

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.)

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 (b) and (c),<sup>1</sup> 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 (b) and (c)<sup>1</sup> for 2019, 2020, and 2021.

(Pub. L. 116-92, div. E, title LXVI, § 6604, Dec. 20, 2019, 133 Stat. 2213.)

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.)

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 not less frequently than once every 5

<sup>1</sup> So in original. Probably should be “subsections (a) and (b)”.