

I look forward to working with the gentleman from Mississippi on this issue as we go forward.

Mr. THOMPSON of Mississippi. I thank the gentleman.

Mr. Speaker, we live at a time when the threats to our Nation are complex. None of us want to see someone exploit their access to DHS networks to carry out cybercrimes or other criminal activity.

Even as DHS works to detect and prevent such threats, it is important that such activities be carried out in a transparent way so as not to compound the chronic morale challenges that exist within the workforce.

Each time DHS considers making an adjustment to its Insider Threat Program, thoughtful consideration must be paid to whether the operational drawbacks and costs of such an adjustment outweigh the benefit of such change.

That said, I commend General Taylor, the Under Secretary for Intelligence and Analysis at DHS, for the attention he has given to the insider threat challenge and look forward to continuing to work with him to bolster security within the Department.

I appreciate the gentleman from New York's cooperation and colloquy. I look forward to the successful passage and approval of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me also at the outset thank the distinguished ranking member for his support and his cooperation as this bill has gone forward. I am sure the two of us will be able to continue to work and cooperate as, again, this will be monitored in the future.

The Department of Homeland Security and all Federal agencies are targeted by adversaries on a daily basis. Some of the most damaging attacks to the U.S. Government have been committed by U.S. citizens who have been granted access to government facilities and electronic networks.

This bill provides the framework for DHS to implement an Insider Threat Program that identifies and disrupts malicious insiders who seek to do the Department and its employees harm. It also seeks to protect the Department's workforce by conducting a transparent process to reinforce cyber hygiene, data security, and awareness of malicious activity through a robust training program.

I want to thank the committee staff, especially John Neal and Tyler Lowe.

I urge my colleagues to vote for H.R. 3361.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee, I rise in support of H.R. 3361, the "Department of Homeland Security Insider Threat and Mitigation Act."

I am in support of this bill because it amends the Homeland Security Act of 2002 to direct the Department of Homeland Security (DHS) to establish an Insider Threat Program, which shall: provide training and education for DHS personnel to identify, prevent, mitigate, and respond to insider threat risks to DHS's critical assets; provide investigative support regarding such threats; and conduct risk mitigation activities for such threats.

The Department of Homeland Security will establish a Steering Committee headed by the Under Secretary for Intelligence and Analysis who will serve as the Chair; and the Chief Security Officer of the office as the Vice Chair of the Committee.

The Under Secretary and the Chief Security Officer, in coordination with the Steering Committee, shall: develop a holistic strategy for DHS-wide efforts to identify, prevent, mitigate, and respond to insider threats to DHS's critical assets; develop a plan to implement the strategy across DHS components and offices; document insider threat policies and controls; conduct a baseline risk assessment of such threats; examine existing programmatic and technology best practices adopted by the federal government, industry, and research institutions; develop a timeline for deploying workplace monitoring technologies, employee awareness campaigns, and education and training programs related to potential insider threats; consult with the Under Secretary for Science and Technology and other stakeholders to ensure that the Insider Threat Program is informed by current information regarding threats, best practices, and available technology; and develop, collect, and report metrics on the effectiveness of DHS's insider threat mitigation efforts.

Threat mitigation is focused on blunting the effectiveness of threats posed by terrorists seeking to carry out attacks in the United States.

This is a core mission of the Department of Homeland Security and this bill will support that mission.

I ask my colleagues to join me in support of this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 3361, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF HOMELAND SECURITY CLEARANCE MANAGEMENT AND ADMINISTRATION ACT

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3505) to amend the Homeland Security Act of 2002 to improve the management and administration of the security clearance processes throughout the Department of Homeland Security, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Homeland Security Clearance Management and Administration Act".

SEC. 2. SECURITY CLEARANCE MANAGEMENT AND ADMINISTRATION.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 is amended—

(1) by inserting before section 701 (6 U.S.C. 341) the following:

"Subtitle A—Headquarters Activities";

and

(2) by adding at the end the following new subtitle:

"Subtitle B—Security Clearances

"SEC. 711. DESIGNATION OF NATIONAL SECURITY SENSITIVE AND PUBLIC TRUST POSITIONS.

"(a) IN GENERAL.—The Secretary shall require the designation of the sensitivity level of national security positions (pursuant to part 1400 of title 5, Code of Federal Regulations, or similar successor regulation) be conducted in a consistent manner with respect to all components and offices of the Department, and consistent with Federal guidelines.

"(b) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall require the utilization of uniform designation tools throughout the Department and provide training to appropriate staff of the Department on such utilization. Such training shall include guidance on factors for determining eligibility for access to classified information and eligibility to hold a national security position.

