

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-