

§ 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, 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 Central 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.

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

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.

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
- “(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”, 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.

§ 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) Authority to provide cyber protection support

(1) In general

Subject to a determination by the Director of National Intelligence, the Director may provide cyber protection support for the personal technology devices and personal ac-