

(a), the Director of National Intelligence and the Secretary of Defense shall jointly submit to Congress and make available to such industry partners as the Director and the Secretary consider appropriate a review of the policy.

“(2) CONTENTS.—The review under paragraph (1) shall include the following:

“(A) An assessment of the utility and effectiveness of the policy issued under subsection (a).

“(B) Such recommendations as the Director and the Secretary determine appropriate with respect to legislative or administrative action relevant to such policy.

“(e) DEFINITIONS.—In this section:

“(1) COVERED INSIDER THREAT INFORMATION.—The term ‘covered insider threat information’—

“(A) means information that—

“(i) is relevant with respect to adjudications relating to determinations of eligibility for access to classified information;

“(ii) an agency or department of the Federal Government has vetted and verified; and

“(iii) according to Director of National Intelligence policy, is considered relevant to the ability of a contractor employee to protect against insider threats as required by section 117.7(d) of title 32, Code of Federal Regulations, or successor regulation; and

“(B) includes pertinent information considered in the counter-threat assessment, as authorized by a provision of Federal law or Executive Order.

“(2) CONTRACTOR EMPLOYEE.—The term ‘contractor employee’ means an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of a department or agency of the Federal Government.”

#### GOVERNANCE OF TRUSTED WORKFORCE 2.0 INITIATIVE

Pub. L. 117–103, div. X, title VIII, §807(a), Mar. 15, 2022, 136 Stat. 1015, provided that:

“(a) GOVERNANCE.—The Director of National Intelligence, acting as the Security Executive Agent, and the Director of the Office of Personnel Management, acting as the Suitability and Credentialing Executive Agent, in coordination with the Deputy Director for Management in the Office of Management and Budget, acting as the chairman of the Performance Accountability Council, and the Under Secretary of Defense for Intelligence and Security shall jointly—

“(1) not later than 180 days after the date of the enactment of this Act [Mar. 15, 2022], publish, in the Federal Register as appropriate, a policy with guidelines and standards for Federal Government agencies and industry partners to implement the Trusted Workforce 2.0 initiative;

“(2) not later than 2 years after the date of the enactment of this Act and not less frequently than once every 6 months thereafter, submit to Congress a report on the timing, delivery, and adoption of Federal Government agencies’ policies, products, and services to implement the Trusted Workforce 2.0 initiative, including those associated with the National Background Investigation Service; and

“(3) not later than 90 days after the date of the enactment of this Act, submit to Congress performance management metrics for the implementation of the Trusted Workforce 2.0 initiative, including performance metrics regarding timeliness, cost, and measures of effectiveness.”

#### TRUSTED INFORMATION PROVIDER PROGRAM FOR NATIONAL SECURITY POSITIONS AND POSITIONS OF TRUST

Pub. L. 115–232, div. A, title IX, §941, Aug. 13, 2018, 132 Stat. 1941, provided that:

“(a) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act [Aug. 13, 2018], the Security Executive Agent and the Suitability/Credentialing Executive Agent shall establish and implement a program (to be known as the ‘Trusted Infor-

mation Provider Program’) to share between and among agencies of the Federal Government and industry partners of the Federal Government relevant background information regarding individuals applying for and currently occupying national security positions and positions of trust, in order to ensure the Federal Government maintains a trusted workforce.

“(b) PRIVACY SAFEGUARDS.—The Security Executive Agent and the Suitability/Credentialing Executive Agent shall ensure that the program required by subsection (a) includes such safeguards for privacy as the Security Executive Agent and the Suitability/Credentialing Executive Agent consider appropriate.

“(c) PROVISION OF INFORMATION TO THE FEDERAL GOVERNMENT.—The program required by subsection (a) shall include requirements that enable Investigative Service Providers and agencies of the Federal Government to leverage certain pre-employment information gathered during the employment or military recruiting process, and other relevant security or human resources information obtained during employment with or for the Federal Government, that satisfy Federal investigative standards, while safeguarding personnel privacy.

“(d) INFORMATION AND RECORDS.—The information and records considered under the program required by subsection (a) shall include the following:

“(1) Date and place of birth.

“(2) Citizenship or immigration and naturalization information.

“(3) Education records.

“(4) Employment records.

“(5) Employment or social references.

“(6) Military service records.

“(7) State and local law enforcement checks.

“(8) Criminal history checks.

“(9) Financial records or information.

“(10) Foreign travel, relatives or associations.

“(11) Social media checks.

“(12) Any other information or records relevant to obtaining or maintaining national security, suitability, fitness, or credentialing eligibility.

