

(b) Policy, strategy, and implementation

Not later than 180 days after December 20, 2019, the Security Executive Agent shall, in coordination with the members of the Council, establish the following:

(1) A policy and implementation plan for the issuance of interim security clearances.

(2) A policy and implementation plan to ensure contractors are treated consistently in the security clearance process across agencies and departments of the United States as compared to employees of such agencies and departments. Such policy shall address—

(A) prioritization of processing security clearances based on the mission the contractors will be performing;

(B) standardization in the forms that agencies issue to initiate the process for a security clearance;

(C) digitization of background investigation-related forms;

(D) use of the polygraph;

(E) the application of the adjudicative guidelines under Security Executive Agent Directive 4 (known as the “National Security Adjudicative Guidelines”);

(F) reciprocal recognition of clearances across agencies and departments of the United States, regardless of status of periodic reinvestigation;

(G) tracking of clearance files as individuals move from employment with an agency or department of the United States to employment in the private sector;

(H) collection of timelines for movement of contractors across agencies and departments;

(I) reporting on security incidents and job performance, consistent with section 552a of title 5 (commonly known as the “Privacy Act of 1974”), that may affect the ability to hold a security clearance;

(J) any recommended changes to the Federal Acquisition Regulations (FAR) necessary to ensure that information affecting contractor clearances or suitability is appropriately and expeditiously shared between and among agencies and contractors; and

(K) portability of contractor security clearances between or among contracts at the same agency and between or among contracts at different agencies that require the same level of clearance.

(3) A strategy and implementation plan that—

(A) provides for periodic reinvestigations as part of a security clearance determination only on an as-needed, risk-based basis;

(B) includes actions to assess the extent to which automated records checks and other continuous vetting methods may be used to expedite or focus reinvestigations; and

(C) provides an exception to the requirement under subparagraph (A) for certain populations if the Security Executive Agent—

(i) determines such populations require reinvestigations at regular intervals; and

(ii) provides written justification to the appropriate congressional committees for any such determination.

(4) A policy and implementation plan for agencies and departments of the United States, as a part of the security clearance process, to accept automated records checks generated pursuant to a security clearance applicant’s employment with a prior employer.

(5) A policy for the use of certain background information on individuals collected by the private sector for background investigation purposes.

(6) Uniform standards for agency continuous vetting programs to ensure quality and reciprocity in accepting enrollment in a continuous vetting program as a substitute for a periodic investigation for continued access to classified information.

(Pub. L. 116–92, div. E, title LXVI, § 6603, Dec. 20, 2019, 133 Stat. 2211.)

Statutory Notes and Related Subsidiaries**IMPROVING VISIBILITY INTO THE SECURITY CLEARANCE PROCESS**

Pub. L. 116–92, div. E, title LIV, § 5401, Dec. 20, 2019, 133 Stat. 2142, provided that:

“(a) DEFINITION OF SECURITY EXECUTIVE AGENT.—In this section, the term ‘Security Executive Agent’ means the officer serving as the Security Executive Agent pursuant to section 803 of the National Security Act of 1947 [50 U.S.C. 3162a], as added by section 6605.

“(b) POLICY REQUIRED.—Not later than 90 days after the date of the enactment of this Act [Dec. 20, 2019], the Security Executive Agent shall issue a policy that requires the head of each Federal agency to create, not later than December 31, 2023, an electronic portal that can be used by human resources personnel and applicants for security clearances to view information about the status of an application for a security clearance and the average time required for each phase of the security clearance process.”

DEFINITIONS

For definitions of “Security Executive Agent”, “Council”, “appropriate congressional committees”, “appropriate industry partners”, “Suitability and Credentialing Executive Agent”, “continuous vetting”, and “reciprocity”, referred to in text, see section 3352 of this title.

§ 3352c. Goals for promptness of determinations regarding security clearances**(a) In general**

The Council shall reform the security clearance process with the objective that, by December 31, 2021, 90 percent of all determinations, other than determinations regarding populations identified under section 3352b(b)(3)(C) of this title, regarding—

(1) security clearances—

(A) at the secret level are issued in 30 days or fewer; and

(B) at the top secret level are issued in 90 days or fewer; and

(2) reciprocity of security clearances at the same level are recognized in 2 weeks or fewer.

