

(2) A member described in this subsection shall receive the additional compensation authorized by this subsection until such time as the member's position is determined under section 10202(a)(3) not to be a technician position, or until the member no longer occupies such position, whichever occurs first.

(3) The additional compensation authorized by this subsection shall be paid to a member in the same manner and at the same time as the member's basic pay is paid.

(b) EXCEPTIONS.—(1) Except as provided in paragraph (2), the additional compensation authorized by subsection (a)(1) shall be considered as basic pay for all purposes, including section 8401(4).

(2) The additional compensation authorized by subsection (a)(1) shall not be considered as basic pay for the purposes of—

- (A) section 5304; or
- (B) section 7511(a)(4).

(3) The loss of the additional compensation authorized by subsection (a)(1) shall not constitute an adverse action for the purposes of section 7512.

(Added Pub. L. 111-282, §2(a), Oct. 15, 2010, 124 Stat. 3037.)

#### 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.

#### § 10207. Promotions

(a) IN GENERAL.—Each member who is promoted to a higher rank shall receive basic pay at the same step at which such member was being compensated prior to the date of the promotion.

(b) CREDIT FOR SERVICE.—For the purposes of a service step adjustment under section 10205, periods of service at the lower rank shall be credited in the same manner as if it was service at the rank to which the employee is promoted.

(Added Pub. L. 111-282, §2(a), Oct. 15, 2010, 124 Stat. 3037.)

#### 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.

#### § 10208. Demotions

When a member is changed or demoted from any rank to a lower rank, the Secretary may fix the member's rate of basic pay at the rate of pay for any step in the lower rank which does not exceed the lowest step in the lower rank for which the rate of basic pay is equal to or greater than the member's existing rate of basic pay.

(Added Pub. L. 111-282, §2(a), Oct. 15, 2010, 124 Stat. 3037.)

#### 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.

#### § 10209. Clothing allowances

(a) IN GENERAL.—In addition to the benefits provided under section 5901, the Director of the United States Secret Service or the designee of the Director is authorized to provide a clothing allowance to a member assigned to perform duties in normal business or work attire purchased at the discretion of the employee. Such clothing allowance shall not to be treated as part of the member's basic pay for any purpose (including retirement purposes) and shall not be used for the purpose of computing the member's overtime pay, pay during leave or other paid time off, lump-sum payments under section 5551 or section 5552, workers' compensation, or any other benefit. Such allowance for any member may be discontinued at any time upon written notification by the Director of the United States Secret Service or the designee of the Director.

(b) MAXIMUM AMOUNT AUTHORIZED.—A clothing allowance authorized under this section shall not exceed \$500 per annum.

(Added Pub. L. 111-282, §2(a), Oct. 15, 2010, 124 Stat. 3037.)

#### 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.

#### § 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.

(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) REVIEW.—

(1) IN GENERAL.—Beginning 2 years after the date of the implementation of the enhanced personnel security program of an agency under subsection (a), the Inspector General of the agency shall conduct at least 1 review to assess the effectiveness and fairness, which shall be determined in accordance with performance measures and standards established by the Director of National Intelligence, to covered individuals of the enhanced personnel security program of the agency.

(2) SUBMISSIONS TO DNI.—The results of each review conducted under paragraph (1) shall be submitted to the Director of National Intelligence to assess the effectiveness and fairness of the enhanced personnel security programs across the Federal Government.

(e) 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;<sup>1</sup>

(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); and<sup>2</sup>

(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.)

#### 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

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

<sup>1</sup> So in original. Probably should be followed by “and”.

<sup>2</sup> So in original. The “; and” probably should be a period.

#### 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)).”