

114TH CONGRESS
2D SESSION

H. R. 6219

To amend the Intelligence Reform and Terrorism Prevention Act of 2004 to ensure that individuals who are found to have stored classified information on unsecured servers are disqualified from receiving security clearances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2016

Mrs. ROBY 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 amend the Intelligence Reform and Terrorism Prevention Act of 2004 to ensure that individuals who are found to have stored classified information on unsecured servers are disqualified from receiving security clearances, 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 “Unsecured Server Act
5 of 2016”.

1 **SEC. 2. DENIAL OF THE GRANTING OR RENEWING OF SECU-**
2 **RITY CLEARANCES.**

3 (a) DISQUALIFICATION.—

4 (1) IN GENERAL.—Paragraph (1) of subsection
5 (c) of section 3002 of the Intelligence Reform and
6 Terrorism Prevention Act of 2004 (50 U.S.C.
7 3343(c)) is amended—

8 (A) in subparagraph (B), by striking “;
9 or” and inserting a semicolon;

10 (B) in subparagraph (C), by striking the
11 period at the end and inserting “; or”; and

12 (C) by adding at the end the following new
13 subparagraph:

14 “(D) as determined by the head of the
15 Federal agency, knowingly stored classified in-
16 formation on, or transmitted classified informa-
17 tion to or from, an unsecured server.”.

18 (2) COVERED SECURITY CLEARANCES.—Such
19 subsection is further amended—

20 (A) by redesignating paragraph (4) as
21 paragraph (5);

22 (B) in paragraph (3), by striking “This
23 subsection” and inserting “Except as provided
24 by paragraph (4), this subsection”; and

25 (C) by inserting after paragraph (3) the
26 following new paragraph:

1 “(4) ADDITIONAL COVERED SECURITY CLEAR-
2 ANCES.—With respect to a disqualification in this
3 subsection by reason of paragraph (1)(D), this sub-
4 section applies to any security clearance.”.

5 (3) MODIFICATION TO WAIVER AUTHORITY.—
6 Such subsection is further amended—

7 (A) in paragraph (2), by inserting “para-
8 graph (5) and” after “only in accordance with”;
9 and

10 (B) in paragraph (5), as redesignated by
11 paragraph (2)(A)—

12 (i) by striking the paragraph heading
13 and inserting “NOTICE AND WAIT”;

14 (ii) by striking subparagraph (A) and
15 inserting the following new subparagraph
16 (A):

17 “(A) NOTIFICATION.—A waiver may not
18 be made under paragraph (2) until a 30-day pe-
19 riod elapses following the date on which the
20 head of the Federal agency proposing the waiv-
21 er submits to the appropriate committees of
22 Congress notification of the proposed waiver.
23 Such notification shall not reveal the identity of
24 the person covered by the waiver, but shall in-
25 clude the disqualifying factor under paragraph

1 (1) and the reasons for the waiver of the dis-
2 qualifying factor.”; and

3 (iii) in subparagraph (B)(i), by strik-
4 ing “a report submitted” and inserting “a
5 notification made”.

6 (4) UNSECURED SERVER DEFINED.—Sub-
7 section (a) of such section is amended by adding at
8 the end the following new paragraph:

9 “(5) UNSECURED SERVER.—The term ‘unse-
10 cured server’ means a computer server that is not
11 authorized by a head of an element of the intel-
12 ligence community (as defined by section 3 of the
13 National Security Act of 1947 (50 U.S.C. 3003)) to
14 store or transmit classified information.”.

15 (5) APPLICATION.—The amendment made by
16 paragraph (1)(C) shall apply with respect to an indi-
17 vidual who, on or after the date that is 10 years be-
18 fore the date of the enactment of this Act, meets the
19 condition described in paragraph (1)(D) of section
20 3002(c) of the Intelligence Reform and Terrorism
21 Prevention Act of 2004 (50 U.S.C. 3343(c)), as
22 added by such amendment.

23 (b) GROUNDS FOR REVOCATION.—A determination
24 made by the head of a Federal agency that an individual
25 knowingly stored classified information on, or transmitted

1 classified information to or from, an unsecured server (as
2 defined in section 3002(a)(5) of the Intelligence Reform
3 and Terrorism Prevention Act of 2004 (50 U.S.C.
4 3343(a)(5)), as added by subsection (a)) shall be grounds
5 for revoking the security clearance for the individual.

6 **SEC. 3. UNSECURE STORAGE OR TRANSMISSION OF CLASSI-**
7 **FIED INFORMATION.**

8 Section 798 of title 18, United States Code, is
9 amended by adding at the end the following:

10 “(e) Whoever knowingly stores classified information
11 on, or transmits classified information to or from, an un-
12 secured server (as that term is defined in section
13 3002(a)(5) of the Intelligence Reform and Terrorism Pre-
14 vention Act of 2004), or causes the same to be so stored
15 or transmitted, shall be fined under this title, imprisoned
16 not more than 10 years, or both.”.

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