



# DoDEA ADMINISTRATIVE INSTRUCTION 5210.03, VOLUME 1

## DoDEA PERSONNEL SECURITY AND SUITABILITY PROGRAM

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**Originating Component:** Security Management Division

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**Incorporates and Cancels:** DoDEA Administrative Instruction 4800.6, "DoDEA Personnel Security and Suitability Program," October 15, 2008  
DoDEA Administrative Instruction 4700.3, "Application and Background Checks for Department of Defense Education Activity School Volunteers and Student Teachers," May 15, 2006

**Approved by:** Thomas M. Brady, Director

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**Purpose:** This Issuance is composed of multiple volumes, each containing its own purpose. In accordance with Volume 1 of DoD Instruction 5200.01; DoD Instruction 5200.02; DoD Manual 5200.02; Parts 731, Part 732, and 736 of Title 5, Code of Federal Regulations, and Director of Central Intelligence Directive 6/4:

- This Issuance establishes policy, assigns responsibilities, and prescribes procedures for implementing the DoDEA personnel security and suitability (PERSEC) program.
- This volume:
  - Establishes DoDEA PERSEC responsibilities.
  - Applies standards, criteria, and guidelines for DoDEA PERSEC policy.
  - Establishes types of investigations used by DoDEA.
  - Addresses position sensitivity.

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## SECTION 1: GENERAL ISSUANCE INFORMATION

### 1.1. APPLICABILITY. This Issuance applies to:

- a. The Office of the Director, DoDEA; the Principal Deputy Director and Associate Director for Academics, DoDEA; the Associate Director for Financial and Business Operations, DoDEA; the Chief of Staff, DoDEA; the Director for Student Excellence, DoDEA Americas/Associate Director for Performance and Accountability (formerly the Director, Domestic Dependent Elementary and Secondary Schools, and Department of Defense Dependents Schools, Cuba (DDESS/DoDDS-Cuba)); the Director for Student Excellence, DoDEA Europe (formerly the Director, Department of Defense Dependents Schools, Europe (DoDDS-E)); the Director for Student Excellence, DoDEA Pacific (formerly the Director, Department of Defense Dependents Schools, Pacific, and Domestic Dependent Elementary and Secondary Schools, Guam (DoDDS-P/DDESS-Guam)); (referred to collectively in this issuance as "DoDEA Region Directors for Student Excellence"); and all DoDEA region, district, and community school leaders and support staff.
- b. Volunteers participating in DoDEA activities.

### 1.2. POLICY.

a. It is DoDEA policy that the DoD PERSEC programs are effectively implemented in accordance with DoD established policies.

(1) Information collected as part of the investigative and adjudicative process shall be managed in accordance with applicable laws and DoD policies.

(2) Criminal history background checks will be conducted on all individuals involved with the provisions of child and youth (C&Y) service programs who have regular contact with children under the age of eighteen (18).

(3) No person shall be appointed or assigned to a position with an unfavorable PERSEC determination.

b. This Issuance is separated into volumes. Each volume will address an individual portion of PERSEC, or have several sections supporting the topic of the Issuance. This Issuance authorizes the production of additional issuances in support of the PERSEC program.

**1.3. INFORMATION COLLECTION.** This Issuance may result in the collection of information due to the policy and procedures. Any collection of information must follow all applicable Federal, DoD, and DoDEA regulations, policies, and guidance.

## SECTION 2: RESPONSIBILITIES

### 2.1. DODEA DIRECTOR. The DoDEA Director:

- a. Serves as the senior Activity official, consistent with the provisions of Executive Order 12968, and provides overall administration for the PERSEC program in accordance with DoD Manual 5200.02.
- b. Determines the position sensitivity as required by Part 1400 of Title 5, Code of Federal Regulations
- c. Ensures DoDEA personnel are aware of the provisions within this Issuance.
- d. Appoints a senior security official, in writing, responsible for the direction, overall management, functioning, and administration of the DoDEA PERSEC program in accordance with DoD Manual 5200.02.

