

submitted under subparagraph (A) by the head of a Federal agency—

- (I) the congressional defense committees;
- (II) the congressional intelligence committees;
- (III) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (IV) the Committee on Oversight and Government Reform of the House of Representatives; and
- (V) each Committee of the Senate or the House of Representatives with oversight authority over such Federal agency.

(ii) Congressional defense committees

The term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10.

(iii) Congressional intelligence committees

The term “congressional intelligence committees” has the meaning given that term in section 401a of this title.

(d) Adjudicative guidelines

(1) Requirement to establish

The President shall establish adjudicative guidelines for determining eligibility for access to classified information.

(2) Requirements related to mental health

The guidelines required by paragraph (1) shall—

- (A) include procedures and standards under which a covered person is determined to be mentally incompetent and provide a means to appeal such a determination; and
- (B) require that no negative inference concerning the standards in the guidelines may be raised solely on the basis of seeking mental health counseling.

(Pub. L. 108–458, title III, §3002, as added Pub. L. 110–181, div. A, title X, §1072(a), Jan. 28, 2008, 122 Stat. 328.)

REFERENCES IN TEXT

Executive Order 12958, referred to in subsec. (a)(4), is set out as a note under section 435 of this title.

CODIFICATION

Section was enacted as part of the Intelligence Reform and Terrorism Prevention Act of 2004, and not as part of the National Security Act of 1947 which comprises this chapter.

§ 435d. Classification training program

(a) In general

The head of each Executive agency, in accordance with Executive Order 13526, shall require annual training for each employee who has original classification authority. For employees who perform derivative classification, or are responsible for analysis, dissemination, preparation, production, receipt, publication, or otherwise communication of classified information, training shall be provided at least every two years. Such training shall—

- (1) educate the employee, as appropriate, regarding—

- (A) the guidance established under subparagraph (G) of section 403–1(g)(1) of this title, as added by section 5(a)(3),¹ regarding the formatting of finished intelligence products;

- (B) the proper use of classification markings, including portion markings that indicate the classification of portions of information; and

- (C) any incentives and penalties related to the proper classification of intelligence information; and

(2) ensure such training is a prerequisite, once completed successfully, as evidenced by an appropriate certificate or other record, for—

- (A) obtaining original classification authority or derivatively classifying information; and

- (B) maintaining such authority.

(b) Relationship to other programs

The head of each Executive agency shall ensure that the training required by subsection (a) is conducted efficiently and in conjunction with any other required security, intelligence, or other training programs to reduce the costs and administrative burdens associated with carrying out the training required by subsection (a).

(Pub. L. 111–258, §7, Oct. 7, 2010, 124 Stat. 2652.)

REFERENCES IN TEXT

Executive Order 13526, referred to in subsec. (a), is set out as a note under section 435 of this title.

Section 5(a)(3), referred to in subsec. (a)(1)(A), probably means section 5(a)(3) of Pub. L. 111–258.

CODIFICATION

Section was enacted as part of the Reducing Over-Classification Act, and not as part of the National Security Act of 1947 which comprises this chapter.

DEFINITIONS

Pub. L. 111–258, §3, Oct. 7, 2010, 124 Stat. 2648, provided that: “In this Act [see Short Title of 2010 Amendment note set out under section 101 of Title 6, Domestic Security]:

“(1) DERIVATIVE CLASSIFICATION AND ORIGINAL CLASSIFICATION.—The terms ‘derivative classification’ and ‘original classification’ have the meanings given those terms in Executive Order No. 13526 [50 U.S.C. 435 note].

“(2) EXECUTIVE AGENCY.—The term ‘Executive agency’ has the meaning given that term in section 105 of title 5, United States Code.

“(3) EXECUTIVE ORDER NO. 13526.—The term ‘Executive Order No. 13526’ means Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) or any subsequent corresponding executive order.”

§ 436. Requests by authorized investigative agencies

(a) Generally

(1) Any authorized investigative agency may request from any financial agency, financial institution, or holding company, or from any consumer reporting agency, such financial records, other financial information, and consumer reports as may be necessary in order to conduct

¹ See References in Text note below.