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:

SEC. 708. NOTIFICATION TO CONGRESS FOR CERTAIN SECURITY CLEARANCE DETERMINATIONS FOR RELATIVES OR FINANCIAL ASSOCIATES OF THE PRESIDENT.

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

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

“(1) In General.—The Chief of Staff of the White House shall notify (in writing) the Members of Congress specified in section 503(c)(2) of the National Security Act of 1947 if the President or any other individual grants a security clearance or access determination with respect to a covered individual contrary to—

“(A) the recommendations of the Federal Bureau of Investigation with respect to any
background investigation for a covered individual who is an employee of the White House or the Executive Office of the President; or

“(B) the determination of any agency.

“(2) DEADLINE.—The notification under paragraph (1) shall occur not later than 5 days after the President or other such individual makes the contrary determination.

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

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

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

(b) APPLICATION.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to any contrary determination described in paragraph (1) of subsection (k) of section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341), as
added by subsection (a), made before, on, or after
the date of enactment of this Act.

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

(3) READJUDICATION.—

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

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