

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 A, title VIII, § 8104, Dec. 19, 2009, 123 Stat. 3451, repealed by Pub.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 clearances 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**

## 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.

**(b) Updates**

Not less frequently than annually, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Secretary of Defense, shall update and make publicly available an unclassified summary consisting of the information required

by subsection (a) and the number of individuals formerly detained at Naval Station, Guantanamo Bay, Cuba, who are confirmed or suspected of returning to terrorist activities after release or transfer from such Naval Station.

(July 26, 1947, ch. 343, title V, § 506I, as added Pub. L. 112–87, title III, § 307(a)(1), Jan. 3, 2012, 125 Stat. 1882; amended Pub. L. 116–92, div. E, title LVII, § 5701(a)(1), Dec. 20, 2019, 133 Stat. 2159.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 415a–11 of this title prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2019—Subsec. (b). Pub. L. 116–92 substituted “annually” for “once every 6 months”.

**Statutory Notes and Related Subsidiaries**

## INITIAL UPDATE

Pub. L. 112–87, title III, § 307(a)(2), Jan. 3, 2012, 125 Stat. 1883, provided that: “The initial update required by section 506I(b) of such Act [act July 26, 1947, ch. 343; 50 U.S.C. 3105(b)], as added by paragraph (1) of this subsection, shall be made publicly available not later than 10 days after the date the first report following the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 [Jan. 3, 2012] is submitted to members and committees of Congress pursuant to section 319 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 10 U.S.C. 801 note).”

**§ 3105a. Repealed. Pub. L. 116–92, div. E, title LVII, § 5701(c), Dec. 20, 2019, 133 Stat. 2160**

Section, act July 26, 1947, ch. 343, title V, § 506J, as added Pub. L. 113–126, title III, § 306(a), July 7, 2014, 128 Stat. 1395, required annual assessments of intelligence community performance by function.

**§ 3106. Dates for submittal of various annual and semiannual reports to the congressional intelligence committees****(a) Annual reports**

The date for the submittal to the congressional intelligence committees of the following annual reports shall be the date each year provided in subsection (c)(1):

(1) The annual report of the Inspectors Generals<sup>1</sup> of the intelligence community on proposed resources and activities of their offices required by section 8H(g) of the Inspector General Act of 1978.

(2) The annual report on certifications for immunity in interdiction of aircraft engaged in illicit drug trafficking required by section 2291–4(c)(2) of title 22.

(3) The annual report on activities under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) required by section 806(a) of that Act (50 U.S.C. 1906(a)).

(4) The annual report on hiring and retention of minority employees in the intelligence community required by section 3050(a) of this title.

<sup>1</sup> So in original. Probably should be “General”.