

(2) Briefing to Congress

Not later than July 1, 2017, and each 120 days thereafter until July 1, 2018, the Director of National Intelligence shall brief the congressional intelligence committees on the initiative required by paragraph (1).

(b) Management based on workload requirements and authorized funding**(1) In general**

Beginning on October 1, 2018, the personnel levels of the intelligence community shall be managed each fiscal year on the basis of—

(A) the workload required to carry out the functions and activities of the intelligence community; and

(B) the funds made available to the intelligence community in accordance with section 3094 of this title.

(2) Prohibition on constraints or limitations

Beginning on October 1, 2018, the management of such personnel in the intelligence community in any fiscal year shall not be subject to an externally imposed constraint or limitation expressed in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.

(c) Briefing and report to Congress

Not later than 180 days after May 5, 2017, the Director of National Intelligence shall issue a written report and provide a briefing to the congressional intelligence committees on—

(1) the methodology used to calculate the number of civilian and contractor full-time equivalent positions in the intelligence community;

(2) the cost analysis tool used to calculate personnel costs in the intelligence community; and

(3) the plans of the Director of National Intelligence and the head of each element of the intelligence community to implement a multi-sector workforce as required by subsections (a) and (b).

(d) Report

Not later than 240 days after May 5, 2017, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a written report on the accuracy of intelligence community data for the numbers and costs associated with the civilian and contractor workforce in each element of the intelligence community.

(Pub. L. 115–31, div. N, title III, §306, May 5, 2017, 131 Stat. 812.)

DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees”, referred to in text, see section 2 of div. N of Pub. L. 115–31, set out as a note under section 3003 of this title.

§ 3332. Guidance and reporting requirement regarding the interactions between the intelligence community and entertainment industry**(a) Definitions**

In this section:

(1) Engagement

The term “engagement”—

(A) means any significant interaction between an element of the intelligence community and an entertainment industry entity for the purposes of contributing to an entertainment product intended to be heard, read, viewed, or otherwise experienced by the public; and

(B) does not include routine inquiries made by the press or news media to the public affairs office of an intelligence community.

(2) Entertainment industry entity

The term “entertainment industry entity” means an entity that creates, produces, promotes, or distributes a work of entertainment intended to be heard, read, viewed, or otherwise experienced by an audience, including—

(A) theater productions, motion pictures, radio broadcasts, television broadcasts, podcasts, webcasts, other sound or visual recording, music, or dance;

(B) books and other published material; and

(C) such other entertainment activity, as determined by the Director of National Intelligence.

(b) Director of National Intelligence guidance**(1) In general**

Not later than 180 days after May 5, 2017, the Director of National Intelligence shall issue, and release to the public, guidance regarding engagements by elements of the intelligence community with entertainment industry entities.

(2) Criteria

The guidance required by paragraph (1) shall permit an element of the intelligence community to conduct engagements, if the head of the element, or a designee of such head, provides prior approval.

(c) Information on prior year engagements

At the written request of either of the congressional intelligence committees, the Director of National Intelligence shall submit to such committees information with respect to engagements occurring during the calendar year prior to the year during which such request is made. Such information may include—

(1) a description of the nature and duration of each such engagement;

(2) the cost incurred by the United States Government for each such engagement;

(3) a description of the benefits to the United States Government for each such engagement;

(4) a determination of whether any information was declassified, and whether any classified information was improperly disclosed, for each such engagement; and

(5) a description of the work produced through each such engagement.

(Pub. L. 115–31, div. N, title III, §308, May 5, 2017, 131 Stat. 813; Pub. L. 116–92, div. E, title LVII, §5701(d), Dec. 20, 2019, 133 Stat. 2160.)

AMENDMENTS

2019—Subsec. (b)(2). Pub. L. 116–92, §5701(d)(1), struck out subpar. (A) designation before “permit an ele-

ment”, substituted “shall” for “shall—” and “approval.” for “approval; and”, and struck out subpar. (B) which read as follows: “require an unclassified annual report to the congressional intelligence committees regarding engagements.”

Subsec. (c), Pub. L. 116-92, §5701(d)(2), added subsec. (c) and struck out former subsec. (c) which related to the annual report to the congressional intelligence committees regarding engagements.

DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees”, referred to in text, see section 2 of div. N of Pub. L. 115-31, set out as a note under section 3003 of this title.

§ 3333. Joint facilities certification

(a) Findings

Congress finds the following:

(1) The Director of National Intelligence set a strategic goal to use joint facilities as a means to save costs by consolidating administrative and support functions across multiple elements of the intelligence community.

(2) The use of joint facilities provides more opportunities for operational collaboration and information sharing among elements of the intelligence community.

(b) Certification

Before an element of the intelligence community purchases, leases, or constructs a new facility that is 20,000 square feet or larger, the head of that element of the intelligence community shall submit to the Director of National Intelligence—

(1) a written certification that, to the best of the knowledge of the head of such element, all prospective joint facilities in the vicinity have been considered and the element is unable to identify a joint facility that meets the operational requirements of such element; and

(2) a written statement listing the reasons for not participating in the prospective joint facilities considered by the element.

(Pub. L. 115-31, div. N, title VI, § 604, May 5, 2017, 131 Stat. 830.)

DEFINITIONS

For definition of “intelligence community”, referred to in text, see section 2 of div. N of Pub. L. 115-31, set out as a note under section 3003 of this title.

§ 3334. Intelligence community public-private talent exchange

(a) Policies, processes, and procedures required

Not later than 270 days after December 20, 2019, the Director of National Intelligence shall develop policies, processes, and procedures to facilitate the rotation of personnel of the intelligence community to the private sector, and personnel from the private sector to the intelligence community.

(b) Detail authority

Under policies developed by the Director pursuant to subsection (a), pursuant to a written agreement with a private-sector organization, and with the consent of the employee, a head of an element of the intelligence community may arrange for the temporary detail of an employee of such element to such private-sector organiza-

tion, or from such private-sector organization to such element under this section.

(c) Agreements

(1) In general

A head of an element of the intelligence community exercising the authority of the head under subsection (a) shall provide for a written agreement among the element of the intelligence community, the private-sector organization, and the employee concerned regarding the terms and conditions of the employee’s detail under this section. The agreement—

(A) shall require that the employee of the element, upon completion of the detail, serve in the element, or elsewhere in the civil service if approved by the head of the element, for a period that is at least equal to the length of the detail;

(B) shall provide that if the employee of the element fails to carry out the agreement, such employee shall be liable to the United States for payment of all nonsalary and benefit expenses of the detail, unless that failure was for good and sufficient reason, as determined by the head of the element;

(C) shall contain language informing such employee of the prohibition on sharing, using, or otherwise improperly handling classified or unclassified nonpublic information for the benefit or advantage of the private-sector organization;

(D) shall contain language governing the handling of classified information by such employee during the detail; and

(E) shall contain language requiring the employee to acknowledge the obligations of the employee under section 1905 of title 18.

(2) Amount of liability

An amount for which an employee is liable under paragraph (1) shall be treated as a debt due the United States.

(3) Waiver

The head of an element of the intelligence community may waive, in whole or in part, collection of a debt described in paragraph (2) based on a determination that the collection would be against equity and good conscience and not in the best interests of the United States, after taking into account any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee.

(d) Termination

A detail under this section may, at any time and for any reason, be terminated by the head of the element of the intelligence community concerned or the private-sector organization concerned.

(e) Duration

(1) In general

A detail under this section shall be for a period of not less than 3 months and not more than 2 years, renewable up to a total of 3 years.

(2) Longer periods

A detail under this section may be for a period in excess of 2 years, but not more than 3