

116TH CONGRESS  
1ST SESSION

# H. R. 538

To amend title 5, United States Code, to require a quarterly report on security clearances for individuals working in the White House or the Executive Office of the President, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2019

Mr. TED LIEU of California (for himself, Mr. NADLER, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. COOPER, Mr. COHEN, Miss RICE of New York, Ms. NORTON, Mrs. DEMINGS, Mr. RASKIN, Mrs. WATSON COLEMAN, Mr. CICILLINE, Mr. RYAN, Mr. BEYER, Ms. LOFGREN, Mr. CLAY, Mr. KRISHNAMOORTHY, and Mr. WELCH) introduced the following bill; which was referred to the Committee on Oversight and Reform

---

## A BILL

To amend title 5, United States Code, to require a quarterly report on security clearances for individuals working in the White House or 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commonsense Legisla-  
5 tion Ensuring Accountability by Reporting Access of Non-

1 Cleared Employees to Secrets Act” or the “CLEAR-  
2 ANCES Act”.

3 **SEC. 2. REPORT ON SECURITY CLEARANCES FOR INDIVID-**  
4 **UALS WORKING IN THE WHITE HOUSE AND**  
5 **EXECUTIVE OFFICE OF THE PRESIDENT.**

6 (a) IN GENERAL.—Subpart I of part III of title 5,  
7 United States Code, is amended by adding after section  
8 10106 the following:

9 **“CHAPTER 102—SECURITY CLEARANCES**

“Sec.

“10201. Report on individuals working in the White House and Executive Of-  
fice of the President.

10 **“§ 10201. Report on individuals working in the White**  
11 **House and Executive Office of the Presi-**  
12 **dent**

13 “(a) IN GENERAL.—Not later than 3 months after  
14 the date of enactment of this section and every 3 months  
15 thereafter, the President shall submit a report to the ap-  
16 propriate congressional committees on security clearance  
17 information on any individual working in the White House  
18 or the Executive Office of the President, including—

19 “(1) the President’s staff or any other indi-  
20 vidual in the White House or Office whose function  
21 is to advise or assist the President; and

22 “(2) any individual who is detailed from the  
23 Government, a university, a think tank, or the pri-  
24 vate sector to the White House or the Office.

1       “(b) REPORT REQUIREMENTS.—A report submitted  
2 under subsection (a) shall include the following:

3           “(1) The name and position of any individual  
4 working in the White House or the Office and who  
5 holds a security clearance.

6           “(2) With respect to any detailee, the entity or  
7 agency from which the individual was detailed.

8           “(3) With respect to any clearance listed pursu-  
9 ant to paragraph (1)—

10           “(A) whether the clearance is temporary or  
11 permanent and level of the clearance;

12           “(B) the date the background investigation  
13 was initiated and the date of adjudication (if  
14 any); and

15           “(C) the date of any interim reports or no-  
16 tifications from the investigating agency.

17           “(4) The name and position of any individual  
18 working in the White House or the Office who was  
19 granted a security clearance by the President or  
20 other authorizing personnel despite an unfavorable  
21 recommendation from the White House Security Of-  
22 fice or an agency, and the date the decision was  
23 made to grant the clearance.

24           “(5) The name and position of any individual  
25 not contained in any list above whom the President

1 has provided access to classified information, the  
2 date the information was so provided, and the level  
3 of classification of the information.

4 “(6) The name and position of any individual  
5 working in the White House or Office—

6 “(A) whose security clearance has been re-  
7 voked or suspended and the date of such rev-  
8 ocation or suspension; or

9 “(B) who held an interim security clear-  
10 ance for a period longer than one year, and a  
11 justification from the White House Counsel as  
12 to why it is in the national security interest of  
13 the United States to keep the employee in the  
14 position without a permanent security clear-  
15 ance.

16 “(c) DEFINITIONS.—In this section—

17 “(1) the term ‘appropriate congressional com-  
18 mittees’ means—

19 “(A) the Permanent Select Committee on  
20 Intelligence and the Committees on Oversight  
21 and Reform and the Judiciary of the House of  
22 Representatives; and

23 “(B) the Select Committee on Intelligence  
24 and the Committees on Homeland Security and

1           Governmental Affairs and the Judiciary of the  
2           Senate; and

3           “(2) the term ‘Office’ means the Executive Of-  
4           fice of the President.”.

5           (b) CLERICAL AMENDMENT.—The table of chapters  
6 for such title is amended by adding after the item relating  
7 to chapter 101 the following:

**“102. Security Clearances .....10201”.**

