

111TH CONGRESS  
1ST SESSION

# H. R. 639

To amend the National Security Act of 1947 to revise reporting requirements related to security clearances.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2009

Ms. ESHOO (for herself and Mr. ISSA) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Select Committee on Intelligence (Permanent Select), 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 National Security Act of 1947 to revise reporting requirements related to security clearances.

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 “Security Clearance  
5 Oversight and Accountability Act”.

6 **SEC. 2. REPORTS RELATING TO SECURITY CLEARANCES.**

7 (a) REPORTS.—

1           (1) IN GENERAL.—Title V of the National Se-  
2           curity Act of 1947 (50 U.S.C. 413 et seq.) is  
3           amended by adding at the end the following new sec-  
4           tion:

5           “REPORTS ON SECURITY CLEARANCES

6           “SEC. 508. (a) QUADRENNIAL AUDIT OF POSITION  
7           REQUIREMENTS.—

8           “(1) IN GENERAL.—The President shall every  
9           four years conduct an audit of how the executive  
10          branch determines whether a security clearance is  
11          required for a particular position in the Federal  
12          Government.

13          “(2) SUBMISSION.—Not later than 30 days  
14          after the completion of an audit conducted under  
15          paragraph (1), the President shall submit to Con-  
16          gress the results of such audit.

17          “(b) REPORT ON SECURITY CLEARANCE DETER-  
18          MINATIONS.—

19          “(1) IN GENERAL.—Not later than February 1  
20          of each year, the President (or a designee of the  
21          President) shall submit to Congress a report on the  
22          security clearance process. Such report shall include,  
23          for each security clearance level—

24                  “(A) the number of government employees  
25                  who—

1 “(i) held a security clearance at such  
2 level as of October 1 of the preceding year;  
3 and

4 “(ii) were approved for a security  
5 clearance at such level during the pre-  
6 ceding fiscal year;

7 “(B) the number of contractors who—

8 “(i) held a security clearance at such  
9 level as of October 1 of the preceding year;  
10 and

11 “(ii) were approved for a security  
12 clearance at such level during the pre-  
13 ceding fiscal year; and

14 “(C) for each element of the intelligence  
15 community—

16 “(i) the amount of time it took to  
17 process the fastest 80 percent of security  
18 clearance determinations for such level;

19 “(ii) the amount of time it took to  
20 process the fastest 90 percent of security  
21 clearance determinations for such level;

22 “(iii) the number of open security  
23 clearance investigations for such level that  
24 have remained open for—

25 “(I) 4 months or less;

1                   “(II) between 4 months and 8  
2                   months;

3                   “(III) between 8 months and 12  
4                   months; and

5                   “(IV) more than a year;

6                   “(iv) the percentage of reviews that  
7                   result in a denial or revocation of a secu-  
8                   rity clearance;

9                   “(v) the percentage of investigations  
10                  that resulted in incomplete information;  
11                  and

12                  “(vi) the percentage of investigations  
13                  that did not result in enough information  
14                  to make a decision on potentially adverse  
15                  information.

16                  “(2) SECURITY CLEARANCE LEVELS.—For pur-  
17                  poses of paragraph (1), the Director of National In-  
18                  telligence may consider—

19                         “(A) security clearances at the level of con-  
20                         fidential and secret as one security clearance  
21                         level; and

22                         “(B) security clearances at the level of top  
23                         secret or higher as one security clearance level.

24                  “(c) DIRECTOR OF OMB.—Not later than February  
25 1 of each year, the Director of the Office of Management

1 and Budget shall submit to Congress a report on security  
2 clearance determinations completed or ongoing during the  
3 preceding fiscal year that have taken longer than 1 year  
4 to complete. Such report shall include—

5 “(1) the number of security clearance deter-  
6 minations for positions as employees of the Federal  
7 Government that required more than 1 year to com-  
8 plete;

9 “(2) the number of security clearance deter-  
10 minations for contractors that required more than 1  
11 year to complete;

12 “(3) the agencies that investigated and adju-  
13 dicated such determinations; and

14 “(4) the cause of significant delays in such de-  
15 terminations.”.

16 (2) REPORT ON METRICS FOR ADJUDICATION  
17 QUALITY.—Not later than 180 days after the date of  
18 enactment of this Act, the President shall submit to  
19 Congress a report on security clearance investiga-  
20 tions and adjudications. Such report shall include—

21 (A) Federal Government-wide adjudication  
22 guidelines and metrics for adjudication quality;

23 (B) a plan to improve the professional de-  
24 velopment of security clearance adjudicators;

1 (C) metrics to evaluate the effectiveness of  
2 interagency clearance reciprocity; and

3 (D) Federal Government-wide investigation  
4 standards and metrics for investigation quality.

5 (3) CLERICAL AMENDMENT.—The table of con-  
6 tents in the first section of the National Security  
7 Act of 1947 is amended by inserting after the item  
8 relating to section 507 the following new item:

“Sec. 508. Reports on security clearances.”.

9 (b) INITIAL AUDIT.—The first audit required to be  
10 conducted under section 508(a)(1) of the National Secu-  
11 rity Act of 1947 (as added by subsection (a)) shall be com-  
12 pleted not later than February 1, 2010.

○