

tor's capacity as the Security Executive Agent pursuant to section 803(a) of the National Security Act of 1947 (50 U.S.C. 3162a(a)), issue standards for timeliness for Federal agencies to administer polygraphs conducted for the purpose of—

“(A) adjudicating decisions regarding eligibility for access to classified information (as defined in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a))); and

“(B) granting reciprocity pursuant to Security Executive Agent Directive 2, or successor directive. “(2) PUBLICATION.—The Director shall publish the standards issued under paragraph (1) in the Federal Register or such other venue as the Director considers appropriate.

“(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to Congress a report on how Federal agencies will comply with the standards issued under subsection (a). Such plan shall specify the resources required by Federal agencies to comply with such standards and the timeline for doing so.”

POLICY ON SUBMITTAL OF APPLICATIONS FOR ACCESS TO CLASSIFIED INFORMATION FOR CERTAIN PERSONNEL

Pub. L. 117–263, div. F, title LXVI, § 6605, Dec. 23, 2022, 136 Stat. 3559, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Director of National Intelligence shall, in the Director's capacity as the Security Executive Agent pursuant to section 803(a) of the National Security Act of 1947 (50 U.S.C. 3162a(a)), issue a policy that allows a private person to submit a certain number or proportion of applications, on a nonreimbursable basis, for employee access to classified information for personnel who perform key management and oversight functions who may not merit an application due to their work under any one contract.”

§ 3163. Exceptions

Except as otherwise specifically provided, the provisions of this subchapter shall not apply to the President and Vice President, Members of the Congress, Justices of the Supreme Court, and Federal judges appointed by the President.

(July 26, 1947, ch. 343, title VIII, § 804, formerly § 803, as added Pub. L. 103–359, title VIII, § 802(a), Oct. 14, 1994, 108 Stat. 3437; renumbered § 804, Pub. L. 116–92, div. E, title LXVI, § 6605(a)(1), Dec. 20, 2019, 133 Stat. 2213.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 437 of this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 804 of act July 26, 1947, ch. 343, was renumbered section 805 and is classified to section 3164 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 180 days after Oct. 14, 1994, see section 802(c) of Pub. L. 103–359, set out as a note under section 3161 of this title.

§ 3164. Definitions

For purposes of this subchapter—

(1) the term “authorized investigative agency” means an agency authorized by law or reg-

ulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information;

(2) the term “classified information” means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.], to require protection against unauthorized disclosure and that is so designated;

(3) the term “consumer reporting agency” has the meaning given such term in section 1681a of title 15;

(4) the term “employee” includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government or an employee thereof, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government, except as otherwise determined by the President;

(5) the terms “financial agency” and “financial institution” have the meanings given to such terms in section 5312(a) of title 31 and the term “holding company” has the meaning given to such term in section 3401(6) of title 12;

(6) the terms “foreign power” and “agent of a foreign power” have the same meanings as set forth in subsections (a) and (b) of section 1801, respectively, of this title;

(7) the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and any other possession of the United States; and

(8) the term “computer” means any electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device and any data or other information stored or contained in such device.

(July 26, 1947, ch. 343, title VIII, § 805, formerly § 804, as added Pub. L. 103–359, title VIII, § 802(a), Oct. 14, 1994, 108 Stat. 3438; amended Pub. L. 106–120, title III, § 305(b), Dec. 3, 1999, 113 Stat. 1611; renumbered § 805, Pub. L. 116–92, div. E, title LXVI, § 6605(a)(1), Dec. 20, 2019, 133 Stat. 2213; Pub. L. 118–31, div. G, title IX, § 7901(a)(3), Dec. 22, 2023, 137 Stat. 1106.)

Editorial Notes

REFERENCES IN TEXT

Executive Order No. 12356, referred to in par. (2), 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.

The Atomic Energy Act of 1954, referred to in par. (2), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 919, which is classified principally