### 2.2. DODEA ASSOCIATE DIRECTOR FOR FINANCIAL AND BUSINESS OPERATIONS. The DoDEA Associate Director for Financial and Business Operations ensures:

- a. PERSEC policies are in compliance with DoD Instruction 5145.03.
- b. DoDEA personnel and volunteers meet the background check requirements established DoD Instruction 1402.05.
- c. C&Y service programs PERSEC requirements are accomplished in accordance with DoD Instruction 6060.02, DoD Instruction 6060.4, and DoD Instruction 6400.01.
- d. Funding is provided to address component requirements for investigations, adjudications, and recording of results in accordance with the DoD PERSEC program.

### 2.3. DODEA CHIEF, SECURITY MANAGEMENT DIVISION. The DoDEA Chief, Security Management Division (SMD):

- a. Provides supervision for the DoDEA PERSEC program in accordance with all applicable policies.
- b. Is authorized to suspend eligibilities and grant or deny interim clearances/eligibilities on behalf of the DoDEA Director.
- c. Ensures:
  - (1) PERSEC specialists have the knowledge and skills required to perform security functional tasks.

(2) The PERSEC adjudication system is only used as a system of record and not a pre-hiring screening tool.

**2.4. DODEA PERSONNEL SECURITY PROGRAM MANAGER.** The DoDEA PERSEC Program Manager:

a. Provides:

(1) Oversight and guidance of DoDEA SMD PERSEC specialists and daily operations.

(2) Annual PERSEC investigation projections to the Office of the Under Secretary of Defense (USD) in accordance with DoD Manual 5200.02.

b. Enforces requirements for the reporting of derogatory information, unfavorable administrative, or adverse actions to PERSEC, human resources, or the counterintelligence officer.

c. Implements program standards and policies including the issuance and management of interim and final DoD security clearance access, visit requests, and administrative withdrawal of security clearance access for just cause.

d. Manages:

(1) A system of checks for national security and non-sensitive positions.

(2) A fee-for-service investigative program.

(3) A final review of cases processed with access requirements in sensitive or controversial circumstances.

(4) A computerized case management system.

e. Coordinates with the Office of Personnel Management (OPM), Washington Headquarters Services, and DoD Components relative to the personnel and information security program for DoDEA.

f. Establishes and maintains an:

(1) Effective suitability program to ensure the employment of each person in a covered position will promote the efficiency and protect the integrity of the service.

(2) Ongoing self-inspection program to annually evaluate and assess the effectiveness and efficiency of DoDEA's implementation of the DoD PERSEC program in accordance with DoD Manual 5200.02.

g. Works with the DoDEA Chief, SMD in diagnosing systemic inefficiencies and develop realistic process improvements to move selectees/re-assignees into positions as rapidly as possible.

- h. Tracks division funds allocated for investigation service.
- i. Plans budget request for inflation in billing rates.
- j. Remains responsible for the physical custody and dissemination of information from active and pending clearances, and suitability indices, files, and inactive cases.

**2.5. DODEA PERSONNEL SECURITY SPECIALIST.** The DoDEA PERSEC Specialist:

- a. Issues interim clearances or eligibility to occupy a non-sensitive position in accordance with DoD Manual 5200.02.
- b. Processes:
  - (1) Employment/PERSEC nominations for sensitive and non-sensitive positions.
  - (2) The fingerprint of applicants, volunteers, and employees for background investigation purposes, to include checking for the results.
  - (3) Reciprocate existing clearances in accordance with Executive Order 12968 and Executive Order 13488.
  - (4) Actions with the DoD Consolidated Adjudication Facility for final clearance, suitability, and continuous evaluation, to include periodic reinvestigations.
  - (5) Department of Defense Form 2875, “System Authorizations Access Request” for DoDEA personnel requesting access to information technology systems.
  - (6) Fingerprinting of applicants and employees for background investigations.
  - (7) Employee accounts in the DoD computerized adjudication system, e.g., joint personnel adjudication system.
- c. Initiates PERSEC investigations with OPM.
- d. Monitors case progress from start to finish.
- e. Presents due process correspondence and decision to nominees and employees.
- f. Provides notification of incoming personnel release or withhold determination to SMD team lead for new hires and upgrade in position sensitivity.
- g. Serves as suitability adjudicator, if applicable training has been accomplished and is of the appropriate grade. Suitability adjudication will be addressed in detail in a later volume.

