

tracting diverse talent, with particular attention to senior and management positions.

(2) Phased implementation

The collection of applicant flow data may be implemented by the Director of National Intelligence in a phased approach commensurate with the resources available to the intelligence community.

(e) Identify additional categories for voluntary data collection of current employees

(1) In general

The Director of National Intelligence may submit to the Office of Management and Budget and to the appropriate congressional committees a recommendation regarding whether the intelligence community should voluntarily collect more detailed data on demographic categories in addition to the race and ethnicity categories specified in the statistical policy directive issued by the Office of Management and Budget entitled “Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity”.

(2) Process

In making a recommendation under paragraph (1), the Director of National Intelligence shall—

(A) engage in close consultation with internal stakeholders, such as employee resource or affinity groups;

(B) ensure that there is clear communication with the workforce of the intelligence community—

(i) to explain the purpose of the potential collection of such data; and

(ii) regarding legal protections relating to any anticipated use of such data; and

(C) ensure adherence to relevant standards and guidance issued by the Federal Government.

(f) Definitions

In this section:

(1) Applicant flow data

The term “applicant flow data” means data that tracks the rate of applications for job positions among demographic categories.

(2) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Homeland Security, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(3) Diversity

The term “diversity” means diversity of persons based on gender, race, ethnicity, disability status, veteran status, sexual orientation, gender identity, national origin, and other demographic categories.

(Pub. L. 116–92, div. E, title LVII, § 5704, Dec. 20, 2019, 133 Stat. 2162; Pub. L. 117–103, div. X, title VIII, § 802, Mar. 15, 2022, 136 Stat. 1011; Pub. L. 117–263, div. F, title LXVIII, § 6824(b)(1), Dec. 23, 2022, 136 Stat. 3615.)

Editorial Notes

CODIFICATION

Section is comprised of section 5704 of Pub. L. 116–92. Subsec. (a) of section 5704 of Pub. L. 116–92 amended section 3050 of this title.

AMENDMENTS

2022—Subsec. (b)(1). Pub. L. 117–263 struck out “, and subject to paragraph (3)” after “Not later than 180 days after December 20, 2019”.

Subsec. (c). Pub. L. 117–103, § 802(1), substituted “Not later than March 31 of each year, the Director of National Intelligence shall provide a report” for “After making available a report under subsection (b), the Director of National Intelligence shall annually provide a report” in introductory provisions.

Subsec. (c)(1). Pub. L. 117–103, § 802(2), added par. (1) and struck out former par. (1) which read as follows: “demographic data and information on the status of diversity and inclusion efforts of the intelligence community;”.

Statutory Notes and Related Subsidiaries

EXPANSION OF INTELLIGENCE COMMUNITY RECRUITMENT EFFORTS

Pub. L. 116–92, div. E, title LXIII, § 6316, Dec. 20, 2019, 133 Stat. 2195, as amended by Pub. L. 117–263, div. F, title LXVIII, § 6824(b)(2), Dec. 23, 2022, 136 Stat. 3615, provided that: “In order to further increase the diversity of the intelligence community workforce, not later than 90 days after the date of the enactment of this Act [Dec. 20, 2019], the Director of National Intelligence, in consultation with heads of elements of the Intelligence Community, shall create, implement, and submit to the congressional intelligence committees a written plan to ensure that rural and underrepresented regions are more fully and consistently represented in such elements’ employment recruitment efforts. Upon receipt of the plan, the congressional intelligence committees shall have 60 days to submit comments to the Director of National Intelligence before such plan shall be implemented.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 6316 of Pub. L. 116–92, set out above, see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.]

DEFINITIONS

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

§ 3334c. Assessment of homeland security vulnerabilities associated with certain retired and former personnel of the intelligence community

(a) Assessment required

Not later than the date that is 120 days after submission of the report required under section 5703,¹ and annually thereafter, the Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis, the Director of the Federal Bureau of Investigation, the Director of the Cen-

¹ See References in Text note below.

tral Intelligence Agency, and the Director of the Defense Counterintelligence and Security Agency, shall submit to the appropriate congressional committees an assessment of the homeland security vulnerabilities associated with retired and former personnel of the intelligence community providing covered intelligence assistance.

