

“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-

formation 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”).

**(b) Privacy safeguards**

The Security Executive Agent and the Suitability and Credentialing Executive Agent shall ensure that the Program includes such safeguards for privacy as the Security Executive Agent and the Suitability and Credentialing Executive Agent consider appropriate.

**(c) Provision of information to the Federal Government**

The Program shall include requirements that enable investigative service providers and agencies of the Federal Government to leverage certain pre-employment information gathered through private-sector means during the employment or military recruiting process, and other relevant security or human resources information obtained during employment with or for the Federal Government, that satisfy Federal investigative standards, while safeguarding personnel privacy.

**(d) Information and records**

The information and records considered under the Program shall include the following:

- (1) Date and place of birth.
- (2) Citizenship or immigration and naturalization information.
- (3) Education records.
- (4) Employment records.
- (5) Employment or social references.
- (6) Military service records.
- (7) State and local law enforcement checks.
- (8) Criminal history checks.
- (9) Financial records or information.
- (10) Foreign travel, relatives, or associations.
- (11) Social media checks.
- (12) Such other information or records as may be relevant to obtaining or maintaining national security, suitability, fitness, or credentialing eligibility.

**(e) Implementation plan**

**(1) In general**

Not later than 90 days after December 20, 2019, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a plan for the implementation of the Program.

**(2) Elements**

The plan required by paragraph (1) shall include the following:

- (A) Mechanisms that address privacy, national security, suitability or fitness, credentialing, and human resources or military recruitment processes.
- (B) Such recommendations for legislative or administrative action as the Security Ex-

ecutive Agent and the Suitability and Credentialing Executive Agent consider appropriate to carry out or improve the Program.

**(f) Plan for pilot program on two-way information sharing**

**(1) In general**

Not later than 180 days after December 20, 2019, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a plan for the implementation of a pilot program to assess the feasibility and advisability of expanding the Program to include the sharing of information held by the Federal Government related to contract personnel with the security office of the employers of those contractor personnel.

**(2) Elements**

The plan required by paragraph (1) shall include the following:

(A) Mechanisms that address privacy, national security, suitability or fitness, credentialing, and human resources or military recruitment processes.

(B) Such recommendations for legislative or administrative action as the Security Executive Agent and the Suitability and Credentialing Executive Agent consider appropriate to carry out or improve the pilot program.

**(g) Review**

Not later than 1 year after December 20, 2019, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a review of the plans submitted under subsections (e)(1) and (f)(1) and utility and effectiveness of the programs described in such plans.

(Pub. L. 116–92, div. E, title LXVI, § 6611, Dec. 20, 2019, 133 Stat. 2218.)

**Statutory Notes and Related Subsidiaries**

TRUSTED INFORMATION PROVIDER PROGRAM FOR NATIONAL SECURITY POSITIONS AND POSITIONS OF TRUST

Pub. L. 115–232, div. A, title IX, § 941, Aug. 13, 2018, 132 Stat. 1941, provided that:

“(a) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act [Aug. 13, 2018], the Security Executive Agent and the Suitability/Credentialing Executive Agent shall establish and implement a program (to be known as the ‘Trusted Information Provider 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.

“(b) PRIVACY SAFEGUARDS.—The Security Executive Agent and the Suitability/Credentialing Executive Agent shall ensure that the program required by subsection (a) includes such safeguards for privacy as the Security Executive Agent and the Suitability/Credentialing Executive Agent consider appropriate.

“(c) PROVISION OF INFORMATION TO THE FEDERAL GOVERNMENT.—The program required by subsection (a)

shall include requirements that enable Investigative Service Providers and agencies of the Federal Government to leverage certain pre-employment information gathered during the employment or military recruiting process, and other relevant security or human resources information obtained during employment with or for the Federal Government, that satisfy Federal investigative standards, while safeguarding personnel privacy.

“(d) INFORMATION AND RECORDS.—The information and records considered under the program required by subsection (a) shall include the following:

- “(1) Date and place of birth.
- “(2) Citizenship or immigration and naturalization information.
- “(3) Education records.
- “(4) Employment records.
- “(5) Employment or social references.
- “(6) Military service records.
- “(7) State and local law enforcement checks.
- “(8) Criminal history checks.
- “(9) Financial records or information.
- “(10) Foreign travel, relatives or associations.
- “(11) Social media checks.
- “(12) Any other information or records relevant to obtaining or maintaining national security, suitability, fitness, or credentialing eligibility.

