

covered individual is adequately advised of the types of relevant security or counterintelligence information the covered individual is required to report to the head of the agency.

(4) **LIMITATION.**—Nothing in this subsection shall be construed to affect the authority of an agency to determine the appropriate weight to be given to information relating to a covered individual in evaluating the continued eligibility of the covered individual.

(5) **AUTHORITY OF THE PRESIDENT.**—Nothing in this subsection shall be construed as limiting the authority of the President to direct or perpetuate periodic reinvestigations of a more comprehensive nature or to delegate the authority to direct or perpetuate such reinvestigations.

(6) **EFFECT ON OTHER REVIEWS.**—Reviews conducted under paragraph (1) are in addition to investigations and reinvestigations conducted pursuant to section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341).

(d) **DEFINITIONS.**—In this section—

(1) the term “agency” has the meaning given that term in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341);

(2) the term “consumer reporting agency” has the meaning given that term in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a);

(3) the term “covered individual” means an individual employed by an agency or a contractor of an agency who has been determined eligible for access to classified information or eligible to hold a sensitive position; and

(4) the term “enhanced personnel security program” means a program implemented by an agency at the direction of the Director of National Intelligence under subsection (a).

(Added Pub. L. 114–113, div. M, title III, § 306(a)(1), Dec. 18, 2015, 129 Stat. 2914; amended Pub. L. 116–92, div. E, title LXVII, § 6711, Dec. 20, 2019, 133 Stat. 2225; Pub. L. 118–31, div. G, title III, § 7327(b), Dec. 22, 2023, 137 Stat. 1044.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Intelligence Authorization Act for Fiscal Year 2016, referred to in subsec. (a)(2)(A), is the date of enactment of div. M of Pub. L. 114–113, which was approved Dec. 18, 2015.

AMENDMENTS

2023—Subsec. (d). Pub. L. 118–31, § 7327(b)(1), redesignated subsec. (e) as (d) and struck out former subsec. (d) which provided for review by the Inspector General of each agency of the enhanced personnel security program.

Subsec. (d)(3), (4). Pub. L. 118–31, § 7327(b)(2), inserted “and” after the semicolon at end of par. (3) and substituted a period for “; and” at end of par. (4).

Subsec. (e). Pub. L. 118–31, § 7327(b)(1)(B), redesignated subsec. (e) as (d).

2019—Subsec. (d). Pub. L. 116–92 substituted “Review” for “Audit” in heading and “review” for “audit” in text of pars. (1) and (2).

Statutory Notes and Related Subsidiaries

RESOLUTION OF BACKLOG OF OVERDUE PERIODIC REINVESTIGATIONS

Pub. L. 114–113, div. M, title III, § 306(b), Dec. 18, 2015, 129 Stat. 2916, provided that:

“(1) **IN GENERAL.**—The Director of National Intelligence shall develop and implement a plan to eliminate the backlog of overdue periodic reinvestigations of covered individuals.

“(2) **REQUIREMENTS.**—The plan developed under paragraph (1) shall—

“(A) use a risk-based approach to—

“(i) identify high-risk populations; and

“(ii) prioritize reinvestigations that are due or overdue to be conducted; and

“(B) use random automated record checks of covered individuals that shall include all covered individuals in the pool of individuals subject to a one-time check.

“(3) **DEFINITIONS.**—In this subsection:

“(A) The term ‘covered individual’ means an individual who has been determined eligible for access to classified information or eligible to hold a sensitive position.

“(B) The term ‘periodic reinvestigations’ has the meaning given such term in section 3001(a)(7) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(a)(7)).”

PART IV—ETHICS REQUIREMENTS

Chap.

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CHAPTER 131—ETHICS IN GOVERNMENT

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Statutory Notes and Related Subsidiaries

EFFECT OF REFERENCES TO TITLE 5 ON APPLICATION OF ETHICS PROVISIONS

Pub. L. 117–286, § 6, Dec. 27, 2022, 136 Stat. 4360, provided that: “A Federal statute providing that title 5 of

the United States Code as a whole is inapplicable, or providing that an appointment may be made without regard to the provisions of title 5 governing appointment in the competitive service, shall not affect the application of any provision of chapter 131 of title 5, United States Code.”

