

aware of such opportunities, the Department of State and the United States Agency for International Development shall publicize notice of all employment opportunities, including positions for which the relevant agency is accepting applications from individuals within the agency's workforce under merit promotion procedures, on publicly accessible sites, including www.usajobs.gov. If using merit promotion procedures, the notice shall expressly state that former employees eligible for reinstatement may apply.

(Added Pub. L. 117–81, div. E, title LIII, § 5312(b), Dec. 27, 2021, 135 Stat. 2365.)

#### **§ 10302. Consulting services for the Department of State**

Any consulting service obtained by the Department of State through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts with respect to which expenditures are a matter of public record and available for public inspection, except if otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

(Added Pub. L. 117–81, div. E, title LIII, § 5314(a), Dec. 27, 2021, 135 Stat. 2366.)

#### **Editorial Notes**

##### **CODIFICATION**

Pub. L. 117–81, div. E, title LIII, § 5314(a), Dec. 27, 2021, 135 Stat. 2366, which directed addition of this section at the end of chapter 103 of title 5, as added by section 10312 of Pub. L. 117–81, was executed by making the addition at the end of chapter 103 as added by section 5312(b) of Pub. L. 117–81, to reflect the probable intent of Congress.

### **Subpart J—Enhanced Personnel Security Programs**

#### **CHAPTER 110—ENHANCED PERSONNEL SECURITY PROGRAMS**

Sec.

11001. Enhanced personnel security programs.

#### **§ 11001. Enhanced personnel security programs**

(a) **ENHANCED PERSONNEL SECURITY PROGRAM.**—The Director of National Intelligence shall direct each agency to implement a program to provide enhanced security review of covered individuals—

- (1) in accordance with this section; and
- (2) not later than the earlier of—

(A) the date that is 5 years after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2016; or

(B) the date on which the backlog of overdue periodic reinvestigations of covered individuals is eliminated, as determined by the Director of National Intelligence.

(b) **COMPREHENSIVENESS.**—

(1) **SOURCES OF INFORMATION.**—The enhanced personnel security program of an agency shall integrate relevant and appropriate information from various sources, including government, publicly available, and commercial data

sources, consumer reporting agencies, social media, and such other sources as determined by the Director of National Intelligence.

(2) **TYPES OF INFORMATION.**—Information obtained and integrated from sources described in paragraph (1) may include—

(A) information relating to any criminal or civil legal proceeding;

(B) financial information relating to the covered individual, including the credit worthiness of the covered individual;

(C) publicly available information, whether electronic, printed, or other form, including relevant security or counterintelligence information about the covered individual or information that may suggest ill intent, vulnerability to blackmail, compulsive behavior, allegiance to another country, change in ideology, or that the covered individual lacks good judgment, reliability, or trustworthiness; and

(D) data maintained on any terrorist or criminal watch list maintained by any agency, State or local government, or international organization.

(c) **REVIEWS OF COVERED INDIVIDUALS.**—

(1) **REVIEWS.**—

(A) **IN GENERAL.**—The enhanced personnel security program of an agency shall require that, not less than 2 times every 5 years, the head of the agency shall conduct or request the conduct of automated record checks and checks of information from sources under subsection (b) to ensure the continued eligibility of each covered individual to access classified information and hold a sensitive position unless more frequent reviews of automated record checks and checks of information from sources under subsection (b) are conducted on the covered individual.

(B) **SCOPE OF REVIEWS.**—Except for a covered individual who is subject to more frequent reviews to ensure the continued eligibility of the covered individual to access classified information and hold a sensitive position, the reviews under subparagraph (A) shall consist of random or aperiodic checks of covered individuals, such that each covered individual is subject to at least 2 reviews during the 5-year period beginning on the date on which the agency implements the enhanced personnel security program of an agency, and during each 5-year period thereafter.

(C) **INDIVIDUAL REVIEWS.**—A review of the information relating to the continued eligibility of a covered individual to access classified information and hold a sensitive position under subparagraph (A) may not be conducted until after the end of the 120-day period beginning on the date the covered individual receives the notification required under paragraph (3).

(2) **RESULTS.**—The head of an agency shall take appropriate action if a review under paragraph (1) finds relevant information that may affect the continued eligibility of a covered individual to access classified information and hold a sensitive position.

(3) **INFORMATION FOR COVERED INDIVIDUALS.**—The head of an agency shall ensure that each