

tive order), is established by the head of a department or agency whom the President has designated in the Federal Register as an original “secret” or “top secret” classification authority that imposes “need-to-know” controls or access controls beyond those controls normally required (by regulations applicable to such department or agency) for access to information classified as “confidential”, “secret”, or “top secret”.

(Pub. L. 103-160, div. A, title XI, §1152, Nov. 30, 1993, 107 Stat. 1758; Pub. L. 106-65, div. C, title XXXII, §3294(e)(2), Oct. 5, 1999, 113 Stat. 970; Pub. L. 115-390, title I, §103, Dec. 21, 2018, 132 Stat. 5177.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 12356, referred to in subsec. (g)(3), is Ex. Ord. No. 12356, Apr. 2, 1982, 47 F.R. 14874, 15557, which prescribed a uniform system for classifying, declassifying, and safeguarding national security information, and which was formerly set out as a note under section 435 (now section 3161) of this title, was revoked by Ex. Ord. No. 12958, §6.1(d), Apr. 17, 1995, 60 F.R. 19843.

CODIFICATION

Section 103 of Pub. L. 115-390, which directed amendment of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 3348), was executed to this section, which is section 1152 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103-160), to reflect the probable intent of Congress. See 2018 Amendment notes below.

Section was formerly classified as a note under section 435 of this title prior to editorial reclassification as this section.

AMENDMENTS

2018—Subsecs. (a) to (e). Pub. L. 115-390, §103(1), substituted “the congressional oversight committees” for “Congress” wherever appearing. See Codification note above.

Subsec. (f)(1). Pub. L. 115-390, §103(2), substituted “congressional oversight committees” for “appropriate oversight committees”. See Codification note above.

Subsec. (g). Pub. L. 115-390, §103(3), added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively. See Codification note above.

1999—Subsec. (g)(1)(B)(ii). Pub. L. 106-65 amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: “the Department of Energy, with respect to special access programs carried out under the atomic energy defense activities of that department (for which the Secretary of Energy is required to submit reports under section 2122a of title 42); or”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-65 effective Mar. 1, 2000, see section 3299 of Pub. L. 106-65, set out as an Effective Date note under section 2401 of this title.

§ 3349. Notification regarding the authorized public disclosure of national intelligence

(a) Notification

In the event of an authorized disclosure of national intelligence or intelligence related to na-

tional security to the persons or entities described in subsection (b), the government official responsible for authorizing the disclosure shall submit to the congressional intelligence committees on a timely basis a notification of the disclosure if—

- (1) at the time of the disclosure—
 - (A) such intelligence is classified; or
 - (B) is declassified for the purpose of the disclosure; and

- (2) the disclosure will be made by an officer, employee, or contractor of the Executive branch.

(b) Persons or entities described

The persons or entities described in this subsection are as follows:

- (1) Media personnel.
- (2) Any person or entity, if the disclosure described in subsection (a) is made with the intent or knowledge that such information will be made publicly available.

(c) Content

Each notification required under subsection (a) shall—

- (1) provide the specific title and authority of the individual authorizing the disclosure;
- (2) if applicable, provide the specific title and authority of the individual who authorized the declassification of the intelligence disclosed; and
- (3) describe the intelligence disclosed, including the classification of the intelligence prior to its disclosure or declassification and the rationale for making the disclosure.

(d) Exception

The notification requirement in this section does not apply to a disclosure made—

- (1) pursuant to any statutory requirement, including to section 552 of title 5 (commonly referred to as the “Freedom of Information Act”);
- (2) in connection with a civil, criminal, or administrative proceeding;
- (3) as a result of a declassification review process under Executive Order 13526 (50 U.S.C. 435 note) [now 50 U.S.C. 3161 note] or any successor order; or
- (4) to any officer, employee, or contractor of the Federal government or member of an advisory committee to an element of the intelligence community who possesses an active security clearance and a need to know the specific national intelligence or intelligence related to national security, as defined in section 3003(5) of this title.

(Pub. L. 112-277, title V, §504, Jan. 14, 2013, 126 Stat. 2477; Pub. L. 113-126, title III, §328, July 7, 2014, 128 Stat. 1405.)

