

cies 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 national 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.)

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.