

in the most recent Future Year Intelligence Plan and Long-term Budget Projection submitted under this section for an element of the intelligence community.

(3) The Director of National Intelligence shall update the report whenever an independent cost estimate must be updated pursuant to section 3097(a)(4) of this title.

(4) The Director of National Intelligence shall submit each report required by this subsection at the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31.

(e) Definitions

In this section:

(1) Budget year

The term “budget year” means the next fiscal year for which the President is required to submit to Congress a budget pursuant to section 1105 of title 31.

(2) Independent cost estimate; major system

The terms “independent cost estimate” and “major system” have the meaning given those terms in section 3097(e) of this title.

(July 26, 1947, ch. 343, title V, §506G, as added Pub. L. 111-259, title III, §325(a), Oct. 7, 2010, 124 Stat. 2681; amended Pub. L. 117-263, div. F, title LXVIII, §6824(a)(5), Dec. 23, 2022, 136 Stat. 3615.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 415a-9 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Subsec. (c). Pub. L. 117-263 substituted “pursuant to section” for “pursuant section”.

Statutory Notes and Related Subsidiaries

APPLICABILITY DATE

Pub. L. 111-259, title III, §325(b), Oct. 7, 2010, 124 Stat. 2683, provided that: “The first Future Year Intelligence Plan and Long-term Budget Projection required to be submitted under subsection (a) and (b) of section 506G of the National Security Act of 1947 [50 U.S.C. 3103(a), (b)], as added by subsection (a), shall be submitted to the congressional intelligence committees at the time that the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.”

[For definition of “congressional intelligence committees” as used in section 325(b) of Pub. L. 111-259, set out above, see section 2 of Pub. L. 111-259, set out as a note under section 3003 of this title.]

FUTURE-YEARS INTELLIGENCE PROGRAM

Pub. L. 115-245, div. A, title VIII, §8089, Sept. 28, 2018, 132 Stat. 3021, provided that: “The Director of National Intelligence shall submit to Congress each year, at or about the time that the President’s budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.”

Similar provisions were contained in the following appropriation acts:

Pub. L. 115-141, div. C, title VIII, §8090, Mar. 23, 2018, 132 Stat. 484.

Pub. L. 115-31, div. C, title VIII, §8091, May 5, 2017, 131 Stat. 268.

Pub. L. 114-113, div. C, title VIII, §8091, Dec. 18, 2015, 129 Stat. 2373.

Pub. L. 113-235, div. C, title VIII, §8095, Dec. 16, 2014, 128 Stat. 2276.

Pub. L. 113-76, div. C, title VIII, §8090, Jan. 17, 2014, 128 Stat. 126.

Pub. L. 113-6, div. C, title VIII, §8091, Mar. 26, 2013, 127 Stat. 318.

Pub. L. 112-74, div. A, title VIII, §8094, Dec. 23, 2011, 125 Stat. 828.

Pub. L. 112-10, div. A, title VIII, §8094, Apr. 15, 2011, 125 Stat. 77.

Pub. L. 111-118, div. A, title VIII, §8104, Dec. 19, 2009, 123 Stat. 3451, repealed by Pub. L. 111-259, title III, §325(c)(2), Oct. 7, 2010, 124 Stat. 2683.

Pub. L. 110-329, div. C, title VIII, §8112, Sept. 30, 2008, 122 Stat. 3645.

§ 3104. Reports on security clearances

(a) Report on security clearance determinations

(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

(A) the number of employees of the United States Government who—

(i) held a security clearance at such level as of October 1 of the preceding year; and

(ii) were approved for a security clearance at such level during the preceding fiscal year; and

(B) the number of contractors to the United States Government who—

(i) held a security clearance at such level as of October 1 of the preceding year; and

(ii) were approved for a security clearance at such level during the preceding fiscal year.

(2) For purposes of paragraph (1), the President may consider—

(A) security clearances at the level of confidential and secret as one security clearance level; and

(B) security clearances at the level of top secret or higher as one security clearance level.

