

117TH CONGRESS
2D SESSION

H. R. 9425

To amend the Intelligence Reform and Terrorism Prevention Act of 2004 to require congressional notification if relatives or financial associates of the President are granted security clearances contrary to the advice or recommendation of a background investigation or determination of an adjudicating agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2022

Mr. ESPAILLAT (for himself, Ms. CLARKE of New York, and Mr. CARSON) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To amend the Intelligence Reform and Terrorism Prevention Act of 2004 to require congressional notification if relatives or financial associates of the President are granted security clearances contrary to the advice or recommendation of a background investigation or determination of an adjudicating agency, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Responsibility and In-
3 tegrity in Security Clearance Act” or the “RISC Act”.

4 **SEC. 2. NOTIFICATION TO CONGRESS FOR CERTAIN SECU-**
5 **RITY CLEARANCE DETERMINATIONS FOR**
6 **RELATIVES OR FINANCIAL ASSOCIATES OF**
7 **THE PRESIDENT.**

8 (a) IN GENERAL.—Section 3001 of the Intelligence
9 Reform and Terrorism Prevention Act of 2004 (50 U.S.C.
10 3341) is amended by adding at the end the following:

11 “(k) RELATIVES AND FINANCIAL ASSOCIATES OF
12 THE PRESIDENT.—

13 “(1) IN GENERAL.—The Chief of Staff of the
14 White House shall notify (in writing) the Members
15 of Congress specified in section 503(c)(2) of the Na-
16 tional Security Act of 1947 if the President or any
17 other individual grants a security clearance or access
18 determination with respect to a covered individual
19 contrary to—

20 “(A) the recommendations of the Federal
21 Bureau of Investigation with respect to any
22 background investigation for a covered indi-
23 vidual who is an employee of the White House
24 or the Executive Office of the President; or

25 “(B) the determination of any agency.

1 “(2) DEADLINE.—The notification under para-
2 graph (1) shall occur not later than 5 days after the
3 President or other such individual makes the con-
4 trary determination.

5 “(3) DEFINITION OF COVERED INDIVIDUAL.—
6 In this subsection, the term ‘covered individual’
7 means—

8 “(A) any relative (as that term is defined
9 in section 3110(a)(3) of title 5, United States
10 Code) of the President; and

11 “(B) any individual who has entered into a
12 contract, or is currently in contract negotiations
13 with, the President or an entity in which the
14 President has a financial interest.”.

15 (b) APPLICATION.—

16 (1) IN GENERAL.—The amendment made by
17 subsection (a) shall apply to any contrary determina-
18 tion described in paragraph (1) of subsection (k) of
19 section 3001 of the Intelligence Reform and Ter-
20 rorism Prevention Act of 2004 (50 U.S.C. 3341), as
21 added by subsection (a), made before, on, or after
22 the date of enactment of this Act.

23 (2) RETROACTIVE DETERMINATION.—With re-
24 spect to any contrary determination under such
25 paragraph (1) made before the date of enactment of

1 this Act, the notification required under such para-
2 graph shall be made not later than 5 days after the
3 date of enactment of this Act.

4 (3) READJUDICATION.—

5 (A) IN GENERAL.—The security clearance
6 or access determination of any covered indi-
7 vidual (as that term is defined in subsection (k)
8 of the Intelligence Reform and Terrorism Pre-
9 vention Act of 2004 (50 U.S.C. 3341), as added
10 by subsection (a)) subject to notification under
11 paragraph (2) shall be revoked.

12 (B) READJUDICATION.—A subsequent
13 background investigation and agency adjudica-
14 tion is required before a security clearance or
15 access determination may be granted to such
16 covered individual.

○