“(e) IMPLEMENTATION PLAN.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Aug. 13, 2018], the Security Executive Agent and the Suitability/Credentialing Executive Agent shall jointly submit to Congress a plan for the implementation of the program required by subsection (a).

“(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

“(A) Mechanisms that address privacy, national security, suitability or fitness, credentialing, and human resources or military recruitment processes.

“(B) Such recommendations for legislative or administrative action as the Security Executive Agent and the Suitability/Credentialing Executive Agent consider appropriate to carry out or improve the program.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘Security Executive Agent’ means the Director of National Intelligence acting as the Security Executive Agent in accordance with Executive Order 13467 (73 Fed. Reg. 38103; 50 U.S.C. 3161 note).

“(2) The term ‘Suitability/Credentialing Executive Agent’ means the Director of the Office of Personnel Management acting as the Suitability/Credentialing Executive Agent in accordance with Executive Order 13467.”

#### DEFINITIONS

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

### SUBCHAPTER III-A—PUBLIC INTEREST DECLASSIFICATIONS

#### § 3355. Findings

Congress makes the following findings:

(1) It is in the national interest to establish an effective, coordinated, and cost-effective means by which records on specific subjects of extraordinary public interest that do not undermine the national security interests of the United States may be collected, retained, reviewed, and disseminated to Congress, policymakers in the executive branch, and the public.

(2) Ensuring, through such measures, public access to information that does not require

continued protection to maintain the national security interests of the United States is a key to striking the balance between secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States.

(Pub. L. 106-567, title VII, § 702, Dec. 27, 2000, 114 Stat. 2856.)

#### Editorial Notes

##### CODIFICATION

Section was formerly set out in a note under section 3161 of this title.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 106-567, title VII, § 710, Dec. 27, 2000, 114 Stat. 2864, as amended by Pub. L. 108-458, title I, § 1102(f), Dec. 17, 2004, 118 Stat. 3700; Pub. L. 110-53, title VI, § 602(4), Aug. 3, 2007, 121 Stat. 336; Pub. L. 112-235, § 2(c), Dec. 28, 2012, 126 Stat. 1626; Pub. L. 113-126, title III, § 311, July 7, 2014, 128 Stat. 1399; Pub. L. 116-92, div. E, title LXVII, § 6741(b), Dec. 20, 2019, 133 Stat. 2239, provided that: “This title [enacting this subchapter] shall take effect on the date that is 120 days after the date of the enactment of this Act [Dec. 27, 2000].”

##### STATUS OF BOARD

Pub. L. 116-92, div. E, title LXVII, § 6741(c), Dec. 20, 2019, 133 Stat. 2239, provided that: “Notwithstanding section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 3161 note) as in effect on the day before the date of the enactment of this Act [Dec. 20, 2019]—

“(1) the Public Interest Declassification Board shall be deemed to not have terminated for purposes of the appointment of members to the Board;

“(2) section 703(h) of such Act [50 U.S.C. 3355a(h)] shall not apply with respect to the period beginning on December 31, 2018, and ending on the day before the date of the enactment of this Act; and

“(3) the length of the terms of the members serving on the Board as of December 30, 2018, shall be calculated by not counting the period specified in paragraph (2).”

[Prior to being struck out by Pub. L. 116-92, div. E, title LXVII, § 6741(b)(1), Dec. 20, 2019, 133 Stat. 2239, section 710(b) of the Public Interest Declassification Act of 2000 (Pub. L. 106-567, title VII), referred to in the introductory provisions of section 6741(c) of Pub. L. 116-92, set out above, provided that: “The provisions of this title shall expire on December 31, 2018.” Section 710 of the Act was formerly set out in a note under section 3161 of this title, and was editorially transferred and is now set out as an Effective Date note above.]

#### § 3355a. Public Interest Declassification Board

##### (a) Establishment

(1) There is established within the executive branch of the United States a board to be known as the “Public Interest Declassification Board” (in this subchapter referred to as the “Board”).

(2) The Board shall report directly to the President or, upon designation by the President, the Vice President, the Attorney General, or other designee of the President. The other designee of the President under this paragraph may not be an agency head or official authorized to classify information under Executive Order 12958<sup>1</sup>, or any successor order.

<sup>1</sup> See References in Text note below.