AMENDMENT TO RULES COMMITTEE PRINT 116–57

OFFERED BY MS. WEXTON OF VIRGINIA

At the end of subtitle B of title XVI, add the following new section:

SEC. 16. ADJUDICATIVE GUIDELINES ON EXTREMISM IN GRANTING ACCESS TO CLASSIFIED INFORMATION.

(a) GUIDELINES.—Section 801 of the National Security Act of 1947 (50 U.S.C. 3161) is amended by adding at the end the following new subsection:

“(e)(1) The procedures under subsection (a) and the adjudicative guidelines under section 3002(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3343(d)) shall include the following elements with respect to determining whether an individual may access classified information:

“(A) A willingness to safeguard classified or sensitive information is in doubt if there is any reason to suspect that an individual supports or participates in extremism activities embracing or advocating hate, violence, or a violent political ideology.
“(B) An individual who supports or participates in extremism activities to influence, affect, or retaliate against the policy or conduct of the Federal government or a State government demonstrates a willingness to compromise the national security interests of the United States.

“(C) An individual who coerces, intimidates, or marginalizes any person or class of people based on their actual or perceived race, religion, color, ethnicity, sex, age, disability status, national origin, sexual orientation, or gender identity is harmful to the express interests of the United States.

“(D) Any indication that an individual provides support or encouragement to another individual or a group that supports or participates in such extremism activities or engages in such coercion, intimidation or marginalization is of equal concern.

“(2) An individual may not be granted a security clearance, or have such a clearance renewed, if the individual has carried out any of the following activities:

“(A) Participating in extremist activities or organizations that embrace or advocate such hate, violence, or a violent political ideology or engaging in such coercion, intimidation or marginalization of concern, which includes, at a minimum—
“(i) direct or indirect support of such extremist activities or organizations of concern;

“(ii) fund raising for such extremist activities or organizations of concern;

“(iii) recruiting or training members for such extremist activities or organizations of concern; or

“(iv) creating, organizing, or taking a visible leadership role in such extremist activities or organizations of concern.

“(B) Publishing or distributing information in any medium in which the primary purpose of the content is related to advocacy or support of extremist activities or organizations that embrace or advocate such hate, violence, or a violent political ideology or engage in such coercion, intimidation or marginalization of concern, if the facts and circumstances of the publication or distribution indicate that the information—

“(i) is clearly not consistent with the national security interests of the United States; or

“(ii) would adversely interfere with the accomplishment of a Federal or State government function.
“(3) An individual may mitigate any suspicion of supporting or participating in extremism activities or organizations described in paragraphs (1) or (2) if—

“(A) the individual was unaware that an individual or organization was associated with such extremism, intimidation, or coercion of concern and severed ties upon learning of this, if such unawareness is credible and corroborated;

“(B) the involvement of the individual in such extremism, intimidation, or coercion of concern was authorized by a Federal, State, local, or tribal government official for the purpose of an intelligence or law enforcement activity;

“(C) the involvement of the individual in such extremism, intimidation, or coercion of concern occurred within the scope and as part of an employment or academic relationship that required research, journalistic, or investigative endeavors, if such relationship is credible and corroborated;

“(D) the involvement of the individual in such extremism, intimidation, or coercion of concern occurred for only a short period of time and was attributable to curiosity or academic interest, if such attribution is credible and corroborated; or
“(E) the involvement or association with such extremism, intimidation, or coercion of concern occurred under such unusual circumstances, or so much time has elapsed, that it is unlikely to recur and does not cast doubt on the individual’s current reliability, trustworthiness, or allegiance.”.

(b) APPLICATION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to adjudications for sensitive positions or access to classified national security information on or after such date, and shall include adjudications for access to sensitive compartment information and all other controlled or special access programs.

(c) CONFORMING AMENDMENT.—Subsection (b)(1) of such section 801 is amended—

(1) by striking “Subsection (a) shall not be deemed” and inserting “Nothing in subsection (a) or (c) shall be deemed”; and

(2) by inserting “or subsection (c)” after “procedures prescribed by subsection (a)”.

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