

any other agency of the Federal Government, as direct costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee detailed to an element of the intelligence community under this section for the period of the detail and any subsequent renewal periods.

(i) Additional administrative matters

In carrying out this section, the Director, pursuant to procedures developed under subsection (a)—

- (1) shall, to the degree practicable, ensure that small business concerns are represented with respect to details authorized by this section;
- (2) may, notwithstanding any other provision of law, establish criteria for elements of the intelligence community to use appropriated funds to reimburse small business concerns for the salaries and benefits of its employees during the periods when the small business concern agrees to detail its employees to the intelligence community under this section;
- (3) shall take into consideration the question of how details under this section might best be used to help meet the needs of the intelligence community, including with respect to the training of employees;
- (4) shall take into consideration areas of private-sector expertise that are critical to the intelligence community; and
- (5) shall establish oversight mechanisms to determine whether the public-private exchange authorized by this section improves the efficiency and effectiveness of the intelligence community.

(j) Definitions

In this section:

(1) Detail

The term “detail” means, as appropriate in the context in which such term is used—

- (A) the assignment or loan of an employee of an element of the intelligence community to a private-sector organization without a change of position from the intelligence community element that employs the individual; or
- (B) the assignment or loan of an employee of a private-sector organization to an element of the intelligence community without a change of position from the private-sector organization that employs the individual.

(2) Private-sector organization

The term “private-sector organization” means—

- (A) a for-profit organization; or
- (B) a not-for-profit organization.

(3) Small business concern

The term “small business concern” has the meaning given such term in section 3703(e)(2) of title 5.

(Pub. L. 116-92, div. E, title LIII, § 5306, Dec. 20, 2019, 133 Stat. 2122.)

Editorial Notes

REFERENCES IN TEXT

The Ethics in Government Act of 1978, referred to in subsec. (g)(2)(E), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat.

1824. Titles I, IV, and V of the Act were classified principally to the Appendix to Title 5, Government Organization and Employees, and were substantially repealed and restated in chapter 131 (§13101 et seq.) of Title 5 by Pub. L. 117-286, §§3(c), 7, Dec. 27, 2022, 136 Stat. 4266, 4361. For complete classification of this Act to the Code, see Tables. For disposition of sections of the Act into chapter 131 of Title 5, see Disposition Table preceding section 101 of Title 5.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definition of “intelligence community”, referred to in text, see section 5003 of div. E of Pub. L. 116-92, set out as a note under section 3003 of this title.

§ 3334a. Transfer of National Intelligence University to the Office of the Director of National Intelligence

(a) Transfer

Upon the submission of the joint certifications under subsection (b)(1), the Secretary of Defense and the Director of National Intelligence shall take such actions that the Director determines necessary to transfer the National Intelligence University from the Defense Intelligence Agency to the Director of National Intelligence.

(b) Joint certifications

(1) Requirement

Except as provided by paragraph (2), as soon as practicable after December 20, 2019, but not later than 18 months after December 20, 2019, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the appropriate congressional committees written certifications of each of the following:

(A) The Middle States Commission on Higher Education has provided regional academic accreditation for the National Intelligence University before the date of the certification, or will provide such academic accreditation as of the date on which the University is transferred under subsection (a).

(B) Members of the Armed Forces attending the University will be eligible to receive credit for Phase I joint professional military education.

(C) The Secretary of Education has informed the Director of National Intelligence that the Secretary has recommended approval of the degrees to be conferred pursuant to section 3227a(b) of this title or will provide such recommended approval as of the date on which the University is transferred under subsection (a).

(D) The Director of National Intelligence, in collaboration with the Secretary of Defense, has established an appropriate governance model for the University.

(E) The Secretary of Defense shall use the University to provide personnel of the Department of Defense with advanced intelligence education.

(2) Failure to certify

(A) Actions required

If the Secretary of Defense and the Director of National Intelligence fail to submit the certifications under paragraph (1) by the date specified in such paragraph, the Secretary and the Director shall—

(i) jointly submit to the appropriate congressional committees a report on such failure by not later than 21 months after December 20, 2019; and

(ii) jointly submit such certifications as soon as practicable.

(B) Contents of report

The report under subparagraph (A)(i) shall contain the following:

(i) A description of the progress made toward fulfilling the conditions described in such paragraph as of the date of the report.

(ii) A description of any obstacles preventing the fulfillment of such conditions.

(iii) The estimated dates of completion for the fulfillment of such conditions and the submission of the certifications.

(c) Briefing

Not later than 90 days after December 20, 2019, the Director of National Intelligence, the Director of the Defense Intelligence Agency, and the President of the National Intelligence University shall jointly provide to the appropriate congressional committees a briefing on the plan to carry out the transfer under subsection (a), including with respect to—

(1) ensuring the provision of services to all elements of the intelligence community;

(2) employing a military cadre at the University; and

(3) addressing the current accreditation status of the National Intelligence University with the Middle States Commission on Higher Education.

(d) Cost estimates of transfer

(1) Requirement

Not later than 90 days after December 20, 2019, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the appropriate congressional committees an estimate of—

(A) the annual costs of operating the National Intelligence University; and

(B) the costs to the Federal Government of transferring the National Intelligence University to the Director of National Intelligence.

(2) Inclusion of indirect costs

The estimate submitted under paragraph (1) shall include all indirect costs, including with respect to human resources, security, facilities, and information technology.

(e) Conforming repeal

(1) Omitted

(2) Effective date

The amendments made by paragraph (1) shall take effect on the date on which the Secretary of Defense and the Director of National Intelligence jointly submit the joint certifications under subsection (b)(1). The Secretary and the Director shall jointly notify the Law Revision Counsel of the House of Representatives of the submission of the certifications so that the Law Revision Counsel may execute the amendments made by paragraph (1).

(f) Definitions

In this section:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the congressional intelligence committees; and

(B) the Committees on Armed Services of the Senate and House of Representatives.

(2) Phase I joint professional military education

The term “Phase I joint professional military education” has the meaning given that term pursuant to section 2154 of title 10.

(Pub. L. 116–92, div. E, title LIII, § 5324, Dec. 20, 2019, 133 Stat. 2134; Pub. L. 116–260, div. W, title III, § 305(c), Dec. 27, 2020, 134 Stat. 2367.)

Editorial Notes

CODIFICATION

Section is comprised of section 5324 of Pub. L. 116–92. Subsec. (e)(1) of section 5324 of Pub. L. 116–92 repealed section 2161 of Title 10, Armed Forces, and amended the analysis preceding section 2161 of Title 10.

AMENDMENTS

2020—Subsec. (b)(1)(C). Pub. L. 116–260, § 305(c)(1), substituted “section 3227a(b) of this title” for “subsection (e)(2)”.

Subsecs. (e) to (h). Pub. L. 116–260, § 305(c)(2), (3), redesignated subsecs. (g) and (h) as (e) and (f), respectively, and struck out former subsecs. (e) and (f) which related to degree-granting authority and congressional notification requirements, respectively.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees”, referred to in text, see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.

§ 3334b. Collection, analysis, and dissemination of workforce data

(a) Omitted

(b) Initial reporting

(1) In general

Not later than 180 days after December 20, 2019, the Director of National Intelligence shall make available to the public, the appropriate congressional committees, and the workforce of the intelligence community a report which includes aggregate demographic data and other information regarding the diversity and inclusion efforts of the workforce of the intelligence community.

(2) Contents

A report made available under paragraph (1)—

(A) shall include unclassified reports and barrier analyses relating to diversity and inclusion efforts;

(B) shall include aggregate demographic data—

(i) by segment of the workforce of the intelligence community and grade or rank;