

**AMENDMENT TO RULES COMMITTEE PRINT 116-**

**22**

**OFFERED BY MR. ESPAILLAT OF NEW YORK**

At the end of title VII, add the following new section:

1 **SEC. 708. NOTIFICATION TO CONGRESS FOR CERTAIN SE-**  
2 **CURITY CLEARANCE DETERMINATIONS FOR**  
3 **RELATIVES OR FINANCIAL ASSOCIATES OF**  
4 **THE PRESIDENT.**

5 (a) IN GENERAL.—Section 3001 of the Intelligence  
6 Reform and Terrorism Prevention Act of 2004 (50 U.S.C.  
7 3341) is amended by adding at the end the following:

8 “(k) RELATIVES AND FINANCIAL ASSOCIATES OF  
9 THE PRESIDENT.—

10 “(1) IN GENERAL.—The Chief of Staff of the  
11 White House shall notify (in writing) the Members  
12 of Congress specified in section 503(c)(2) of the Na-  
13 tional Security Act of 1947 if the President or any  
14 other individual grants a security clearance or access  
15 determination with respect to a covered individual  
16 contrary to—

17 “(A) the recommendations of the Federal  
18 Bureau of Investigation with respect to any

1 background investigation for a covered indi-  
2 vidual who is an employee of the White House  
3 or the Executive Office of the President; or

4 “(B) the determination of any agency.

5 “(2) DEADLINE.—The notification under para-  
6 graph (1) shall occur not later than 5 days after the  
7 President or other such individual makes the con-  
8 trary determination.

9 “(3) DEFINITION OF COVERED INDIVIDUAL.—  
10 In this subsection, the term ‘covered individual’  
11 means—

12 “(A) any relative (as that term is defined  
13 in section 3110(a)(3) of title 5, United States  
14 Code) of the President; and

15 “(B) any individual who has entered into a  
16 contract, or is currently in contract negotiations  
17 with, the President or an entity in which the  
18 President has a financial interest.”.

19 (b) APPLICATION.—

20 (1) IN GENERAL.—The amendment made by  
21 subsection (a) shall apply to any contrary determina-  
22 tion described in paragraph (1) of subsection (k) of  
23 section 3001 of the Intelligence Reform and Ter-  
24 rorism Prevention Act of 2004 (50 U.S.C. 3341), as

1 added by subsection (a), made before, on, or after  
2 the date of enactment of this Act.

3 (2) RETROACTIVE DETERMINATION.—With re-  
4 spect to any contrary determination under such  
5 paragraph (1) made before the date of enactment of  
6 this Act, the notification required under such para-  
7 graph shall be made not later than 5 days after the  
8 date of enactment of this Act.

9 (3) READJUDICATION.—

10 (A) IN GENERAL.—The security clearance  
11 or access determination of any covered indi-  
12 vidual (as that term is defined in subsection (k)  
13 of the Intelligence Reform and Terrorism Pre-  
14 vention Act of 2004 (50 U.S.C. 3341), as added  
15 by subsection (a)) subject to notification under  
16 paragraph (2) shall be revoked.

17 (B) READJUDICATION.—A subsequent  
18 background investigation and agency adjudica-  
19 tion is required before a security clearance or  
20 access determination may be granted to such  
21 covered individual.

