

116TH CONGRESS  
1ST SESSION

# H. R. 2028

To amend the National Security Act of 1947 to prohibit individuals who threaten to destroy the Government from participating in or attending meetings of the National Security Council, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2019

Mr. ESPAILLAT introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Foreign Affairs, Intelligence (Permanent Select), and Oversight and Reform, 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

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## A BILL

To amend the National Security Act of 1947 to prohibit individuals who threaten to destroy the Government from participating in or attending meetings of the National Security Council, 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 “Make Our Government  
5 Safe Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Steve Bannon was appointed to serve as  
4 chief strategist and senior counselor to the President  
5 in January 2017 and was appointed, via executive  
6 order, to the National Security Council on January  
7 28, 2017.

8 (2) Under section 101 of the National Security  
9 Act of 1947 (50 U.S.C. 3021), the National Security  
10 Council is responsible for the integration of domes-  
11 tic, foreign, and military policies relating to the na-  
12 tional security so as to enable the military services  
13 and the other departments and agencies of the Gov-  
14 ernment to cooperate more effectively in matters in-  
15 volving the national security.

16 (3) To participate in highly sensitive meetings  
17 of the National Security Council, it is a prerequisite  
18 to have the highest available security clearances, in-  
19 cluding access to compartmented information.

20 (4) Question 23.9 on United States Government  
21 Standard Form 86, which all applicants seeking a  
22 security clearance must submit, asks: “have you ever  
23 advocated any acts of terrorism or activities de-  
24 signed to overthrow the U.S. Government by force?”

25 (5) Question 29.4 asks: “have you ever been a  
26 member of an organization dedicated to the use of

1 violence or force to overthrow the United States  
2 Government . . .”

3 (6) Question 29.6 asks: “have you ever know-  
4 ingly engaged in activities designed to overthrow the  
5 United States Government by force?”

6 (7) Steve Bannon has made numerous inflam-  
7 matory statements in support of overthrowing the  
8 United States Government.

9 (8) In an interview dated August 22, 2016,  
10 Bannon referred to himself as a “Leninist”, saying  
11 “Lenin . . . wanted to destroy the state, and that’s  
12 my goal too. I want to bring everything crashing  
13 down, and destroy all of today’s establishment”.

14 (9) The Director of the National Background  
15 Investigations Bureau, Charles Phalen, Jr., testified  
16 before the Committee on Oversight and Government  
17 Reform of the House of Representatives on Feb-  
18 ruary 2, 2017, about the process to investigate ap-  
19 plicants for security clearances.

20 (10) In response to questions from Ranking  
21 Member Elijah E. Cummings, Director Phalen  
22 agreed that calling oneself a Leninist would cause  
23 concerns during the background check process for a  
24 security clearance, saying “It would, and the investi-

1 gator should pursue that avenue of discussion with  
 2 the subject as to what that means.”.

3 (11) In response to a specific question about  
 4 someone whose goal was to “destroy the state,” Di-  
 5 rector Phalen responded “That would elicit a very  
 6 strong line of questioning with that individual and  
 7 with others to determine what he means by that so  
 8 that we can give a full picture to the adjudicator.”.

9 (12) When asked what would happen if Bannon  
 10 denied making these statements, Director Phalen re-  
 11 sponded that background check investigators would  
 12 “determine what the truth is”.

13 **SEC. 3. PROHIBITION OF INDIVIDUALS WHO THREATEN TO**  
 14 **DESTROY THE GOVERNMENT FROM PARTICI-**  
 15 **PATING IN OR ATTENDING NATIONAL SECU-**  
 16 **RITY COUNCIL MEETINGS.**

17 (a) PROHIBITION.—Section 101(c) of the National  
 18 Security Act of 1947 (50 U.S.C. 3021(c)) is amended—

19 (1) in paragraph (2), by striking “The Presi-  
 20 dent” and inserting “Except as provided in para-  
 21 graph (3), the President”; and

22 (2) by adding at the end the following new  
 23 paragraph:

24 “(3) INDIVIDUALS WHO THREATEN TO DE-  
 25 STROY THE GOVERNMENT.—Any individual who

1        threatens to destroy the Government, including in  
2        speech, written form, or through action, may not  
3        participate in or attend any meeting of the Council  
4        or any meeting of the Principal’s Committee.”.

5        (b) EFFECTIVE DATE.—Paragraph (3) of subsection  
6        (c) of section 101 of the National Security Act of 1947  
7        (50 U.S.C. 3021) shall take effect on the date that is 30  
8        days after the date of the enactment of this Act.

9        **SEC. 4. SENSE OF CONGRESS REGARDING THE SUSPEN-**  
10        **SION OF SECURITY CLEARANCES FOR FED-**  
11        **ERAL EMPLOYEES WHO THREATEN TO DE-**  
12        **STROY THE STATE.**

13        It is the sense of Congress that the head of a depart-  
14        ment or agency of the Federal Government that issues a  
15        security clearance for an employee, including for an em-  
16        ployee of the Executive Office of the President, should  
17        consider suspending the security clearance of the em-  
18        ployee, if the employee threatens or has threatened to de-  
19        stroy the State or to take hostile actions against the  
20        United States, to ensure such employee does not pose a  
21        threat to the United States.

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