(b) Certain reinvestigations

The Council shall reform the security clearance process with the goal that by December 31, 2021, reinvestigation on a set periodicity is not required for more than 10 percent of the population that holds a security clearance.

(c) Equivalent metrics**(1) In general**

If the Council develops a set of performance metrics that it certifies to the appropriate congressional committees should achieve substantially equivalent outcomes as those outlined in subsections (a) and (b), the Council may use those metrics for purposes of compliance within this provision.

(2) Notice

If the Council uses the authority provided by paragraph (1) to use metrics as described in such paragraph, the Council shall, not later than 30 days after communicating such metrics to departments and agencies, notify the appropriate congressional committees that it is using such authority.

(d) Plan

Not later than 180 days after December 20, 2019, the Council shall submit to the appropriate congressional committees and make available to appropriate industry partners a plan to carry out this section. Such plan shall include recommended interim milestones for the goals set forth in subsections (a) and (b) for 2019, 2020, and 2021.

(Pub. L. 116–92, div. E, title LXVI, § 6604, Dec. 20, 2019, 133 Stat. 2213; Pub. L. 117–263, div. F, title LXVIII, § 6824(b)(3), Dec. 23, 2022, 136 Stat. 3615.)

Editorial Notes

AMENDMENTS

2022—Subsecs. (c)(1), (d). Pub. L. 117–263 substituted “subsections (a) and (b)” for “subsections (b) and (c)”.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “Council”, “reciprocity”, “appropriate congressional committees”, and “appropriate industry partners”, referred to in text, see section 3352 of this title.

§ 3352d. Reports on reciprocity for security clearances inside of departments and agencies**(a) Reports to Security Executive Agent**

The head of each Federal department or agency shall submit an annual report to the Security Executive Agent that, with respect to the period covered by the report—

(1) identifies the number of individuals whose security clearances took more than 2 weeks for reciprocity recognition after such individuals move to another part of such department or agency; and

(2) breaks out the information described in paragraph (1) by type of clearance and the reasons for any delays.

(b) Annual report

Not less frequently than once each year, the Security Executive Agent shall submit to the appropriate congressional committees and make available to industry partners a report that summarizes the information received pursuant to subsection (b) during the period covered by such report.

(Pub. L. 116–92, div. E, title LXVI, § 6608, Dec. 20, 2019, 133 Stat. 2216.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “Security Executive Agent”, “reciprocity”, and “appropriate congressional committees”, referred to in text, see section 3352 of this title.

§ 3352e. Periodic report on positions in the intelligence community that can be conducted without access to classified information, networks, or facilities

Not later than 180 days after December 20, 2019, and biennially thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a report that reviews the intelligence community for which positions can be conducted without access to classified information, networks, or facilities, or may only require a security clearance at the secret level. Such report shall take into account the potential effect of maintaining continuity of operations during a covered national emergency (as defined by section 3316b of this title) and the assessed needs of the intelligence community to maintain such continuity of operations.

(Pub. L. 116–92, div. E, title LXVI, § 6610, Dec. 20, 2019, 133 Stat. 2218; Pub. L. 117–103, div. X, title VIII, § 801, Mar. 15, 2022, 136 Stat. 1011.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–103 substituted “December 20, 2019, and biennially thereafter,” for “December 20, 2019, and not less frequently than once every 5 years thereafter,” and inserted at end “Such report shall take into account the potential effect of maintaining continuity of operations during a covered national emergency (as defined by section 3316b of this title) and the assessed needs of the intelligence community to maintain such continuity of operations.”

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “congressional intelligence committees” and “intelligence community” as used in this section, see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.

§ 3352f. Information-sharing program for positions of trust and security clearances**(a) Program required****(1) In general**

Not later than 90 days after December 20, 2019, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall establish and implement a program to share between and among agencies of the Federal Government and industry partners of the Federal Government relevant background information regarding individuals applying for and currently occupying national security positions and positions of trust, in order to ensure the Federal Government maintains a trusted workforce.

(2) Designation

The program established under paragraph (1) shall be known as the “Trusted Information Provider Program” (in this section referred to as the “Program”).