## **SECTION 3: SUITABILITY**

### **3.1. SUITABILITY.**

a. Suitability:

(1) Refers to identifiable character traits and conduct during an individual's employment or continued employment to protect the integrity or promote the efficiency of the Activity.

(2) Is distinguishable from a person's ability to fulfill the qualification requirements of a job, as measured by experience, education, knowledge, and skills.

b. A suitability action includes one or more of the following actions, in accordance with Part 731 of Title 5, Code of Federal Regulations.

(1) Cancellation of eligibility.

(2) Removal.

(3) Cancellation of reinstatement eligibility.

(4) Debarment.

c. A non-selection or passover of a preference eligible applicant is not a suitability action, even if it is based upon the reasons established in Part 731 of Title 5, Code of Federal Regulations in accordance with Part 406 of Title 5, Code of Federal Regulations.

### **3.2. NATIONAL SECURITY.**

a. In accordance with Executive Order 13467, executive branch policies and procedures relating to suitability, contractor employee fitness, eligibility to hold a sensitive position, access to federally controlled facilities and information systems, and eligibility for access to classified information shall be aligned using consistent standards to the extent possible, provide for reciprocal recognition, and shall ensure cost-effective, timely, and efficient protection of the national interest, while providing fair treatment to those upon whom the Government relies to conduct our nation's business and protect national security.

b. The objective of PERSEC is to ensure persons deemed eligible for national security positions remain reliable and trustworthy.

c. PERSEC procedures for national security positions are set forth in Executive Order 10865, DoD Instruction 5220.22, and DoD Manual 5200.02.

d. Classified information is information pursuant to Executive Order 12958 that requires protection against unauthorized disclosure.

**3.3. SENSITIVE COMPARTMENTED INFORMATION ELIGIBILITY.** Investigative and adjudicative requirements for sensitive compartmented information (SCI) eligibility shall be executed in accordance with the Intelligence Community Directive 704.

**3.4. ADJUDICATION.** DoDEA PERSEC criteria and adjudicative standards are in accordance with Executive Order 12968, Intelligence Community Directive 704, DoD Directive 5220.6, DoD Instruction 5220.22, and DoD Manual 5200.02.

a. Discretionary judgments used to determine eligibility for national security positions are an inherently governmental function and will be performed by appropriately trained and favorably adjudicated Federal personnel.

b. As required by DoD Instruction 5200.02, when an unfavorable PERSEC determination is rendered, individuals cannot be appointed or assigned to national security positions.

c. The adjudicative guidelines established by Part 731 of Title 5, Code of Federal Regulations and OPM suitability processing handbook will be used for all suitability determinations.

d. The objective of the suitability adjudicator is to establish a reasonable expectation that employment or continued employment of the person either would or would not protect the integrity or promote the efficiency of the service.

e. When there is reasonable expectation a person's employment would not protect the integrity or promote the efficiency of service, the person must be found unsuitable.

f. This expectation is established when an adverse nexus or connection can be shown between the character or conduct in question and the integrity of a competitive examination or appointment, the integrity of the competitive examining system, or the person's capacity and fitness for employment in covered positions.



