

## S 838

A bill to protect integrity, fairness, and objectivity in decisions regarding access to classified information, and for other purposes.

**Congress:** 116 (2019–2021, Ended)

**Chamber:** Senate

**Policy Area:** Armed Forces and National Security

**Introduced:** Mar 14, 2019

**Current Status:** Read twice and referred to the Select Committee on Intelligence.

**Latest Action:** Read twice and referred to the Select Committee on Intelligence. (Mar 14, 2019)

**Official Text:** <https://www.congress.gov/bill/116th-congress/senate-bill/838>

### Sponsor

**Name:** Sen. Warner, Mark R. [D-VA]

**Party:** Democratic • **State:** VA • **Chamber:** Senate

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Collins, Susan M. [R-ME]	R · ME		Mar 14, 2019

### Committee Activity

Committee	Chamber	Activity	Date
Intelligence (Select) Committee	Senate	Referred To	Mar 14, 2019

### Subjects & Policy Tags

#### Policy Area:

Armed Forces and National Security

### Related Bills

Bill	Relationship	Last Action
116 S 3905	Related bill	Jun 17, 2020: By Senator Rubio from Select Committee on Intelligence filed written report. Report No. 116-233. Minority views filed.
116 S 1589	Related bill	Jun 11, 2019: By Senator Burr from Select Committee on Intelligence filed written report. Report No. 116-47. Additional views filed.

This bill directs each executive agency to establish an appeals process for persons whose eligibility for access to classified information has been denied or revoked.

Each agency shall establish an independent panel to hear such appeals, and the Office of the Director of National Intelligence (ODNI) shall establish a panel to review agency appeal decisions.

To a person whose access to classified information has been denied or revoked, the relevant agency shall provide a written explanation of the basis of the decision. The agency shall provide such a person a copy of the documents that formed the basis of the decision upon request.

The bill establishes various requirements for agency appeals, including (1) an opportunity for the person to be represented by counsel at the person's own expense; (2) the ability to review classified information that is essential to the case; and (3) the opportunity to provide evidence, including calling and cross-examining witnesses.

The agency panel may take various corrective actions, including compensation for lost wages or benefits due to an improper denial or revocation of access to classified information. The review panel shall explain its decisions in writing, and the decision shall be publicly available.

Such agency appeal decisions may be appealed to the review panel established by the ODNI, which may vacate and remand incorrect decisions back to the agency panel. The Director of National Intelligence may overturn an ODNI panel decision. Decisions by the director or by the ODNI panel shall be explained in writing and be publicly available.

## **Actions Timeline**

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- **Mar 14, 2019:** Introduced in Senate
- **Mar 14, 2019:** Read twice and referred to the Select Committee on Intelligence.