

or granted pursuant to the program established under subsection (c) in excess of the limitations under subsection (d) applicable to such entity.

(2) Prohibition on bearing costs

No head of an element of the intelligence community may bear any cost associated with granting or maintaining a security clearance the application for which is submitted pursuant to subsection (c)(1).

(f) Rule of construction

Nothing in this section may be construed as requiring the head of an element of the intelligence community to grant any covered person access to classified information if a favorable determination of eligibility to access such classified information is not made with respect to such person.

(Pub. L. 118–31, div. G, title V, § 7505, Dec. 22, 2023, 137 Stat. 1084.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 12968, referred to in subsec. (c)(2)(B), is Ex. Ord. No. 12968, Aug. 2, 1995, 60 F.R. 40245, which is set out as a note under section 3161 of this title.

Executive Order 10865, referred to in subsec. (c)(2)(B), is Ex. Ord. No. 10865, Feb. 20, 1960, 25 F.R. 1583, which is set out as a note under section 3161 of this title.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “intelligence community” and “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.

§ 3352h. Timeliness standard for rendering determinations of trust for personnel vetting

(a) Timeliness standard

(1) In general

The President shall, acting through the Security Executive Agent and the Suitability and Credentialing Executive Agent, establish and publish in such public venue as the President considers appropriate, new timeliness performance standards for processing personnel vetting trust determinations in accordance with the Federal personnel vetting performance management standards.

(2) Quinquennial reviews

Not less frequently than once every 5 years, the President shall, acting through the Security Executive Agent and the Suitability and Credentialing Executive Agent—

(A) review the standards established pursuant to paragraph (1); and

(B) pursuant to such review—

(i) update such standards as the President considers appropriate; and

(ii) publish in the Federal Register such updates as may be made pursuant to clause (i).

(3) Omitted

(b) Quarterly reports on implementation

(1) In general

Not less frequently than quarterly, the Security Executive Agent and the Suitability and

Credentialing Executive Agent shall jointly make available to the public a quarterly report on the compliance of Executive agencies (as defined in section 105 of title 5) with the standards established pursuant to subsection (a).

(2) Disaggregation

Each report made available pursuant to paragraph (1) shall disaggregate, to the greatest extent practicable, data by appropriate category of personnel risk and between Government and contractor personnel.

(c) Complementary standards for intelligence community

The Director of National Intelligence may, in consultation with the Security, Suitability, and Credentialing Performance Accountability Council established 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) establish for the intelligence community standards complementary to those established pursuant to subsection (a).

(d) Data with respect to timeliness of polygraph examinations

(1) In general

With respect to each report on compliance with timeliness standards for rendering determinations of trust for personnel vetting prepared pursuant to subsection (b), the Director of National Intelligence shall make available to the congressional intelligence committees as soon as practicable anonymized raw data with respect to the timeliness of polygraph examinations used to prepare each such report in machine-readable format for each element of the intelligence community that collects such data.

(2) Form and classification justification

The data provided to the congressional intelligence committees under paragraph (1) may be modified to remove any personally identifying information, shall be submitted in unclassified form to the greatest extent possible, and shall contain a justification for the classification of any such data provided.

(Pub. L. 118–31, div. G, title VII, § 7702, Dec. 22, 2023, 137 Stat. 1100; Pub. L. 118–159, div. F, title LXVI, § 6604, Dec. 23, 2024, 138 Stat. 2503.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 13467, referred to in subsec. (c), is Ex. Ord. No. 13467, June 30, 2008, 73 F.R. 38103, which is set out as a note under section 3161 of this title.

CODIFICATION

Section is comprised of section 7702 of Pub. L. 118–31. Subsec. (a)(3) of section 7702 of Pub. L. 118–31 amended section 3341 of this title.

AMENDMENTS

2024—Subsec. (d). Pub. L. 118–159 added subsec. (d).

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “intelligence community” and “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.