## SECTION 4: POSITION SENSITIVITY

**4.1. POSITION SENSITIVITY DETERMINATION.** The DoDEA Director will designate positions within the Activity as a national security position pursuant to Part 1400 of Title 5, Code of Federal Regulations.

a. Special-sensitive positions are those national security positions which have the potential to cause inestimable damage to the national security, including but not limited to positions requiring eligibility for access to SCI, requiring eligibility for access to any other intelligence-related special sensitive information, requiring involvement in Top Secret (TS) Special Access Programs, or positions which the Activity head determines must be designated higher than critical-sensitive.

b. Critical-sensitive positions are national security positions which have the potential to cause exceptionally grave damage to the national security, including but not limited to positions:

- (1) Requiring eligibility for access to TS or “Q” classified information.
- (2) Not requiring eligibility for access to classified information, but having the potential to cause exceptionally grave damage to the national security.
- (3) Having direct involvement with diplomatic relations and negotiations.
- (4) Working with significant life-critical/mission-critical systems, such that compromise or exploitation of those systems would cause exceptionally grave damage to essential government operations or national infrastructure.
- (5) Concerning national security policy making or determining positions.
- (6) Comprising investigative duties, including handling of completed counterintelligence or background investigations, the nature of which have the potential to cause exceptionally grave damage to the national security.
- (7) Involving:
  - (a) Development or approval of war plans, major or special military operations, or critical and extremely important items of war.
  - (b) National security adjudicative determinations or granting of personnel security clearance eligibility or duty on personnel security boards.
  - (c) Senior management of key programs, the compromise of which could result in exceptionally grave damage to the national security.
  - (d) Independent responsibility for planning or approving continuity of government operations.

(e) Major and immediate responsibility for, and the ability to act independently without detection to compromise or exploit the:

1. Protection, control, and safety of the nation's borders and ports or immigration or customs control or policies, where there is a potential to cause exceptionally grave damage to the national security.

2. Design, installation, operation, or maintenance of critical infrastructure systems or programs.

(8) In which the occupants:

(a) Have the ability to independently damage public health and safety with devastating results.

(b) Compromise or exploit:

1. Biological agents or toxins, chemical agents, nuclear materials, or other hazardous materials.

2. The nation's nuclear or chemical weapons designs or systems.

(c) Obligate, expend, collect or control revenue, funds or items with monetary value in excess of \$50 million, or procure or secure funding for goods and/or services with monetary value in excess of \$50 million annually, with the potential for exceptionally grave damage to the national security.

(d) Have unlimited access to and control:

1. Over unclassified information, which may include private, proprietary or other controlled unclassified information, but only where the unauthorized disclosure of that information could cause exceptionally grave damage to the national security.

2. Of access to designated restricted areas or restricted facilities that maintain national security information classified at the TS or "Q" level.

(e) Have direct, unrestricted control over supplies of arms, ammunition, or explosives or control over any weapons of mass destruction.

(f) Conduct internal and/or external investigation, inquiries, or audits where the occupant's neglect, action, or inaction could cause exceptionally grave damage to the national security.

c. Non-critical sensitive positions are national security positions which have the potential to cause significant or serious damage to the national security, including but not limited to positions:

(1) Positions requiring eligibility for access to secret, or "L" classified information.

(2) Not requiring eligibility for access to classified information, but having the potential to cause significant or serious damage to the national security.

d. Non-sensitive positions do not require access to classified information.

e. Duties considered sensitive and critical to national security do not always involve classified activities or classified matters. Employees with access to automated systems that contain active duty, guard, or military reservists' personally identifiable information or information pertaining to service members that are otherwise protected from disclosure by DoD Directive 5400.11 may be designated as national security positions within DoD, where such access has the potential to cause serious damage to national security.

#### **4.2. CHANGES IN POSITION SENSITIVITY.**

a. Position sensitivity upgrades will not be processed within the first six (6) months of the employee's assignment to the position without a substantial change in assigned duties warranting a higher level of position sensitivity.

b. If position requires a change in sensitivity, contact the DoDEA PERSEC Program Manager if assistance is needed.

