

**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-

tional security as well as the goals and objectives of the National Industrial Security Program administered pursuant to Executive Order 12829 (50 U.S.C. 3161 note; relating to the National Industrial Security Program).

**(c) Development of policies and procedures required**

Not later than 90 days after December 20, 2019, the Security Executive Agent and the Director of the National Industrial Security Program shall jointly develop policies and procedures by which appropriate industry partners with proper security clearances and a need to know can have appropriate access to the policies and plans shared pursuant to subsection (b) that directly affect those industry partners.

(Pub. L. 116-92, div. E, title LIV, § 5402, Dec. 20, 2019, 133 Stat. 2143.)

**§ 3351b. Limitations on determinations regarding certain security classifications**

**(a) Prohibition**

An officer of an element of the intelligence community who has been nominated by the President for a position that requires the advice and consent of the Senate may not make a classification decision with respect to information related to such officer's nomination.

**(b) Classification determinations**

**(1) In general**

Except as provided in paragraph (2), in a case in which an officer described in subsection (a) has been nominated as described in such subsection and classification authority rests with the officer or another officer who reports directly to such officer, a classification decision with respect to information relating to the officer shall be made by the Director of National Intelligence.

**(2) Nominations of Director of National Intelligence**

In a case described in paragraph (1) in which the officer nominated is the Director of National Intelligence, the classification decision shall be made by the Principal Deputy Director of National Intelligence.

**(c) Reports**

Whenever the Director or the Principal Deputy Director makes a decision under subsection (b), the Director or the Principal Deputy Director, as the case may be, shall submit to the congressional intelligence committees a report detailing the reasons for the decision.

(Pub. L. 116-92, div. E, title LXIII, § 6310, Dec. 20, 2019, 133 Stat. 2190.)

**Statutory Notes and Related Subsidiaries**

**DEFINITIONS**

For definitions of “intelligence community” and “congressional intelligence committees”, referred to in text, see section 5003 of div. E of Pub. L. 116-92, set out as a note under section 3003 of this title.

**§ 3352. Definitions**

In this title:

**(1) Appropriate congressional committees**

The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on Armed Services of the House of Representatives;

(F) the Committee on Appropriations of the House of Representatives;

(G) the Committee on Homeland Security of the House of Representatives; and

(H) the Committee on Oversight and Reform of the House of Representatives.

**(2) Appropriate industry partner**

The term “appropriate industry partner” means a contractor, licensee, or grantee (as defined in section 101(a) of Executive Order No. 12829 (50 U.S.C. 3161 note; relating to National Industrial Security Program)) that is participating in the National Industrial Security Program established by such Executive order.

**(3) Continuous vetting**

The term “continuous vetting” has the meaning given such term in Executive Order No. 13467 (50 U.S.C. 3161 note; relating to reforming processes for determining suitability for government employment, fitness for contractor employees, and eligibility for access to classified national security information).

**(4) Council**

The term “Council” means the Security, Suitability, and Credentialing Performance Accountability Council established pursuant to such Executive order, or any successor entity.

**(5) Reciprocity**

The term “reciprocity” means reciprocal recognition by Federal departments and agencies of eligibility for access to classified information.

**(6) Security Executive Agent**

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

**(7) Suitability and Credentialing Executive Agent**

The term “Suitability and Credentialing Executive Agent” means the Director of the Office of Personnel Management acting as the Suitability and Credentialing Executive Agent in accordance with Executive Order No. 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), or any successor entity.

(Pub. L. 116-92, div. E, title LXVI, § 6601, Dec. 20, 2019, 133 Stat. 2209.)

**Editorial Notes**

**REFERENCES IN TEXT**

This title, referred to in text, means title LXVI of div. E of Pub. L. 116-92, which enacted this section and