

(d) Adjudicative guidelines**(1) Requirement to establish**

The President shall establish adjudicative guidelines for determining eligibility for access to classified information.

(2) Requirements related to mental health

The guidelines required by paragraph (1) shall—

(A) include procedures and standards under which a covered person is determined to be mentally incompetent and provide a means to appeal such a determination; and

(B) require that no negative inference concerning the standards in the guidelines may be raised solely on the basis of seeking mental health counseling.

(Pub. L. 108–458, title III, § 3002, as added Pub. L. 110–181, div. A, title X, § 1072(a), Jan. 28, 2008, 122 Stat. 328.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 12958, referred to in subsec. (a)(4), which was formerly set out as a note under section 435 (now section 3161) of this title, was revoked by Ex. Ord. No. 13526, § 6.2(g), Dec. 29, 2009, 75 F.R. 731.

CODIFICATION

Section was formerly classified to section 435c of this title prior to editorial reclassification and renumbering as this section.

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. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

§ 3344. Classification training program**(a) In general**

The head of each Executive agency, in accordance with Executive Order 13526, shall require annual training for each employee who has original classification authority. For employees who perform derivative classification, or are responsible for analysis, dissemination, preparation, production, receipt, publication, or otherwise communication of classified information, training shall be provided at least every two years. Such training shall—

(1) educate the employee, as appropriate, regarding—

(A) the guidance established under subparagraph (G) of section 3024(g)(1) of this title, as added by section 5(a)(3),¹ regarding the formatting of finished intelligence products;

(B) the proper use of classification markings, including portion markings that indicate the classification of portions of information; and

(C) any incentives and penalties related to the proper classification of intelligence information; and

(2) ensure such training is a prerequisite, once completed successfully, as evidenced by an appropriate certificate or other record, for—

(A) obtaining original classification authority or derivatively classifying information; and

(B) maintaining such authority.

(b) Relationship to other programs

The head of each Executive agency shall ensure that the training required by subsection (a) is conducted efficiently and in conjunction with any other required security, intelligence, or other training programs to reduce the costs and administrative burdens associated with carrying out the training required by subsection (a).

(Pub. L. 111–258, § 7, Oct. 7, 2010, 124 Stat. 2652.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 13526, referred to in subsec. (a), is set out as a note under section 3161 of this title.

Section 5(a)(3), referred to in subsec. (a)(1)(A), probably means section 5(a)(3) of Pub. L. 111–258.

CODIFICATION

Section was formerly classified to section 435d of this title prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

DEFINITIONS

Pub. L. 111–258, § 3, Oct. 7, 2010, 124 Stat. 2648, provided that: “In this Act [see Short Title of 2010 Amendment note set out under section 101 of Title 6, Domestic Security]:

“(1) DERIVATIVE CLASSIFICATION AND ORIGINAL CLASSIFICATION.—The terms ‘derivative classification’ and ‘original classification’ have the meanings given those terms in Executive Order No. 13526 [50 U.S.C. 3161 note].

“(2) EXECUTIVE AGENCY.—The term ‘Executive agency’ has the meaning given that term in section 105 of title 5, United States Code.

“(3) EXECUTIVE ORDER NO. 13526.—The term ‘Executive Order No. 13526’ means Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) or any subsequent corresponding executive order.”

§ 3344a. Training to promote sensible classification**(a) Definitions**

In this section:

(1) Over-classification

The term “over-classification” means classification at a level that exceeds the minimum level of classification that is sufficient to protect the national security of the United States.

(2) Sensible classification

The term “sensible classification” means classification at a level that is the minimum level of classification that is sufficient to protect the national security of the United States.

¹ See References in Text note below.