#### **4.3. EXCEPTIONS TO INVESTIGATIVE REQUIREMENTS FOR APPOINTMENT.**

a. In an emergency, the DoDEA Chief, SMD, may authorize individuals to occupy positions not initially meeting the investigative requirements for entry on duty.

b. In the event of an emergency appointment, an assessment must ensure no information has been provided indicating the appointment is inconsistent with the interest of national security or suitability for government employment.

## SECTION 5: ELIGIBILITY

**5.1. RECIPROCITY.** DoDEA will comply with the April 20, 2016 USD Memorandum.

**5.2. INTERIM ELIGIBILITY.** DoDEA will use the minimum requirements for interim eligibility to access classified information in accordance with the January 27, 2014 USD Memorandum. DoDEA can grant interim eligibility information if:

a. Proof of citizenship has been provided in accordance with DoD Manual 5200.02.

b. Favorable review of:

(1) A completed Standard Form (SF) 86, "Questionnaire for National Security Positions."

(2) Favorable review of local personnel, base, military police, medical, and security record, as applicable.

(3) Federal Bureau of Investigation criminal history report, i.e., fingerprint results.

c. An appropriate investigation has been opened by the investigative service provider.

**5.3. PROHIBITING MARIJUANA USE.** Although some States and the District of Columbia have made legislative changes regarding the legality of marijuana. DoDEA will prohibit granting or renewing a security clearance to an unlawful user of a controlled substance, which includes marijuana in accordance with the November 17, 2014 USD Memorandum and Section 3343 of Title 50, United States Code.

## SECTION 6: BACKGROUND INVESTIGATIONS

**6.1. STANDARD.** The type of required background investigation and eligibility is dependent upon the position sensitivity.

**6.2. INVESTIGATIONS.** As identified in the OPM Federal Investigations Notice 16-06, recent changes in PERSEC investigations have developed a tier system to replace previous investigative processes. The following are the types of PERSEC investigations used by DoDEA.

### **a. Tier 1 Investigation.**

(1) Utilized for:

(a) Non-sensitive, low risk/Homeland Security Presidential Directive-12 credential positions.

(b) No national security sensitivity positions.

(2) Includes:

(a) SF 85, “Questionnaire for Non-Sensitive Positions.”

(b) Federal Bureau of Investigation advanced fingerprint check.

(c) The Office of Personnel Management’s Security, Suitability Index (SII) and the Defense Clearance and Investigation Index (DCII).

(d) Written inquiries to current and past employers, schools of record, references, local law enforcement agencies covering the past five (5) years, and immigration and naturalization service if foreign born.

(3) Replaces:

(a) National agency check and inquiries.

(b) No credit check.

**b. Tier 2 Investigation.** Not used by DoD.

### **c. Tier 3 Investigation.**

(1) For military and contractors:

(a) Utilized to determine secret clearance eligibility.

(b) Is completed by SF 86, “Questionnaire for National Security Positions.”

- (c) Replaces national agency check with law and credit.
- (2) For civilians:
  - (a) Utilized for:
    - 1. Noncritical-sensitive positions.
    - 2. Determination of Secret clearance eligibility.
  - (b) Is completed by SF 86, “Questionnaire for National Security Positions.”
  - (c) Replaces access national agency check and inquiries.
- (3) Tier 3 reinvestigations are completed every ten (10) years.

**d. Tier 4 investigation.** Not used by DoD.

**e. Tier 5 investigation.**

- (1) Utilized for:
  - (a) Critical-sensitive position.
  - (b) TS with or without SCI clearance eligibility.
  - (c) Special-sensitive position.
- (2) Completed using SF 86, “Questionnaire for National Security Positions.”
- (3) Replaces single scope background investigations.
- (4) Tier 5 reinvestigation are required every five (5) years.

