

sections 3162a and 3352a to 3352f of this title and amended sections 3033, 3104, 3163, and 3164 of this title. For complete classification of title LXVI to the Code, see Tables.

### Statutory Notes and Related Subsidiaries

#### DEFINITIONS

For definition of “congressional intelligence committees”, referred to in par. (1)(A), see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.

### § 3352a. Reports and plans relating to security clearances and background investigations

#### (a) Sense of Congress

It is the sense of Congress that—

(1) ensuring the trustworthiness and security of the workforce, facilities, and information of the Federal Government is of the highest priority to national security and public safety;

(2) the President and Congress should prioritize the modernization of the personnel security framework to improve its efficiency, effectiveness, and accountability;

(3) the current system for background investigations for security clearances, suitability and fitness for employment, and credentialing lacks efficiencies and capabilities to meet the current threat environment, recruit and retain a trusted workforce, and capitalize on modern technologies; and

(4) changes to policies or processes to improve this system should be vetted through the Council to ensure standardization, portability, and reciprocity in security clearances across the Federal Government.

#### (b) Accountability plans and reports

##### (1) Plans

Not later than 90 days after December 20, 2019, the Council shall submit to the appropriate congressional committees and make available to appropriate industry partners the following:

(A) A plan, with milestones, to reduce the background investigation inventory to 200,000, or an otherwise sustainable steady-level, by the end of year 2020. Such plan shall include notes of any required changes in investigative and adjudicative standards or resources.

(B) A plan to consolidate the conduct of background investigations associated with the processing for security clearances in the most effective and efficient manner in the Defense Counterintelligence and Security Agency. Such plan shall address required funding, personnel, contracts, information technology, field office structure, policy, governance, schedule, transition costs, and effects on stakeholders.

##### (2) Report on the future of personnel security

###### (A) In general

Not later than 180 days after December 20, 2019, the Chairman of the Council, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to ap-

propriate industry partners a report on the future of personnel security to reflect changes in threats, the workforce, and technology.

#### (B) Contents

The report submitted under subparagraph (A) shall include the following:

(i) A risk framework for granting and renewing access to classified information.

(ii) A discussion of the use of technologies to prevent, detect, and monitor threats.

(iii) A discussion of efforts to address reciprocity and portability.

(iv) A discussion of the characteristics of effective insider threat programs.

(v) An analysis of how to integrate data from continuous vetting, insider threat programs, and human resources data.

(vi) Recommendations on interagency governance.

#### (3) Plan for implementation

Not later than 180 days after December 20, 2019, the Chairman of the Council, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate industry partners a plan to implement the report’s framework and recommendations submitted under paragraph (2)(A).

#### (4) Congressional notifications

Not less frequently than quarterly, the Security Executive Agent shall make available to the public a report regarding the status of the disposition of requests received from departments and agencies of the Federal Government for a change to, or approval under, the Federal investigative standards, the national adjudicative guidelines, continuous vetting, or other national policy regarding personnel security.

(Pub. L. 116–92, div. E, title LXVI, § 6602, Dec. 20, 2019, 133 Stat. 2210.)

### Statutory Notes and Related Subsidiaries

#### DEFINITIONS

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

### § 3352b. Improving the process for security clearances

#### (a) Reviews

Not later than 180 days after December 20, 2019, the Security Executive Agent, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate industry partners a report that includes the following:

(1) A review of whether the information requested on the Questionnaire for National Security Positions (Standard Form 86) and by the Federal Investigative Standards prescribed by the Suitability and Credentialing Executive Agent and the Security Executive Agent

appropriately supports the adjudicative guidelines under Security Executive Agent Directive 4 (known as the “National Security Adjudicative Guidelines”). Such review shall include identification of whether any such information currently collected is unnecessary to support the adjudicative guidelines.

(2) An assessment of whether such Questionnaire, Standards, and guidelines should be revised to account for the prospect of a holder of a security clearance becoming an insider threat.

(3) Recommendations to improve the background investigation process by—

(A) simplifying the Questionnaire for National Security Positions (Standard Form 86) and increasing customer support to applicants completing such Questionnaire;

(B) using remote techniques and centralized locations to support or replace field investigation work;

(C) using secure and reliable digitization of information obtained during the clearance process;

(D) building the capacity of the background investigation workforce; and

(E) replacing periodic reinvestigations with continuous vetting techniques in all appropriate circumstances.

**(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 (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.)

**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.

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

**§ 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 not less frequently than once every 5 years 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.

(Pub. L. 116–92, div. E, title LXVI, § 6610, Dec. 20, 2019, 133 Stat. 2218.)

**Statutory Notes and Related Subsidiaries**

DEFINITIONS

For definitions of “congressional intelligence committees” and “intelligence community”, referred to in text, 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 in-