

114TH CONGRESS
2D SESSION

S. 3135

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 SENATE OF THE UNITED STATES

JULY 6, 2016

Mr. GARDNER (for himself, Mr. CORNYN, Mrs. CAPITO, Mr. SCOTT, Mr. RISCH, Mr. ROBERTS, Mr. HELLER, Ms. AYOTTE, Mr. BARRASSO, Mr. PERDUE, and Mr. ISAKSON) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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”.

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

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

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

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

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

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

22 (5) In similar circumstances, other individuals
23 who engaged in this kind of activity would often face
24 adverse consequences, including security or adminis-
25 trative sanctions.

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

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

6 (1) Secretary Clinton should—

7 (A) have any security clearance that she
8 holds revoked; and

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

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

16 **SEC. 3. SECURITY CLEARANCES WITH RESPECT TO INDI-**
17 **VIDUALS WHO HAVE MISHANDLED CLASSI-**
18 **FIED INFORMATION.**

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

23 (b) REVOCATION OF CLEARANCES.—The security
24 clearance of any officer or employee of the Federal Gov-

1 ernment who has exercised extreme carelessness in the
2 handling of classified information shall be revoked.

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

4 Section 793(f) of title 18, United States Code, is
5 amended—

6 (1) by inserting “(1)” after “(f)”;

7 (2) by striking “(1) through” and inserting
8 “(A) through”;

9 (3) by striking “(2) having” and inserting “(B)
10 having”; and

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

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

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