## GLOSSARY

### G.1. ACRONYMS.

C&Y	Child and Youth
DCII	Defense Clearance and Investigations Index
PERSEC	Personnel Security
OPM	Office of Personnel Management
SCI	sensitive compartmented information
SF	Standard Form
SII	Security/Suitability Investigations Index
SMD	Security Management Division
TS	Top Secret
USD	Under Secretary of Defense

**G.2. DEFINITIONS.** Unless otherwise noted, these terms and their definitions are for the purpose of this Issuance

**C&Y service programs.** Services and/or programs provided to children under the age of eighteen (18) in settings including child protective services (including the investigation of child abuse and neglect reports), social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitative programs, and detention, correctional, or treatment services.

Also known as child care services in accordance with DoD Instruction 1402.05, and Section 13041 of Title 42, United States Code. Further, this includes educational, cultural, and athletic service programs.

**DoDEA personnel.** DoD civilians, contractors employed by DoDEA, and DoD dependents who receive DoDEA educational services.

**L Classified.** Department of Energy security clearance, equivalent to a DoD Secret clearance.

**national security position.** Any position in a department or agency, the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security.

**Q Classified.** Department of Energy security clearance, equivalent to a DoD TS clearance.

**SCI.** Classified information concerning or derived from intelligence sources, methods, or analytical process that is required to be handled within a formal access control system established by the Director National Intelligence.



## REFERENCES

- Code of Federal Regulations, Title 5
- Department of Defense Form 2875, "System Authorizations Access Request," August 2009
- Director of Central Intelligence Directive 6/4, "Personnel Security Standards," July 2, 1998
- DoD Directive 5220.6, "Defense Industrial Personnel Security Clearance Review Program," January 2, 1992
- DoD Directive 5400.11, "DoD Privacy Program," October 29, 2014
- DoD Instruction 1402.05, "Background Checks on Individuals in DoD Child Care Services Programs," September 11, 2015, as amended,
- DoD Instruction 5145.03, "Oversight of the DoD Personnel Security Programs," January 10, 2013
- DoD Instruction 5200.01, Volume 1, "DoD Information Security Program: Overview, Classification, and Declassification," February 24, 2012
- DoD Instruction 5200.02, "DoD Personnel Security Program," March 21, 2014, Incorporating Change 1, Effective September 9, 2014
- DoD Instruction 5220.22, "National Industrial Security Program," March 18, 2011
- DoD Instruction 6060.4, "Department of Defense Youth Programs," August 23, 2004
- DoD Instruction 6060.02, "Child Development Programs," August 5, 2014
- DoD Instruction 6400.01, "Family Advocacy Program," February 13, 2015
- DoD Manual 5200.02, "Procedures for the DoD Personnel Security Program," April 3, 2017
- Executive Order 10865, "Safeguarding Classified Information within Industry," February 20, 1960, as amended
- Executive Order 12958, "Classified National Security Information," April 17, 1995
- Executive Order 12968, "Access to Classified Information," August 2, 1995, as amended
- Executive Order 13467, "Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information," June 30, 2008, as amended
- Executive Order 13488, "Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust," January 16, 2009, as amended
- Homeland Security Presidential Directive-12, "Policies for a Common Identification Standard for Federal Employees and Contractors," August 27, 2004
- Intelligence Community Directive 704, "Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information and Other Controlled Access Program Information," October 01, 2008
- Office of Personnel Management Federal Investigations Notice 16-06, "Investigations Reimbursable Billing Rates Effective October 1, 2016," September 21, 2016
- Standard Form 85, "Questionnaire for Non-Sensitive Positions," As electronically revised
- Standard Form 86, "Questionnaire for National Security Positions," As electronically revised

Under Secretary of Defense Memorandum, “Adherence to Federal Laws Prohibiting Marijuana Use,” November 17, 2014

Under Secretary of Defense Memorandum, “Minimum Requirements for Interim Eligibility to Access Secret and Confidential Classified Information,” January 27, 2014

Under Secretary of Defense Memorandum, “Reciprocal Recognition of Existing PERSEC Clearances,” April 20, 2016

United States Code, Title 42, Section 13041

United States Code, Title 50, Section 3343