

tional 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.)

**Statutory Notes and Related Subsidiaries**

**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.

**(3) Continuous vetting**

The term “continuous vetting” has the meaning given such term in Executive Order No. 13467 (50 U.S.C. 3161 note; relating to reforming processes for determining suitability for government employment, fitness for contractor employees, and eligibility for access to classified national security information).

**(4) Council**

The term “Council” means the Security, Suitability, and Credentialing Performance Accountability Council established pursuant to such Executive order, or any successor entity.

**(5) Reciprocity**

The term “reciprocity” means reciprocal recognition by Federal departments and agencies of eligibility for access to classified information.

**(6) Security Executive Agent**

The term “Security Executive Agent” means the officer serving as the Security Executive Agent pursuant to section 3162a of this title.

**(7) Suitability and Credentialing Executive Agent**

The term “Suitability and Credentialing Executive Agent” means the Director of the Office of Personnel Management acting as the Suitability and Credentialing Executive Agent in accordance with Executive Order No. 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), or any successor entity.

(Pub. L. 116-92, div. E, title LXVI, §6601, Dec. 20, 2019, 133 Stat. 2209.)

**Editorial Notes**

**REFERENCES IN TEXT**

This title, referred to in text, means title LXVI of div. E of Pub. L. 116-92, which enacted this section and

sections 3162a and 3352a to 3352f of this title and amended sections 3033, 3104, 3163, and 3164 of this title. For complete classification of title LXVI to the Code, see Tables.

### Statutory Notes and Related Subsidiaries

#### DEFINITIONS

For definition of “congressional intelligence committees”, referred to in par. (1)(A), see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.

### § 3352a. Reports and plans relating to security clearances and background investigations

#### (a) Sense of Congress

It is the sense of Congress that—

(1) ensuring the trustworthiness and security of the workforce, facilities, and information of the Federal Government is of the highest priority to national security and public safety;

(2) the President and Congress should prioritize the modernization of the personnel security framework to improve its efficiency, effectiveness, and accountability;

(3) the current system for background investigations for security clearances, suitability and fitness for employment, and credentialing lacks efficiencies and capabilities to meet the current threat environment, recruit and retain a trusted workforce, and capitalize on modern technologies; and

(4) changes to policies or processes to improve this system should be vetted through the Council to ensure standardization, portability, and reciprocity in security clearances across the Federal Government.

#### (b) Accountability plans and reports

##### (1) Plans

Not later than 90 days after December 20, 2019, the Council shall submit to the appropriate congressional committees and make available to appropriate industry partners the following:

(A) A plan, with milestones, to reduce the background investigation inventory to 200,000, or an otherwise sustainable steady-level, by the end of year 2020. Such plan shall include notes of any required changes in investigative and adjudicative standards or resources.

(B) A plan to consolidate the conduct of background investigations associated with the processing for security clearances in the most effective and efficient manner in the Defense Counterintelligence and Security Agency. Such plan shall address required funding, personnel, contracts, information technology, field office structure, policy, governance, schedule, transition costs, and effects on stakeholders.

##### (2) Report on the future of personnel security

###### (A) In general

Not later than 180 days after December 20, 2019, the Chairman of the Council, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to ap-

propriate industry partners a report on the future of personnel security to reflect changes in threats, the workforce, and technology.

#### (B) Contents

The report submitted under subparagraph (A) shall include the following:

(i) A risk framework for granting and renewing access to classified information.

(ii) A discussion of the use of technologies to prevent, detect, and monitor threats.

(iii) A discussion of efforts to address reciprocity and portability.

(iv) A discussion of the characteristics of effective insider threat programs.

(v) An analysis of how to integrate data from continuous vetting, insider threat programs, and human resources data.

(vi) Recommendations on interagency governance.

#### (3) Plan for implementation

Not later than 180 days after December 20, 2019, the Chairman of the Council, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate industry partners a plan to implement the report’s framework and recommendations submitted under paragraph (2)(A).

#### (4) Congressional notifications

Not less frequently than quarterly, the Security Executive Agent shall make available to the public a report regarding the status of the disposition of requests received from departments and agencies of the Federal Government for a change to, or approval under, the Federal investigative standards, the national adjudicative guidelines, continuous vetting, or other national policy regarding personnel security.

(Pub. L. 116–92, div. E, title LXVI, § 6602, Dec. 20, 2019, 133 Stat. 2210.)

### Statutory Notes and Related Subsidiaries

#### DEFINITIONS

For definitions of “Council”, “reciprocity”, “appropriate congressional committees”, “appropriate industry partners”, “continuous vetting”, and “Security Executive Agent”, referred to in text, see section 3352 of this title.

### § 3352b. Improving the process for security clearances

#### (a) Reviews

Not later than 180 days after December 20, 2019, the Security Executive Agent, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate industry partners a report that includes the following:

(1) A review of whether the information requested on the Questionnaire for National Security Positions (Standard Form 86) and by the Federal Investigative Standards prescribed by the Suitability and Credentialing Executive Agent and the Security Executive Agent