

117TH CONGRESS
1ST SESSION

H. R. 686

To amend the Intelligence Reform and Terrorism Prevention Act of 2004 to authorize the Director of the Federal Bureau of Investigation to make security clearance determinations and access determinations for political appointees in the Executive Office of the President, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2021

Mr. BEYER (for himself and Mr. LIEU) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on 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 amend the Intelligence Reform and Terrorism Prevention Act of 2004 to authorize the Director of the Federal Bureau of Investigation to make security clearance determinations and access determinations for political appointees in the Executive Office of the President, 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 “Security Clearance Re-
3 view Act”.

4 **SEC. 2. SECURITY CLEARANCE DETERMINATIONS AND AC-**
5 **CESS DETERMINATIONS BY DIRECTOR OF FBI**
6 **FOR POLITICAL APPOINTEES IN EXECUTIVE**
7 **OFFICE OF THE PRESIDENT .**

8 Section 3001 of the Intelligence Reform and Ter-
9 rorism Prevention Act of 2004 (50 U.S.C. 3341) is
10 amended by adding at the end the following:

11 “(k) POLITICAL APPOINTEES IN THE EXECUTIVE
12 OFFICE OF THE PRESIDENT.—

13 “(1) APPOINTMENT AND ACCESS TO CLASSI-
14 FIED INFORMATION.—Notwithstanding any other
15 provision of law—

16 “(A) a political appointee may not be em-
17 ployed in, detailed to, or assigned to, the Exec-
18 utive Office of the President unless such em-
19 ployment, detail, or assignment is clearly con-
20 sistent with national security; and

21 “(B) any political appointee employed in,
22 detailed to, or assigned to, the Executive Office
23 of the President may not have a security clear-
24 ance, or access any classified information, un-
25 less such security clearance is granted, or ac-

cess determination is made, by the Director of the Federal Bureau of Investigation.

“(2) DETERMINATION AND NOTIFICATION.—

“(A) If the Director of the Federal Bureau of Investigation denies, suspends, or revokes a security clearance or access to classified information under paragraph (1), the Director shall notify the President and the appropriate committees of Congress of such determination on the date such determination is made.

“(B) If the President nullifies, reverses, modifies, or otherwise fails to recognize any denial, suspension, or revocation of a security clearance or access to classified information determination made by the Director under paragraph (1), not later than 30 days thereafter, the President shall submit an explanation (in writing) of the reasons for such nullification, reversal, modification, or failure to recognize to the appropriate committees of Congress.

“(3) POLITICAL APPOINTEE DEFINED.—In this subsection, the term ‘political appointee’ has the meaning given that term in section 4(a)(4) of the Edward ‘Ted’ Kaufman and Michael Leavitt Presi-

- 1 dential Transitions Improvements Act of 2015 (Pub-
- 2 lic Law 114–136).”.