(b) Form

The assessment under subsection (a) may be submitted in classified form.

(c) Definitions

In this section:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

- (A) the congressional intelligence committees;
- (B) the Committee on Homeland Security and Governmental Affairs of the Senate; and
- (C) the Committee on Homeland Security of the House of Representatives.

(2) Covered intelligence assistance

The term “covered intelligence assistance” has the meaning given that term in section 5703.¹

(Pub. L. 116–92, div. E, title LVII, §5717, Dec. 20, 2019, 133 Stat. 2174.)

Editorial Notes

REFERENCES IN TEXT

Section 5703, referred to in subsecs. (a) and (c)(2), is section 5703 of Pub. L. 116–92, which is set out as a note below.

Statutory Notes and Related Subsidiaries

STUDY ON ROLE OF RETIRED AND FORMER PERSONNEL OF INTELLIGENCE COMMUNITY WITH RESPECT TO CERTAIN FOREIGN INTELLIGENCE OPERATIONS

Pub. L. 116–92, div. E, title LVII, §5703, Dec. 20, 2019, 133 Stat. 2162, provided that:

“(a) STUDY.—The Director of National Intelligence shall conduct a study on former intelligence personnel providing covered intelligence assistance.

“(b) ELEMENTS.—The study under subsection (a) shall include the following:

“(1) An identification of, and discussion of the effectiveness of, existing laws, policies, procedures, and other measures relevant to the ability of elements of the intelligence community [see Definitions note below] to prevent former intelligence personnel from providing covered intelligence assistance—

“(A) without proper authorization; or

“(B) in a manner that would violate legal or policy controls if the personnel performed such assistance while working for the United States Government; and [sic]

“(2) Make recommendations for such legislative, regulatory, policy, or other changes as may be necessary to ensure that the United States consistently meets the objectives described in paragraph (1).

“(c) REPORT AND PLAN.—Not later than 90 days after the date of the enactment of this Act [Dec. 20, 2019], the Director shall submit to the congressional intelligence committees [see Definitions note below], the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives—

“(1) a report on the findings of the Director with respect to each element of the study under subsection (a); and

“(2) a plan to implement any recommendations made by the Director that the Director may implement without changes to Federal law.

“(d) FORM.—The report and plan under subsection (c) may be submitted in classified form.

“(e) DEFINITIONS.—In this section:

“(1) COVERED INTELLIGENCE ASSISTANCE.—The term ‘covered intelligence assistance’ means assistance—

“(A) provided by former intelligence personnel directly to, or for the benefit of, the government of a foreign country or indirectly to, or for the benefit of, such a government through a company or other entity; and

“(B) that relates to intelligence, military, or law enforcement activities of a foreign country, including with respect to operations that involve abuses of human rights, violations of the laws of the United States, or infringements on the privacy rights of United States persons.

“(2) FORMER INTELLIGENCE PERSONNEL.—The term ‘former intelligence personnel’ means retired or former personnel of the intelligence community, including civilian employees of elements of the intelligence community, members of the Armed Forces, and contractors of elements of the intelligence community.”

DEFINITIONS

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

§ 3334d. Cyber protection support for the personnel of the intelligence community in positions highly vulnerable to cyber attack

(a) Definitions

In this section:

(1) Personal accounts

The term “personal accounts” means accounts for online and telecommunications services, including telephone, residential internet access, email, text and multimedia messaging, cloud computing, social media, health care, and financial services, used by personnel of the intelligence community outside of the scope of their employment with elements of the intelligence community.

(2) Personal technology devices

The term “personal technology devices” means technology devices used by personnel of the intelligence community outside of the scope of their employment with elements of the intelligence community, including networks to which such devices connect.

(b) Requirement to provide cyber protection support

(1) In general

Subject to a determination by the Director of National Intelligence, the Director shall offer cyber protection support for the personal technology devices and personal accounts of the personnel described in paragraph (2) and shall provide such support to any such personnel who request.

(2) At-risk personnel

The personnel described in this paragraph are personnel of the intelligence community—

(A) who the Director determines to be highly vulnerable to cyber attacks and hostile information collection activities be-