(b) Intelligence community reports

(1)(A) Not later than March 1 of each year, the Director of National Intelligence shall submit a report to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives regarding the security clearances processed by each element of the intelligence community during the preceding fiscal year.

(B) The Director shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives such portions of the report submitted under subparagraph (A) as the Director determines address elements of the intelligence community that are within the Department of Defense.

(C) Each report submitted under this paragraph shall separately identify security clear-

ances processed for Federal employees and contractor employees sponsored by each such element.

(2) Each report submitted under paragraph (1)(A) shall include, for each element of the intelligence community for the fiscal year covered by the report, the following:

(A) The total number of initial security clearance background investigations sponsored for new applicants.

(B) The total number of security clearance periodic reinvestigations sponsored for existing employees.

(C) The total number of initial security clearance background investigations for new applicants that were adjudicated with notice of a determination provided to the prospective applicant, including—

(i) the total number of such adjudications that were adjudicated favorably and granted access to classified information; and

(ii) the total number of such adjudications that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

(D) The total number of security clearance periodic background investigations that were adjudicated with notice of a determination provided to the existing employee, including—

(i) the total number of such adjudications that were adjudicated favorably; and

(ii) the total number of such adjudications that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

(E) The total number of pending security clearance background investigations, including initial applicant investigations and periodic reinvestigations, that were not adjudicated as of the last day of such year and that remained pending, categorized as follows:

(i) For 180 days or shorter.

(ii) For longer than 180 days, but shorter than 12 months.

(iii) For 12 months or longer, but shorter than 18 months.

(iv) For 18 months or longer, but shorter than 24 months.

(v) For 24 months or longer.

(F) For any security clearance determinations completed or pending during the year preceding the year for which the report is submitted that have taken longer than 12 months to complete—

(i) an explanation of the causes for the delays incurred during the period covered by the report; and

(ii) the number of such delays involving a polygraph requirement.

(G) The percentage of security clearance investigations, including initial and periodic reinvestigations, that resulted in a denial or revocation of a security clearance.

(H) The percentage of security clearance investigations that resulted in incomplete information.

(I) The percentage of security clearance investigations that did not result in enough information to make a decision on potentially adverse information.

(3) The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.

(c) Form

The reports required under subsections (a)(1) and (b) shall be submitted in unclassified form, but may include a classified annex.

(July 26, 1947, ch. 343, title V, §506H, as added Pub. L. 111-259, title III, §367(a)(1)(A), Oct. 7, 2010, 124 Stat. 2703; amended Pub. L. 114-113, div. M, title VII, §701(a), Dec. 18, 2015, 129 Stat. 2929; Pub. L. 116-92, div. E, title LXVI, §6609(b), Dec. 20, 2019, 133 Stat. 2217.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 415a-10 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2019—Subsec. (a)(1)(C). Pub. L. 116-92, §6609(b)(1), struck out subpar. (C) which related to security clearance investigations and determinations for each element of the intelligence community.

Subsec. (b). Pub. L. 116-92, §6609(b)(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 116-92, §6609(b)(2), (4), redesignated subsec. (b) as (c) and substituted “subsections (a)(1) and (b)” for “subsection (a)(1)”.

2015—Subsec. (a). Pub. L. 114-113, §701(a)(1), (2), redesignated subsec. (b) as (a) and struck out former subsec. (a) which related to quadrennial audit of position requirements.

Subsecs. (b), (c). Pub. L. 114-113, §701(a)(2), (3), redesignated subsec. (c) as (b) and substituted “The reports required under subsection (a)(1)” for “The results required under subsection (a)(2) and the reports required under subsection (b)(1)”. Former subsec. (b) redesignated (a).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

INITIAL AUDIT

Pub. L. 111-259, title III, §367(a)(1)(B), Oct. 7, 2010, 124 Stat. 2704, provided that: “The first audit required to be conducted under section 506H(a)(1) of the National Security Act of 1947 [50 U.S.C. 3104(a)(1)], as added by subparagraph (A) of this paragraph, shall be completed not later than February 1, 2011.”

§3105. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba

(a) In general

The Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to recidivism of detainees currently or formerly held at the Naval Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.