Editorial Notes

AMENDMENTS

2014—Subsec. (e). Pub. L. 113-126 struck out subsec. (e). Text read as follows: “The notification requirements of this section shall cease to be effective for any disclosure described in subsection (a) that occurs on or after the date that is one year after January 14, 2013.”

Statutory Notes and Related Subsidiaries

DEFINITIONS

Pub. L. 112-277, § 2, Jan. 14, 2013, 126 Stat. 2469, provided that: “In this Act [see Tables for classification]:

“(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ‘congressional intelligence committees’ means—

“(A) the Select Committee on Intelligence of the Senate; and

“(B) the Permanent Select Committee on Intelligence of the House of Representatives.

“(2) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) [now 50 U.S.C. 3003(4)].”

§ 3350. Maximum amount charged for declassification reviews

In reviewing and processing a request by a person for the mandatory declassification of information pursuant to Executive Order No. 13526, a successor executive order, or any provision of law, the head of an element of the intelligence community—

(1) may not charge the person reproduction fees in excess of the amount of fees that the head would charge the person for reproduction required in the course of processing a request for information under section 552 of title 5 (commonly referred to as the “Freedom of Information Act”); and

(2) may waive or reduce any processing fees in the same manner as the head waives or reduces fees under such section 552.

(Pub. L. 115-31, div. N, title III, § 313, May 5, 2017, 131 Stat. 816.)

Editorial Notes

REFERENCES IN TEXT

Executive Order No. 13526, referred to in text, is Ex. Ord. No. 13526, Dec. 29, 2009, 75 F.R. 707, 1013, which is set out as a note under section 3161 of this title.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definition of “intelligence community”, referred to in text, see section 2 of div. N of Pub. L. 115-31, set out as a note under section 3003 of this title.

§ 3351. Improving quality of information in background investigation request packages**(a) Report on metrics and best practices**

Not later than 180 days after December 20, 2019, the Director of the Defense Counterintelligence and Security Agency, which serves as the primary executive branch service provider for background investigations for eligibility for access to classified information, eligibility to hold a sensitive position, and for suitability and fitness for other matters pursuant to Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information), shall, in consultation with the Security, Suitability, and Credentialing Performance Accountability Council established under such executive order, submit to Congress a report on—

(1) metrics for assessing the completeness and quality of packages for background investigations submitted by agencies requesting background investigations from the Defense Counterintelligence and Security Agency;

(2) rejection rates of background investigation submission packages due to incomplete or erroneous data, by agency; and

(3) best practices for ensuring full and complete information in background investigation requests.

(b) Annual report on performance

Not later than 270 days after December 20, 2019, and not less frequently than once each year thereafter, the Security, Suitability, and Credentialing Performance Accountability Council shall submit to Congress a report on performance against the metrics and return rates identified in paragraphs (1) and (2) of subsection (a).

(c) Improvement plans**(1) Identification**

Not later than one year after December 20, 2019, executive agents under Executive Order 13467 (50 U.S.C. 3161 note) shall identify agencies in need of improvement with respect to the quality of the information in the background investigation submissions of the agencies as reported in subsection (b).

(2) Plans

Not later than 90 days after an agency is identified under paragraph (1), the head of the agency shall provide the executive agents referred to in such paragraph with a plan to improve the performance of the agency with respect to the quality of the information in the agency’s background investigation submissions.

(Pub. L. 116-92, div. A, title XVII, § 1757, Dec. 20, 2019, 133 Stat. 1860.)

§ 3351a. Making certain policies and execution plans relating to personnel clearances available to industry partners**(a) Definitions**

In this section:

(1) Security executive agent

The term “Security Executive Agent” means the officer serving as the Security Executive Agent pursuant to section 3162a of this title.

(2) Appropriate industry partner

The term “appropriate industry partner” means a contractor, licensee, or grantee (as defined in section 101(a) of Executive Order 12829 (50 U.S.C. 3161 note; relating to National Industrial Security Program), as in effect on the day before December 20, 2019) that is participating in the National Industrial Security Program established by such Executive Order.

(b) Sharing of policies and plans required

Each head of a Federal agency shall share policies and plans relating to security clearances with appropriate industry partners directly affected by such policies and plans in a manner consistent with the protection of na-