

Sec.
10302. Consulting services for the Department of State.

Editorial Notes

AMENDMENTS

2021—Pub. L. 117–81, div. E, title LIII, § 5314(b), Dec. 27, 2021, 135 Stat. 2366, which directed the addition of item 10302 to this analysis, as added by section “10312(b)” of Pub. L. 117–81, was not executed to reflect the probable intent of Congress, as identical item 10302 already appeared in this analysis, as added by section 5312(b) of Pub. L. 117–81.

§ 10301. Notice of employment opportunities for Department of State and USAID positions

To ensure that individuals who have separated from the Department of State or the United States Agency for International Development and who are eligible for reappointment are 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 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

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CHAPTER 131—ETHICS IN GOVERNMENT

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