

114TH CONGRESS
2D SESSION

H. R. 5697

To prohibit any officer or employee of the Federal Government who has exercised extreme carelessness in the handling of classified information from being granted or retaining a security clearance.

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2016

Mr. McCAUL (for himself and Mr. OLSON) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, 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 prohibit any officer or employee of the Federal Government who has exercised extreme carelessness in the handling of classified information from being granted or retaining a security clearance.

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 “Taking Responsibility
5 Using Secured Technologies Act of 2016”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) On July 5, 2016, the Director of the Fed-
4 eral Bureau of Investigation (in this section referred
5 to as the “FBI”), James B. Comey, made a state-
6 ment relating to the investigation into the use of a
7 personal e-mail system by Hillary Clinton during the
8 period that she was Secretary of State.

9 (2) The FBI found evidence that Secretary
10 Clinton and her colleagues were extremely careless
11 in handling very sensitive, highly classified informa-
12 tion.

13 (3) The FBI also found that any reasonable in-
14 dividual in the position of Secretary Clinton, or in
15 the position of the Federal employees with whom
16 Secretary Clinton was corresponding about these
17 matters, should have known that using an unclassi-
18 fied system was inappropriate when conducting clas-
19 sified conversations.

20 (4) Because of the conduct of Secretary Clinton
21 and her colleagues, the FBI concluded that it is pos-
22 sible that hostile actors gained access to the e-mail
23 account of Secretary Clinton.

24 (5) In similar circumstances, other individuals
25 who engaged in this kind of activity would often face

1 adverse consequences, including security or adminis-
2 trative sanctions.

3 (6) Presidential candidates typically receive
4 classified briefings even if the candidates lack the
5 requisite security clearance.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) Secretary Clinton should—

9 (A) have any security clearance that she
10 holds revoked; and

11 (B) be denied access to classified informa-
12 tion unless and until she earns the legal right
13 to such access; and

14 (2) colleagues of Secretary Clinton who dem-
15 onstrated extreme carelessness in their handling of
16 classified information should no longer have access
17 to that information.

18 **SEC. 3. SECURITY CLEARANCES WITH RESPECT TO INDIVIDUALS WHO HAVE MISHANDLED CLASSIFIED INFORMATION.**

21 (a) GRANTING OF CLEARANCES.—No officer or em-
22 ployee of the Federal Government who has exercised ex-
23 treme carelessness in the handling of classified informa-
24 tion may be granted a security clearance.

1 (b) REVOCATION OF CLEARANCES.—The security
2 clearance of any officer or employee of the Federal Gov-
3 ernment who has exercised extreme carelessness in the
4 handling of classified information shall be revoked.

5 **SEC. 4. DEFINITION OF GROSS NEGLIGENCE.**

6 Section 793(f) of title 18, United States Code, is
7 amended—

8 (1) by inserting “(1)” after “(f)”;

9 (2) by striking “(1) through” and inserting
10 “(A) through”;

11 (3) by striking “(2) having” and inserting “(B)
12 having”; and

13 (4) by adding at the end the following:

14 “(2) In this subsection, the term ‘gross negligence’
15 includes extreme or reckless carelessness.”.

○