

117TH CONGRESS
2D SESSION

H. R. 7738

To direct the Secretary of Defense to make certain improvements relating to security clearances for recently separated members of the Armed Forces and retired civilian employees of the Department of Defense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2022

Mrs. BICE of Oklahoma (for herself, Ms. SLOTKIN, and Mr. TURNER) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To direct the Secretary of Defense to make certain improvements relating to security clearances for recently separated members of the Armed Forces and retired civilian employees of the Department of Defense, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Security Clearance
5 Portability for Departing Servicemembers Act of 2022”.

1 **SEC. 2. SECURITY CLEARANCES FOR RECENTLY SEPA-**
2 **RATED MEMBERS OF THE ARMED FORCES**
3 **AND RETIRED CIVILIAN EMPLOYEES OF THE**
4 **DEPARTMENT OF DEFENSE.**

5 (a) IMPROVEMENTS.—Except as provided in sub-
6 section (b), beginning on the date on which a covered indi-
7 vidual separates from the Armed Forces or retires from
8 the Department of Defense (as the case may be), if the
9 Secretary of Defense determines that the covered indi-
10 vidual held a security clearance immediately prior to such
11 separation or retirement and requires a security clearance
12 of an equal or lower level for employment as a covered
13 contractor, the Secretary shall—

14 (1) during the one-year period following such
15 date, treat the previously held security clearance as
16 an active security clearance for purposes of such em-
17 ployment; and

18 (2) during the two-year period following the
19 conclusion of the period specified in paragraph (1),
20 ensure that the adjudication of any request sub-
21 mitted by the covered employee for the reactivation
22 of the previously held security clearance for purposes
23 of such employment is completed by not later than
24 180 days after the date of such submission.

25 (b) EXCEPTIONS.—

1 (1) IN GENERAL.—Subsection (a) shall not
2 apply with respect to a former member of the Armed
3 Forces—

4 (A) who separated from the Armed Forces
5 under other than honorable conditions; or

6 (B) whose previously held security clear-
7 ance is, or was as of the date of separation of
8 the former member, under review as a result of
9 one or more potentially disqualifying factors or
10 conditions that have not been fully investigated
11 or mitigated.

12 (2) CLARIFICATION OF REVIEW EXCEPTION.—
13 The exception specified in paragraph (1)(B) shall
14 not apply with respect to a routine periodic reinves-
15 tigation or a continuous vetting investigation in
16 which no potentially disqualifying factors or condi-
17 tions have been found.

18 (c) DEFINITIONS.—In this section:

19 (1) The term “covered contractor” means a
20 contractor personnel who carries out work under a
21 contract with the Department of Defense or an ele-
22 ment of the intelligence community.

23 (2) The term “covered individual” means a
24 former member of the Armed Forces or a former ci-
25 vilian employee of the Department of Defense.

1 (3) The term “intelligence community” has the
2 meaning given that term in section 3 of the National
3 Security Act of 1947 (50 U.S.C. 3003).

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