

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)).”

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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