"SEC. 712. REVIEW OF POSITION DESIGNATIONS.

"(a) IN GENERAL.—Not later than July 6, 2017, and every five years thereafter, the Secretary shall review all sensitivity level designations of national security positions (pursuant to part 1400 of title 5, Code of Federal Regulations, or similar successor regulation) at the Department.

"(b) DETERMINATION.—If during the course of a review required under subsection (a), the Secretary determines that a change in the sensitivity level of a position that affects the need for an individual to obtain access to classified information is warranted, such access shall be administratively adjusted and an appropriate level periodic reinvestigation completed, as necessary.

"(c) CONGRESSIONAL REPORTING.—Upon completion of each review required under subsection (a), the Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the findings of each such review, including the number of positions by classification level and by component and office of the Department in which the Secretary made a determination in accordance with subsection (b) to—

"(1) require access to classified information;

"(2) no longer require access to classified information; or

"(3) otherwise require a different level of access to classified information.

"SEC. 713. AUDITS.

"Beginning not later than 180 days after the date of the enactment of this section, the Inspector General of the Department shall conduct regular audits of compliance of the Department with part 1400 of title 5, Code of Federal Regulations, or similar successor regulation.

"SEC. 714. REPORTING.

"(a) IN GENERAL.—The Secretary shall annually through fiscal year 2021 submit to the

Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the following:

“(1) The number of denials, suspensions, revocations, and appeals of the eligibility for access to classified information of an individual throughout the Department.

“(2) The date and status or disposition of each reported action under paragraph (1).

“(3) The identification of the sponsoring entity, whether by a component, office, or headquarters of the Department, of each action under paragraph (1), and description of the grounds for each such action.

“(4) Demographic data, including data relating to race, sex, national origin, and disability, of each individual for whom eligibility for access to classified information was denied, suspended, revoked, or appealed, and the number of years that each such individual was eligible for access to such information.

“(5) In the case of a suspension in excess of 180 days, an explanation for such duration.

“(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form and be made publicly available, but may include a classified annex for any sensitive or classified information if necessary.

“SEC. 715. UNIFORM ADJUDICATION, SUSPENSION, DENIAL, AND REVOCATION.

“Not later than one year after the date of the enactment of this section, the Secretary, in consultation with the Homeland Security Advisory Committee, shall develop a plan to achieve greater uniformity within the Department with respect to the adjudication of eligibility of an individual for access to classified information that are consistent with the Adjudicative Guidelines for Determining Access to Classified Information published on December 29, 2005, or similar successor regulation. The Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the plan. The plan shall consider the following:

“(1) Mechanisms to foster greater compliance with the uniform Department adjudication, suspension, denial, and revocation standards by the head of each component and office of the Department with the authority to adjudicate access to classified information.

“(2) The establishment of an internal appeals panel responsible for final national security clearance denial and revocation determinations that is comprised of designees who are career, supervisory employees from components and offices of the Department with the authority to adjudicate access to classified information and headquarters, as appropriate.

“SEC. 716. DATA PROTECTION.

“The Secretary shall ensure that all information received for the adjudication of eligibility of an individual for access to classified information that is consistent with the Adjudicative Guidelines for Determining Access to Classified Information published on December 29, 2005, or similar successor regulation, and is protected against misappropriation.

“SEC. 717. REFERENCE.

“Except as otherwise provided, for purposes of this subtitle, any reference to the ‘Department’ includes all components and offices of the Department.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended—

(1) by inserting before the item relating to section 701 the following new item:

“Subtitle A—Headquarters Activities”;

and

(2) by inserting after the item relating to section 707 the following new items:

“Subtitle B—Security Clearances

“Sec. 711. Designation of national security sensitive and public trust positions.

“Sec. 712. Review of position designations.

“Sec. 713. Audits.

“Sec. 714. Reporting.

“Sec. 715. Uniform adjudication, suspension, denial, and revocation.

“Sec. 716. Data protection.

“Sec. 717. Reference.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the legislation.

In 2013, Director of National Intelligence James Clapper called the number of individuals with clearances “too high.” In a memo to government agencies, Director Clapper expressed his concern with the growing number of individuals with access to classified information, particularly TS/SCI clearances.

H.R. 3505 complements the bill the House just passed, H.R. 3361. One important element of any Insider Threat Program is knowing who has access to classified information and who has a need to know specific information.

This bill requires the DHS Secretary to conduct a review of all positions within the Department designated as positions of national security to confirm whether or not those positions continue to require security clearances.