SUBCHAPTER III—A—PUBLIC INTEREST
DECLASSIFICATIONS**§ 3355. Findings**

Congress makes the following findings:

(1) It is in the national interest to establish an effective, coordinated, and cost-effective means by which records on specific subjects of extraordinary public interest that do not undermine the national security interests of the United States may be collected, retained, reviewed, and disseminated to Congress, policy-makers in the executive branch, and the public.

(2) Ensuring, through such measures, public access to information that does not require continued protection to maintain the national security interests of the United States is a key to striking the balance between secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States.

(Pub. L. 106-567, title VII, § 702, Dec. 27, 2000, 114 Stat. 2856.)

Editorial Notes

CODIFICATION

Section was formerly set out in a note under section 3161 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 106-567, title VII, § 710, Dec. 27, 2000, 114 Stat. 2864, as amended by Pub. L. 108-458, title I, § 1102(f), Dec. 17, 2004, 118 Stat. 3700; Pub. L. 110-53, title VI, § 602(4), Aug. 3, 2007, 121 Stat. 336; Pub. L. 112-235, § 2(c), Dec. 28, 2012, 126 Stat. 1626; Pub. L. 113-126, title III, § 311, July 7, 2014, 128 Stat. 1399; Pub. L. 116-92, div. E, title LXVII, § 6741(b), Dec. 20, 2019, 133 Stat. 2239, provided that: “This title [enacting this subchapter] shall take effect on the date that is 120 days after the date of the enactment of this Act [Dec. 27, 2000].”

SHORT TITLE

For short title of title VII of Pub. L. 106-567, which enacted this subchapter, as the “Public Interest Declassification Act of 2000”, see section 701 of Pub. L. 106-567, set out as a note under section 3301 of this title.

STATUS OF BOARD

Pub. L. 116-92, div. E, title LXVII, § 6741(c), Dec. 20, 2019, 133 Stat. 2239, provided that: “Notwithstanding section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 3161 note) as in effect on the day before the date of the enactment of this Act [Dec. 20, 2019]—

“(1) the Public Interest Declassification Board shall be deemed to not have terminated for purposes of the appointment of members to the Board;

“(2) section 703(h) of such Act [50 U.S.C. 3355a(h)] shall not apply with respect to the period beginning on December 31, 2018, and ending on the day before the date of the enactment of this Act; and

“(3) the length of the terms of the members serving on the Board as of December 30, 2018, shall be cal-

culated by not counting the period specified in paragraph (2).”

[Prior to being struck out by Pub. L. 116-92, div. E, title LXVII, § 6741(b)(1), Dec. 20, 2019, 133 Stat. 2239, section 710(b) of the Public Interest Declassification Act of 2000 (Pub. L. 106-567, title VII), referred to in the introductory provisions of section 6741(c) of Pub. L. 116-92, set out above, provided that: “The provisions of this title shall expire on December 31, 2018.” Section 710 of the Act was formerly set out in a note under section 3161 of this title, and was editorially transferred and is now set out as an Effective Date note above.]

§ 3355a. Public Interest Declassification Board**(a) Establishment**

(1) There is established within the executive branch of the United States a board to be known as the “Public Interest Declassification Board” (in this subchapter referred to as the “Board”).

(2) The Board shall report directly to the President or, upon designation by the President, the Vice President, the Attorney General, or other designee of the President. The other designee of the President under this paragraph may not be an agency head or official authorized to classify information under Executive Order 13526, or any successor order.

(b) Purposes

The purposes of the Board are as follows:

(1) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on the systematic, thorough, coordinated, and comprehensive identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials (including donated historical materials) that are of archival value, including records and materials of extraordinary public interest.

(2) To promote the fullest possible public access to a thorough, accurate, and reliable documentary record of significant United States national security decisions and significant United States national security activities in order to—

(A) support the oversight and legislative functions of Congress;

(B) support the policymaking role of the executive branch;

(C) respond to the interest of the public in national security matters; and

(D) promote reliable historical analysis and new avenues of historical study in national security matters.

(3) To provide recommendations to the President for the identification, collection, and review for declassification of information of extraordinary public interest that does not undermine the national security of the United States, to be undertaken in accordance with a declassification program that has been established or may be established by the President by Executive order.

(4) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on