

111-282, set out as an Effective Date of 2010 Amendment note under section 5102 of this title.

### § 10210. Reporting requirement

Not later than 3 years after the date of the enactment of this chapter, the Secretary shall prepare and transmit to Congress a report on the operation of this chapter. The report shall include—

- (1) an assessment of the effectiveness of this chapter with respect to efforts of the Secretary to recruit and retain well-qualified personnel; and
- (2) recommendations for any legislation or administrative action which the Secretary considers appropriate.

(Added Pub. L. 111-282, §2(a), Oct. 15, 2010, 124 Stat. 3038.)

#### REFERENCES IN TEXT

The date of the enactment of this chapter, referred to in text, is the date of enactment of Pub. L. 111-282, which was approved Oct. 15, 2010.

#### EFFECTIVE DATE

Section effective on first day of first pay period which begins after Oct. 15, 2010, see section 5 of Pub. L. 111-282, set out as an Effective Date of 2010 Amendment note under section 5102 of this title.

## 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.