This is an example of good government. The bill directs the Department to conduct an inventory of its positions that require security clearances and assess what positions may be duplicative or are no longer necessary.

As we know, security clearances are costly to investigate, adjudicate, and maintain. This bill will ensure that DHS conducts a thorough screening of its workforce needs and reduces the number of positions, if determined appropriate.

The bill introduced by Ranking Member THOMPSON is an example of the accounting that each Federal department should be conducting today and will lead to a more lean and effective Department of Homeland Security in the future.

I urge support for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3505, the Department of Homeland Security Clearance Management and Administration Act.

Mr. Speaker, I want to start off by thanking the chairman of the Counterterrorism and Intelligence Subcommittee, Mr. KING, as well as Chairman McCaul, for their support of my bill.

I introduced H.R. 3505, the Department of Homeland Security Clearance Management and Administration Act, to make specific reforms in how the Department manages its security clearance process. Specifically, H.R. 3505 addresses how DHS carries out the complex and extensive tasks of identifying positions that warrant security clearances, investigating candidates for clearances, and administering its clearance adjudications, denials, suspensions, revocations, and appeals process.

Since September 11, there has been a massive proliferation of original and derivative classified materials across the Federal Government. Along with the enormous growth of classified material holdings has come a sizeable growth in the number of Federal positions requiring security clearances.

H.R. 3505 reflects recent regulations issued by the Office of Personnel Management and the Office of the Director of National Intelligence to help ensure that Federal agencies make correct designations for national security positions and, in turn, avoid the costly exercise of recruiting, investigating, and hiring an individual at a clearance level and salary well above what is necessary.

H.R. 3505 seeks to put DHS on a path of right-sizing the position designations for its workforce. Specifically, my bill directs the Secretary of the Department of Homeland Security to ensure that the sensitivity levels of national security positions are designated appropriately across the Department and its components.

It also requires the Department's Chief Security Officer to audit national security positions periodically to ensure that such security designations are still appropriate.

Additionally, the bill requires the Department to develop a plan to ensure that adjudications of eligibility for a security clearance are done accurately across the Department.

Lastly, in response to the growing security threat from data breaches, this act also provides safeguards for the protection of the applicant's personal information.

Mr. Speaker, as I mentioned, my bill seeks to take targeted steps at improving critical aspects of how the Department of Homeland Security administers its security clearance program.

If enacted, H.R. 3505 would make DHS a leader among Federal agencies

with respect to security clearance and position designation practices. I ask for my colleagues' support.

I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I once again urge my colleagues to support H.R. 3505.

I commend the ranking member, the gentleman from Mississippi, for authoring this legislation. I am proud to support it. It is a commonsense, good-government bill that will reduce waste and improve security.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee, and Ranking Member of the Subcommittee on Border and Maritime Security, I rise in strong support of H.R. 3505 the "Fusion Center Enhancement Act," which would guarantee improvement of security for the Department of Homeland Security.

This bill requires the Homeland Security Department to provide training to appropriate staff of the Department to determine eligibility for access to classified information.

At least 88 DHS workers have been on administrative leave pending resolution of claims against them, according to the office of Senator CHARLES GRASSLEY (R-Iowa).

Four workers had been on leave for three years or more with another 17 on leave for two years or more. The 88 were placed on leave for a variety of reasons.

Amongst those reasons it was noted that 13 were placed on leave due to security clearance issues.

Earlier this year officials said that a database holding sensitive security clearance information on millions of prior, current, as well as potential federal employees and contractors was compromised, via a Chinese Breach.

That database was also breached last year by the Chinese in a separate incident.

The bill will ensure that:

1. The Secretary will review all sensitivity level designations of national security positions;

2. Access shall be administratively adjusted and an appropriate level periodic reinvestigation completed, as necessary; and

3. The Inspector General of the Department shall conduct regular audits.

With cyber security threats on the rise across the world, and our continued dependence on technology we must be ever vigilant of the threats that we face.

It is for these reasons, as well as the previously mentioned cases of threats to DHS security clearance, that I seek the support of my colleagues today to support H.R. 3505.

I am confident that my colleagues will heed my advice and realize the need for the enactment of H.R. 3505.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 3505.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FUSION CENTER ENHANCEMENT ACT OF 2015

Mr. BARLETTA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3598) to amend the Homeland Security Act of 2002 to enhance the partnership between the Department of Homeland Security and the National Network of Fusion Centers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fusion Center Enhancement Act of 2015".

SEC. 2. DEPARTMENT OF HOMELAND SECURITY FUSION CENTER PARTNERSHIP INITIATIVE.