RULE OF CONSTRUCTION

Pub. L. 112-105, § 10, Apr. 4, 2012, 126 Stat. 298, provided that: “Nothing in this Act [see Tables for classification], the amendments made by this Act, or the interpretive guidance to be issued pursuant to sections 3 and 9[(a)] of this Act [set out below], shall be construed to—

“(1) impair or limit the construction of the anti-fraud provisions of the securities laws or the Commodity Exchange Act [7 U.S.C. 1 et seq.] or the authority of the Securities and Exchange Commission or the Commodity Futures Trading Commission under those provisions;

“(2) be in derogation of the obligations, duties, and functions of a Member of Congress, an employee of Congress, an executive branch employee, a judicial officer, or a judicial employee, arising from such person’s official position; or

“(3) be in derogation of existing laws, regulations, or ethical obligations governing Members of Congress, employees of Congress, executive branch employees, judicial officers, or judicial employees.”

[For definitions of terms used in section 10 of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a note under section 13101 of this title.]

PROHIBITION OF THE USE OF NONPUBLIC INFORMATION FOR PRIVATE PROFIT

Pub. L. 112-105, § 3, Apr. 4, 2012, 126 Stat. 292, provided that: “The Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives shall issue interpretive guidance of the relevant rules of each chamber, including rules on conflicts of interest and gifts, clarifying that a Member of Congress and an employee of Congress may not use nonpublic information derived from such person’s position as a Member of Congress or employee of Congress or gained from the performance of such person’s official responsibilities as a means for making a private profit.”

[For definitions of terms used in section 3 of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a note under section 13101 of this title.]

Pub. L. 112-105, § 9(a), Apr. 4, 2012, 126 Stat. 297, provided that:

“(1) EXECUTIVE BRANCH EMPLOYEES.—The Office of Government Ethics shall issue such interpretive guidance of the relevant Federal ethics statutes and regulations, including the Standards of Ethical Conduct for executive branch employees, related to use of nonpublic information, as necessary to clarify that no executive branch employee may use nonpublic information derived from such person’s position as an executive branch employee or gained from the performance of such person’s official responsibilities as a means for making a private profit.

“(2) JUDICIAL OFFICERS.—The Judicial Conference of the United States shall issue such interpretive guidance of the relevant ethics rules applicable to Federal judges, including the Code of Conduct for United States Judges, as necessary to clarify that no judicial officer may use nonpublic information derived from such person’s position as a judicial officer or gained from the performance of such person’s official responsibilities as a means for making a private profit.

“(3) JUDICIAL EMPLOYEES.—The Judicial Conference of the United States shall issue such interpretive guidance of the relevant ethics rules applicable to judicial employees as necessary to clarify that no judicial employee may use nonpublic information derived from such person’s position as a judicial employee or gained from the performance of such person’s official responsibilities as a means for making a private profit.”

[For definitions of terms used in section 9(a) of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a note under section 13101 of this title.]

SUBCHAPTER I—FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

§ 13101. Definitions

In this subchapter:

(1) CONGRESSIONAL ETHICS COMMITTEES.—The term “congressional ethics committees” means the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives.

(2) DEPENDENT CHILD.—The term “dependent child” means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986 (26 U.S.C. 152).

(3) DESIGNATED AGENCY ETHICS OFFICIAL.—The term “designated agency ethics official” means an officer or employee who is designated to administer the provisions of this subchapter within an agency.

(4) EXECUTIVE BRANCH.—The term “executive branch” includes each Executive agency (as defined in section 105 of this title), other than the Government Accountability Office, and any other entity or administrative unit in the executive branch.

(5) GIFT.—The term “gift” means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(D) food and beverages which are not consumed in connection with a gift of overnight lodging;

(E) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; or

(F) consumable products provided by home-State businesses to the offices of a reporting individual who is an elected official, if those products are intended for consumption by persons other than such reporting individual.

(6) HONORARIA.—The term “honoraria” means the plural of “honorarium” as defined in section 13141 of this title.

(7) INCOME.—The term “income” means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees,