Secretary of Homeland Secu-
21 rity, acting through the Chief Security Officer of the De-
22 partment of Homeland Security, shall issue a Department-
23 wide directive that sets forth uniform criteria and proce-
24 dures, consistent with any appropriate Federal Govern-
25 mentwide standards, including notice requirements, for

1 the suspension, denial, and revocation of eligibility for ac-
2 cess to classified information of an individual issued by
3 the Department.

4 (b) CERTIFICATION.—Not later than one year after
5 issuance of the uniform criteria and procedures under sub-
6 section (a), the Secretary of Homeland Security, acting
7 through the Chief Security Officer of the Department of
8 Homeland Security, shall require the head of each compo-
9 nent and office of the Department with the authority to
10 adjudicate eligibility for access to classified information of
11 an individual to certify compliance with such uniform cri-
12 teria and procedures.

13 **SEC. 232. ANNUAL REPORTING.**

14 (a) IN GENERAL.—The Secretary of Homeland Secu-
15 rity, acting through the Chief Security Officer of the De-
16 partment of Homeland Security, shall annually submit to
17 the Committee on Homeland Security of the House of
18 Representatives and the Committee on Homeland Security
19 and Governmental Affairs of the Senate a report on the
20 following:

21 (1) The number of denials, suspensions, revoca-
22 tions, and appeals of the eligibility for access to clas-
23 sified information of an individual throughout the
24 Department.

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

3 (3) The identification of the originator, whether
4 by a component or headquarters, of each adverse ac-
5 tion under paragraph (1), and description of the
6 grounds for each such action.

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

13 (5) In the case of a suspension in excess of 180
14 days, an explanation for the such timeframe.

15 (b) FORM.—The report required under subsection (a)
16 shall be submitted in unclassified form and be made pub-
17 licly available, but may include a classified annex for any
18 sensitive or classified information if necessary.

19 **SEC. 233. FINAL APPEALS PANEL.**

20 (a) IN GENERAL.—The Secretary of Homeland Secu-
21 rity shall establish an internal appeals 5-person panel for
22 final national security clearance denial and revocation de-
23 terminations that is comprised of designees who are ca-
24 reer, supervisory employees from departmental compo-
25 nents and headquarters.

1 (b) CHAIR.—The Chief Security Officer of the De-
2 partment of Homeland Security shall serve as the chair
3 of the panel established pursuant to subsection (a).

4 (c) POSITIONS.—At least two of the positions on the
5 panel shall be held by non-security related supervisory em-
6 ployees for not more than two consecutive years, and at
7 least one position shall held by a security related super-
8 visory employee for not more than three consecutive years.

9 (d) SUBPANELS.—

10 (1) IN GENERAL.—For each matter before the
11 panel, a 3-person subpanel shall be convened by the
12 chair, and may include the chairman.

13 (2) PROHIBITION.—The chair may not select a
14 panelist to serve on a 3-person subpanel referred to
15 in paragraph (1) from the same component or office
16 of the Department of Homeland Security as from
17 which the matter before such subpanel originated or
18 who has a prior relationship with any of the individ-
19 uals involved in such matter.

20 (e) PROCEDURES.—

21 (1) IN GENERAL.—Each individual issued ac-
22 cess to classified information by the Department of
23 Homeland Security whose access is denied or re-
24 voked after a decision from a first-line deciding au-
25 thority and a supervisor of such first-line deciding

1 authority may appeal, in writing, to the 5-person ap-
2 peals panel and appear, with a representative, before
3 such panel to make a statement.

4 (2) RULINGS.—A simple majority of the ap-
5 peals panel is required to uphold or overturn a de-
6 nial or revocation.

7 (3) TIMING.—All determinations of the appeals
8 panel shall be rendered within 90 days of receipt of
9 an appeal under this section.

10 (4) FINALITY.—All determinations of the ap-
11 peals panel shall be final, and no further administra-
12 tive review shall be permitted.

13 **Subtitle E—Miscellaneous** 14 **Provisions**

15 **SEC. 241. INTELLIGENCE REFORM AND TERRORISM PRE-** 16 **VENTION ACT OF 2004 REVIEW AND SECURITY** 17 **CLEARANCE RECIPROCITY.**

18 (a) IN GENERAL.—Not later than two years after the
19 date of the enactment of this Act, the Comptroller General
20 of the United States shall submit to the Committee on
21 Homeland Security of the House of Representatives and
22 the Committee on Homeland Security and Governmental
23 Affairs of the Senate a report on—

24 (1) the impact of the implementation of section
25 3001 of the Intelligence Reform and Terrorism Pre-

1 vention Act of 2004 (50 U.S.C. 3341; Public Law
2 108–458) on security clearance processes, includ-
3 ing—

4 (A) with respect to the quality of personnel
5 security investigations and adjudications; and

6 (B) the extent to which the timelines speci-
7 fied in such section have impacted security
8 clearance backlogs, and include recommenda-
9 tions for areas for reform; and

10 (2) the extent to which individuals with eligi-
11 bility for access to classified information, adju-
12 dicated by the Secretary of Homeland Security or
13 the head of a component or office of the Department
14 of Homeland Security, are granted reciprocity within
15 the Department and by other agencies, in accord-
16 ance with subsection (d) of section 3001 of the Intel-
17 ligence Reform and Terrorism Prevention Act of
18 2004 (50 U.S.C. 3341; Public Law 108–458), in-
19 cluding—

20 (A) the extent to which the lack of harmo-
21 nization of suitability standards is a barrier to
22 such reciprocity; and

23 (B) recommendations on whether such
24 standards should be included in interagency
25 reciprocity agreements.

1 (b) FORM.—The report required under subsection (a)
2 shall be submitted in unclassified form and be made pub-
3 licly available, but may include a classified annex for any
4 sensitive or classified information if necessary.

5 **SEC. 242. OFFICE OF INSPECTOR GENERAL REPORT.**

6 Not later than two years after the date of the enact-
7 ment of this Act, the Inspector General of the Department
8 of Homeland Security shall submit to the Committee on
9 Homeland Security of the House of Representatives and
10 the Committee on Homeland Security and Governmental
11 Affairs of the Senate a report on the implementation of
12 responsibilities and mandates of the Department under
13 this Act, and the amendments made by this Act. The re-
14 port required under this section shall be submitted in un-
15 classified form and be made publicly available, but may
16 include a classified annex for any sensitive or classified
17 information if necessary.

18 **SEC. 243. PENALTIES FOR FALSIFICATION RELATING TO AN**
19 **INVESTIGATION FILE.**

20 Section 1001(a) of title 18, United States Code, is
21 amended by inserting at the end the following: “If the of-
22 fense involves an investigation file for a national security
23 position (as such term is defined in section 732.102 of
24 title 5, Code of Federal Regulations, or similar successor
25 regulation), then the maximum term of imprisonment oth-

- 1 erwise authorized under this section may be increased by
- 2 one year.”.

○