

Rep. Stephanie Murphy (FL-7)

Security Clearance Improvement Act of 2021 (SCIA)

- The purpose of this bill is to require applicants seeking to obtain—or maintain—a federal security clearance to disclose during their background investigation if they (1) participated in the January 6, 2021 violent assault on the U.S. Capitol or a similar “Stop the Steal” event, or (2) have ever been a member of, associated with, or knowingly engaged in activities conducted by an organization or movement that spreads conspiracy theories and false information about the U.S. government—like QAnon, a group that has been tied to the Capitol attack.
- This information will better enable government adjudicators to make the appropriate discretionary decision regarding the applicant’s suitability to hold a [national security position](#) and to access classified information.
- Before individuals can obtain a security clearance to work for or with the federal government in a national security position, they are subject to a rigorous background investigation. This typically involves completing the Standard Form 86 (SF-86) [questionnaire](#) and undergoing an interview process.
- The objective of the background investigation—or periodic re-investigation, in the case of an individual who already holds a security clearance—is to examine the individual’s “behavior, activities, and associations” to determine whether the individual is “reliable, trustworthy, of good conduct and character, and loyal to the U.S.”
- Pursuant to [Executive Order 12968](#) (August 2, 1995), “access to classified information shall be granted only to employees . . . for whom an appropriate investigation has been completed and whose personal and professional history affirmatively indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment.”
- The 130-page SF-86 covers many topics, including an applicant’s work history, foreign activities, mental health, and police record. Section 29 of the questionnaire asks applicants about their “Association Record.” Specifically, applicants are asked whether they have ever been a member of an organization dedicated to terrorism; an organization dedicated to the use of violence or force to overthrow the U.S. government; or an organization that advocates the use of force or violence to discourage others from exercising their rights under the U.S. Constitution.
- Given the narrow scope of Section 29, an applicant could presumably answer these questions in the negative without ever revealing their membership in, or affiliation with, QAnon or a similar organization. To close this gap, the bill would direct the U.S. Office of Personnel Management (OPM) to add another question to Section 29 that asks applicants whether they have ever been a member of, associated with, or knowingly engaged in activities conducted by an organization or movement that spreads conspiracy theories and false information about the U.S. government.

- Applicants would be required to provide the name and address of the organization, any positions held in the organization, a description of the nature of and reasons for their involvement with the organization, the dates of their involvement with the organization, and any contributions made to the organization.
- In addition, the bill would require applicants to be asked during the security clearance process—whether as part of the SF-86 questionnaire, the interview portion, or both—whether they participated in the January 6, 2021 assault on the U.S. Capitol, or a similar “Stop the Steal” event, and the precise role they played in that event. Even if it does not constitute a criminal offense, attendance at an event designed to overturn the results of a presidential election and prevent the peaceful transfer of power raises serious questions about an applicant’s suitability for a security clearance.
- With this information, government adjudicators will be in a better position to determine whether the applicant is “reliable, trustworthy, of good conduct and character, and loyal to the U.S.” and thus deserving of a security clearance.