

(60 Fed. Reg. 40245; relating to access to classified information) [50 U.S.C. 3161 note], or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with[in] industry) [50 U.S.C. 3161 note], or any successor thereto, that meet the requirements of paragraph (7) of section 3001(b) of such Act [50 U.S.C. 3341(b)(7)], as added by this section.”

#### REQUIRED ELEMENTS OF POLICIES AND PROCEDURES

Pub. L. 113–126, title VI, §602(a)(2), July 7, 2014, 128 Stat. 1416, provided that: “The policies and procedures for appeal developed under paragraph (7) of section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 [50 U.S.C. 3341(b)(7)], as added by subsection (a), shall provide for the Inspector General of the Intelligence Community, or the inspector general of the employing agency, to conduct fact-finding and report to the agency head or the designee of the agency head within 180 days unless the employee and the agency agree to an extension or the investigating inspector general determines in writing that a greater period of time is required. To the fullest extent possible, such fact-finding shall include an opportunity for the employee to present relevant evidence such as witness testimony.”

#### EXISTING RIGHTS PRESERVED

Pub. L. 113–126, title VI, §602(d), July 7, 2014, 128 Stat. 1419, provided that: “Nothing in this section [amending this section and enacting provisions set out as notes under this section] or the amendments made by this section shall be construed to preempt, preclude, or otherwise prevent an individual from exercising rights, remedies, or avenues of redress currently provided under any other law, regulation, or rule.”

#### STRATEGY FOR SECURITY CLEARANCE RECIPROCITY

Pub. L. 112–277, title III, §306, Jan. 14, 2013, 126 Stat. 2472, provided that:

“(a) **STRATEGY.**—The President shall develop a strategy and a schedule for carrying out the requirements of section 3001(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(d)) [now 50 U.S.C. 3341(d)]. Such strategy and schedule shall include—

“(1) a process for accomplishing the reciprocity required under such section for a security clearance issued by a department or agency of the Federal Government, including reciprocity for security clearances that are issued to both persons who are and who are not employees of the Federal Government; and

“(2) a description of the specific circumstances under which a department or agency of the Federal Government may not recognize a security clearance issued by another department or agency of the Federal Government.

“(b) **CONGRESSIONAL NOTIFICATION.**—Not later than 180 days after the date of the enactment of this Act [Jan. 14, 2013], the President shall inform Congress of the strategy and schedule developed under subsection (a).”

### § 3342. Security clearances for transition team members

#### (1) Definition

In this section, the term “eligible candidate” has the meaning given such term by section 3(h)(4) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).

#### (2) In general

Each eligible candidate for President may submit, before the date of the general election, requests for security clearances for prospective transition team members who will have a need for access to classified information to carry out

their responsibilities as members of the President-elect’s transition team.

#### (3) Completion date

Necessary background investigations and eligibility determinations to permit appropriate prospective transition team members to have access to classified information shall be completed, to the fullest extent practicable, by the day after the date of the general election.

(Pub. L. 108–458, title VII, §7601(c), Dec. 17, 2004, 118 Stat. 3857; Pub. L. 111–283, §2(c)(1), Oct. 15, 2010, 124 Stat. 3048.)

#### REFERENCES IN TEXT

This section, referred to in par. (1), is section 7601 of Pub. L. 108–458. See Codification note below.

Section 3(h)(4) of the Presidential Transition Act of 1963, referred to in par. (1), is section 3(h)(4) of Pub. L. 88–277, which is set out in a note under section 102 of Title 3, The President.

#### CODIFICATION

Section was formerly classified as a note under section 435b of this title prior to editorial reclassification as this section.

Section is comprised of subsec. (c) of section 7601 of Pub. L. 108–458. Subsec. (a) of section 7601 amended provisions set out as a note under section 102 of Title 3, The President, subsec. (b) of section 7601 is not classified to the Code, and subsec. (d) of section 7601 is set out as a note under section 102 of Title 3.

#### AMENDMENTS

2010—Par. (1). Pub. L. 111–283, §2(c)(1)(A), added par. (1) and struck out former par. (1) which read as follows: “In this section, the term ‘major party’ shall have the meaning given under section 9002(6) of title 26.”

Par. (2). Pub. L. 111–283, §2(c)(1)(B), substituted “eligible candidate” for “major party candidate”.

### § 3343. Security clearances; limitations

#### (a) Definitions

In this section:

##### (1) Controlled substance

The term “controlled substance” has the meaning given that term in section 802 of title 21.

##### (2) Covered person

The term “covered person” means—

(A) an officer or employee of a Federal agency;

(B) a member of the Army, Navy, Air Force, or Marine Corps who is on active duty or is in an active status; and

(C) an officer or employee of a contractor of a Federal agency.

##### (3) Restricted Data

The term “Restricted Data” has the meaning given that term in section 2014 of title 42.

##### (4) Special access program

The term “special access program” has the meaning given that term in section 4.1 of Executive Order No. 12958 (60 Fed. Reg. 19825).

#### (b) Prohibition

After January 1, 2008, the head of a Federal agency may not grant or renew a security clearance for a covered person who is an unlawful user of a controlled substance or an addict (as defined in section 802(1) of title 21).