

tives 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 L. 116–92 repealed section 2161 of Title 10, Armed Forces, and amended the analysis preceding section 2161 of Title 10.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, and subject to paragraph (3),¹ 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;

(ii) relating to attrition and promotion rates;

(iii) that addresses the compliance of the intelligence community with validated inclusion metrics, such as the New Inclusion Quotient index score; and

(iv) that provides demographic comparisons to the relevant nongovernmental labor force and the relevant civilian labor force;

(C) shall include an analysis of applicant flow data, including the percentage and level of positions for which data are collected, and a discussion of any resulting policy changes or recommendations;

(D) shall include demographic data relating to participants in professional development programs of the intelligence community and the rate of placement into senior positions for participants in such programs;

(E) shall include any voluntarily collected demographic data relating to the membership of any external advisory committee or board to which individuals in senior positions in the intelligence community appoint members; and

(F) may include data in proportions or percentages to account for concerns relating to the protection of classified information.

(c) Updates

After making available a report under subsection (b), the Director of National Intelligence shall annually provide a report (which may be provided as part of an annual report required under another provision of law) to the workforce of the intelligence community (including senior leadership), the public, and the appropriate congressional committees that includes—

(1) demographic data and information on the status of diversity and inclusion efforts of the intelligence community;

(2) an analysis of applicant flow data, including the percentage and level of positions for which data are collected, and a discussion of any resulting policy changes or recommendations; and

(3) demographic data relating to participants in professional development programs of the intelligence community and the rate of placement into senior positions for participants in such programs.

(d) Expand the collection and analysis of voluntary applicant flow data

(1) In general

The Director of National Intelligence shall develop a system to collect and analyze applicant flow data for as many positions within the intelligence community as practicable, in order to identify areas for improvement in attracting 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 In-

¹ So in original. There is no par. (3).

telligence 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.)

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.

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, 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 committees [probably should be “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”, 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.

§ 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.