

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 12958¹, or any successor order.

¹ See References in Text note below.