

sional intelligence committees a report on the provision of cyber protection support under subsection (b). The report shall include—

- (1) a description of the methodology used to make the determination under subsection (b)(2); and
- (2) guidance for the use of cyber protection support and tracking of support requests for personnel receiving cyber protection support under subsection (b).

(Pub. L. 116-92, div. E, title LXIII, § 6308, Dec. 20, 2019, 133 Stat. 2189.)

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.

§ 3334e. Enhanced procurement authority to manage supply chain risk

(a) Definitions

In this section:

(1) Covered agency

The term “covered agency” means any element of the intelligence community other than an element within the Department of Defense.

(2) Covered item of supply

The term “covered item of supply” means an item of information technology (as that term is defined in section 11101 of title 40) that is purchased for inclusion in a covered system, and the loss of integrity of which could result in a supply chain risk for a covered system.

(3) Covered procurement

The term “covered procurement” means—

- (A) a source selection for a covered system or a covered item of supply involving either a performance specification, as provided in section 3306(a)(3)(B) of title 41, or an evaluation factor, as provided in section 3306(b)(1) of such title, relating to supply chain risk;
- (B) the consideration of proposals for and issuance of a task or delivery order for a covered system or a covered item of supply, as provided in section 4106(d)(3) of title 41, where the task or delivery order contract concerned includes a contract clause establishing a requirement relating to supply chain risk; or
- (C) any contract action involving a contract for a covered system or a covered item of supply where such contract includes a clause establishing requirements relating to supply chain risk.

(4) Covered procurement action

The term “covered procurement action” means any of the following actions, if the action takes place in the course of conducting a covered procurement:

- (A) The exclusion of a source that fails to meet qualifications standards established in accordance with the requirements of section 3311 of title 41 for the purpose of reducing supply chain risk in the acquisition of covered systems.

- (B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

- (C) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor for a covered system to exclude a particular source from consideration for a subcontract under the contract.

(5) Covered system

The term “covered system” means a national security system, as that term is defined in section 3542(b)¹ of title 44.

(6) Supply chain risk

The term “supply chain risk” means the risk that an adversary may sabotage, maliciously introduce unwanted function, or otherwise subvert the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of a covered system so as to surveil, deny, disrupt, or otherwise degrade the function, use, or operation of such system.

(b) Authority

Subject to subsection (c) and in consultation with the Director of National Intelligence, the head of a covered agency may, in conducting intelligence and intelligence-related activities—

- (1) carry out a covered procurement action; and
- (2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

(c) Determination and notification

The head of a covered agency may exercise the authority provided in subsection (b) only after—

- (1) any appropriate consultation with procurement or other relevant officials of the covered agency;
- (2) making a determination in writing, which may be in classified form, that—
 - (A) use of the authority in subsection (b)(1) is necessary to protect national security by reducing supply chain risk;
 - (B) less intrusive measures are not reasonably available to reduce such supply chain risk; and
 - (C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (b)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information;

- (3) notifying the Director of National Intelligence that there is a significant supply chain risk to the covered system concerned, unless the head of the covered agency making the determination is the Director of National Intelligence; and

- (4) providing a notice, which may be in classified form, of the determination made under paragraph (2) to the congressional intelligence

¹ See References in Text note below.

committees that includes a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why they were not reasonably available to reduce supply chain risk.

(d) Delegation

The head of a covered agency may not delegate the authority provided in subsection (b) or the responsibility to make a determination under subsection (c) to an official below the level of the service acquisition executive for the agency concerned.

(e) Savings

The authority under this section is in addition to any other authority under any other provision of law. The authority under this section shall not be construed to alter or effect the exercise of any other provision of law.

(f) Effective date

The requirements of this section shall take effect on the date that is 180 days after January 3, 2012, and shall apply to contracts that are awarded on or after such date.

(Pub. L. 112–87, title III, § 309, Jan. 3, 2012, 125 Stat. 1883; Pub. L. 116–92, div. E, title LXIII, § 6309, Dec. 20, 2019, 133 Stat. 2190.)

Editorial Notes

REFERENCES IN TEXT

Section 3542(b) of title 44, referred to in subsec. (a)(5), was repealed by Pub. L. 113–283, § 2(a), Dec. 18, 2014, 128 Stat. 3073. See section 3552(b) of Title 44, Public Printing and Documents.

CODIFICATION

Section was formerly set out as a note under section 3329 of this title.

AMENDMENTS

2019—Subsec. (g). Pub. L. 116–92 struck out subsec. (g). Prior to amendment, text read as follows: “The authority provided in this section shall expire on the date that section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2304 note) expires.”

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees”, referred to in text, see section 2 of Pub. L. 112–87, set out as a note under section 3003 of this title.

§ 3334f. Congressional notification of designation of covered intelligence officer as persona non grata

(a) Covered intelligence officer defined

In this section, the term “covered intelligence officer” means—

- (1) a United States intelligence officer serving in a post in a foreign country; or
- (2) a known or suspected foreign intelligence officer serving in a United States post.

(b) Requirement for reports

Not later than 72 hours after a covered intelligence officer is designated as a persona non grata, the Director of National Intelligence, in

consultation with the Secretary of State, shall submit to the congressional intelligence committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification of that designation. Each such notification shall include—

- (1) the date of the designation;
- (2) the basis for the designation; and
- (3) a justification for the expulsion.

(Pub. L. 116–92, div. E, title LXVII, § 6719, Dec. 20, 2019, 133 Stat. 2229.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definition of “congressional intelligence committees”, referred to in subsec. (b), see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.

§ 3334g. Reports on intelligence community loan repayment and related programs

(a) Sense of Congress

It is the sense of Congress that—

(1) there should be established, through the issuing of an Intelligence Community Directive or otherwise, an intelligence-community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, for employees of the intelligence community;

(2) creating such a program would enhance the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions;

(3) such a program, including with respect to eligibility requirements, should be designed so as to maximize the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions; and

(4) to the extent possible, such a program should be uniform throughout the intelligence community and publicly promoted by each element of the intelligence community to both current employees of the element as well as to prospective employees of the element.

(b) Report on potential intelligence community-wide program

(1) In general

Not later than 180 days after December 20, 2019, the Director of National Intelligence, in cooperation with the heads of the elements of the intelligence community and the heads of any other appropriate department or agency of the Federal Government, shall submit to the congressional intelligence committees a report on potentially establishing and carrying out an intelligence-community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, as described in subsection (a).

(2) Matters included

The report under paragraph (1) shall include, at a minimum, the following:

- (A) A description of the financial resources that the elements of the intelligence com-