“(e) IMPLEMENTATION PLAN.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Aug. 13, 2018], the Security Executive Agent and the Suitability/Credentialing Executive Agent shall jointly submit to Congress a plan for the implementation of the program required by subsection (a).

“(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

“(A) Mechanisms that address privacy, national security, suitability or fitness, credentialing, and human resources or military recruitment processes.

“(B) Such recommendations for legislative or administrative action as the Security Executive Agent and the Suitability/Credentialing Executive Agent consider appropriate to carry out or improve the program.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘Security Executive Agent’ means the Director of National Intelligence acting as the Security Executive Agent in accordance with Executive Order 13467 (73 Fed. Reg. 38103; 50 U.S.C. 3161 note).

“(2) The term ‘Suitability/Credentialing Executive Agent’ means the Director of the Office of Personnel Management acting as the Suitability/Credentialing Executive Agent in accordance with Executive Order 13467.”

#### DEFINITIONS

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

### § 3352g. Requirement to authorize additional security clearances for certain contractors

#### (a) Definitions

In this section:

**(1) Appropriate committees of Congress**

The term “appropriate committees of Congress” means—

- (A) the congressional intelligence committees;
- (B) the Subcommittee on Defense of the Committee on Appropriations of the Senate; and
- (C) the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

**(2) Covered contract or agreement**

The term “covered contract or agreement”, with respect to an entity, means a contract or other agreement between that entity and an element of the intelligence community the performance of which requires a specified number of covered persons to hold a security clearance.

**(3) Covered person**

The term “covered person”, with respect to an entity, means a contractor or employee of that entity.

**(b) Plan and study****(1) In general**

No later than April 1, 2024, the Director of National Intelligence shall—

- (A) complete a study on the feasibility and advisability of implementing a program to authorize additional security clearances for certain contractors as described in subsection (c);
- (B) develop a plan to implement the program described in subparagraph (A); and
- (C) submit to the appropriate committees of Congress—
  - (i) a report on the findings of the Director with respect to the study completed pursuant to subparagraph (A); and
  - (ii) the plan developed pursuant to subparagraph (B).

**(2) Study elements**

The study completed pursuant to paragraph (1)(A) shall address the following:

- (A) For contracts agreed to after December 22, 2023, how private entities that contract with the intelligence community would make payments for additional clearances for their employees and how the intelligence community would receive payments.
- (B) A list of and changes to provisions of law required in order to fully implement the program required by subsection (c) and achieve the intent indicated in subparagraph (A) of this paragraph.
- (C) Such considerations as the Director may have for carrying out the program required by subsection (c) and achieving the intent indicated in subparagraph (A) of this paragraph.

**(c) Program to authorize additional security clearances for certain contractors**

Subject to the limitations described in subsection (d), the Director shall establish a program under which—

- (1) any entity that enters into a covered contract or agreement with an element of the in-

telligence community may designate an additional number of covered persons who may submit an application for a security clearance;

(2) the appropriate authorized investigative agency and authorized adjudicative agency, as such terms are defined in section 3341(a) of this title, shall—

(A) upon receiving such an application—

- (i) conduct an appropriate investigation of the background of the additional covered person; and
- (ii) make a determination as to whether the additional covered person is eligible for access to classified information; and

(B) if the determination under subparagraph (A)(ii) is favorable, upon any of the specified number of covered persons required to hold a security clearance for the performance of work under that covered contract or agreement becoming unable to perform such work, make a determination as to whether the additional covered person has a demonstrated need-to-know under Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, or Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information within industry), or any successor thereto (without requiring an additional investigation to be conducted under subparagraph (A)(i)); and

(3) if the additional covered person receives a favorable determination regarding the need-to-know under paragraph (2)(B) and signs an approved nondisclosure agreement, the additional covered person may perform such work in lieu of such covered person.

**(d) Limitations**

The limitations described in this subsection are as follows:

**(1) Limitation on number designated per contract**

The additional number designated by an entity under the program established pursuant to subsection (c) for each covered contract or agreement may not exceed the greater of the following:

- (A) 10 percent of the number of security clearances required to be held by covered persons to perform work under the covered contract or agreement.
- (B) 1 person.

**(2) Limitation on number designated per entity**

The total additional number designated by an entity under the program established pursuant to subsection (c) may not exceed the greater of the following:

- (A) 10 percent of the sum total number of security clearances required to be held by covered persons to perform work under all covered contracts or agreements of the entity.
- (B) 1 person.

**(e) Prohibitions****(1) In general**

No application for a security clearance may be submitted by a covered person of an entity

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).