(a) IN GENERAL.—Section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h) is amended—

(1) by amending the section heading to read as follows:

"SEC. 210A. DEPARTMENT OF HOMELAND SECURITY FUSION CENTER PARTNERSHIP INITIATIVE.;"

(2) in subsection (a), by adding at the end the following new sentence: "Beginning on the date of the enactment of the Fusion Center Enhancement Act of 2015, such Initiative shall be known as the 'Department of Homeland Security Fusion Center Partnership Initiative'.;"

(3) by amending subsection (b) to read as follows:

"(b) INTERAGENCY SUPPORT AND COORDINATION.—Through the Department of Homeland Security Fusion Center Partnership Initiative, in coordination with principal officials of fusion centers in the National Network of Fusion Centers and the officers designated as the Homeland Security Advisors of the States, the Secretary shall—

"(1) coordinate with the heads of other Federal departments and agencies to provide operational and intelligence advice and assistance to the National Network of Fusion Centers;

"(2) support the integration of fusion centers into the information sharing environment;

"(3) support the maturation and sustenance of the National Network of Fusion Centers;

"(4) reduce inefficiencies and maximize the effectiveness of Federal resource support to the National Network of Fusion Centers;

"(5) provide analytic and reporting advice and assistance to the National Network of Fusion Centers;

"(6) review information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that is gathered by the National Network of Fusion Centers and incorporate such information, as appropriate, into the Department's own such information;

"(7) provide for the effective dissemination of information within the scope of the information sharing environment to the National Network of Fusion Centers;

"(8) facilitate close communication and coordination between the National Network of Fusion Centers and the Department and other Federal departments and agencies;

"(9) provide the National Network of Fusion Centers with expertise on Department resources and operations;

"(10) coordinate the provision of training and technical assistance to the National Net-

work of Fusion Centers and encourage such fusion centers to participate in terrorism threat-related exercises conducted by the Department;

"(11) ensure, to the greatest extent practicable, that support for the National Network of Fusion Centers is included as a national priority in applicable homeland security grant guidance;

"(12) ensure that each fusion center in the National Network of Fusion Centers has a privacy policy approved by the Chief Privacy Officer of the Department and a civil rights and civil liberties policy approved by the Officer for Civil Rights and Civil Liberties of the Department;

"(13) coordinate the nationwide suspicious activity report initiative to ensure information gathered by the National Network of Fusion Centers is incorporated as appropriate;

"(14) lead Department efforts to ensure fusion centers in the National Network of Fusion Centers are the primary focal points for the sharing of homeland security information, terrorism information, and weapons of mass destruction information with State and local entities to the greatest extent practicable;

"(15) develop and disseminate best practices on the appropriate levels for staffing at fusion centers in the National Network of Fusion Centers of qualified representatives from State, local, tribal, and territorial law enforcement, fire, emergency medical, and emergency management services, and public health disciplines, as well as the private sector; and

"(16) carry out such other duties as the Secretary determines appropriate.;"

(4) in subsection (c)—

(A) by striking so much as precedes paragraph (3)(B) and inserting the following:

"(c) RESOURCE ALLOCATION.—

"(1) INFORMATION SHARING AND PERSONNEL ASSIGNMENT.—

"(A) INFORMATION SHARING.—The Under Secretary for Intelligence and Analysis shall ensure that, as appropriate—

"(i) fusion centers in the National Network of Fusion Centers have access to homeland security information sharing systems; and

"(ii) Department personnel are deployed to support fusion centers in the National Network of Fusion Centers in a manner consistent with the Department's mission and existing statutory limits.

"(B) PERSONNEL ASSIGNMENT.—Department personnel referred to in subparagraph (A)(ii) may include the following:

"(i) Intelligence officers.

"(ii) Intelligence analysts.

"(iii) Other liaisons from components and offices of the Department, as appropriate.

"(C) MEMORANDA OF UNDERSTANDING.—The Under Secretary for Intelligence and Analysis shall negotiate memoranda of understanding between the Department and a State or local government, in coordination with the appropriate representatives from fusion centers in the National Network of Fusion Centers, regarding the exchange of information between the Department and such fusion centers. Such memoranda shall include the following:

"(i) The categories of information to be provided by each entity to the other entity that are parties to any such memoranda.

"(ii) The contemplated uses of the exchanged information that is the subject of any such memoranda.

"(iii) The procedures for developing joint products.

"(iv) The information sharing dispute resolution processes.

"(v) Any protections necessary to ensure the exchange of information accords with applicable law and policies.