

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.)

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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” as used in this section, see section 2 of div. N of Pub. L. 115–31, set out as a note under section 3003 of this title.

§ 3350a. Promoting efficient declassification review**(a) In general**

Whenever an agency is processing a request pursuant to section 552 of title 5 (commonly known as the “Freedom of Information Act”) or the mandatory declassification review provisions of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, and identifies responsive classified records that are more than 25

years of age as of December 31 of the year in which the request is received, the head of the agency shall, in accordance with existing processes to protect national security under the Freedom of Information Act and the mandatory review provisions of Executive Order 12526,¹ review the record and process the record for declassification and release by the National Declassification Center of the National Archives and Records Administration, unless the head of agency—

(1) makes a certification to Congress, including the congressional intelligence committees, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Committee on the Judiciary of the Senate, and the Committee on Armed Services, the Committee on Oversight and Accountability, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives, that the declassification of certain components within the record would be harmful to the protection of sources and methods or national security, pursuant to existing processes; and

(2) provides an explanation to Congress, including the congressional intelligence committees, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Committee on the Judiciary of the Senate, and the Committee on Armed Services, the Committee on Oversight and Accountability, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives, for such certification.

(b) Application

Subsection (a) shall apply regardless of whether or not the record described in such subsection is in the legal custody of the National Archives and Records Administration.

(Pub. L. 118–31, div. G, title VI, § 7602, Dec. 22, 2023, 137 Stat. 1096.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 13526, referred to in subsec. (a), 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 “congressional intelligence committees” as used in this section, see section 7002 of Pub. L. 118–31, 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

¹ So in original. Probably should be “13526.”