

116TH CONGRESS
1ST SESSION

S. 2493

To establish the Malign Foreign Influence Response Center in the Office of the Director of National Intelligence, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2019

Ms. KLOBUCHAR (for herself and Mr. REED) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

A BILL

To establish the Malign Foreign Influence Response Center in the Office of the Director of National Intelligence, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Combatting Foreign
5 Influence Act of 2019”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

1 (1) Foreign powers and agents are increasingly
2 targeting the United States with malign foreign in-
3 fluence operations and campaigns.

4 (2) In 2016, Kremlin and Kremlin-linked actors
5 interfered in the presidential election and in re-
6 sponse the intelligence community, including the Di-
7 rector of National Intelligence in the 2019 World
8 Wide Threat Assessment, has repeatedly warned
9 that such malign foreign influence operations and
10 campaigns pose a growing threat to the national se-
11 curity of the United States.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) the operations of the Malign Foreign Influ-
15 ence Response Center should be integrated with ex-
16 isting task forces at individual agencies that have
17 mandates and resources which are limited by their
18 particular mission and budget in order to have an
19 effective whole of government approach to coun-
20 tering malign foreign influence operations and cam-
21 paigns;

22 (2) the intelligence community and Congress
23 should work together to resolve existing legal limita-
24 tions on elements of the intelligence community to

1 monitor malign foreign influence operations and
2 campaigns;

3 (3) the intelligence community and Congress
4 should ensure that appropriate legal authorities are
5 in place to protect the privacy and civil liberties of
6 citizens of the United States; and

7 (4) lessons learned from post-9/11 counterter-
8 rorism experiences should be applied to countering
9 threats from malign foreign influence operations and
10 campaigns.

11 **SEC. 3. MALIGN FOREIGN INFLUENCE RESPONSE CENTER.**

12 (a) ESTABLISHMENT.—The National Security Act of
13 1947 (50 U.S.C. 3001 et seq.) is amended by inserting
14 after section 119B the following new section:

15 **“SEC. 119C. MALIGN FOREIGN INFLUENCE RESPONSE CEN-
16 TER.**

17 **“(a) DEFINITIONS.—**In this section:

18 **“(1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—**The term ‘appropriate congressional com-
20 mittees’ means—

21 **“(A) the congressional intelligence commit-
22 tees;**

23 **“(B) the Committee on Foreign Relations,
24 the Committee on Armed Services, and the**

1 Committee on Rules and Administration of the
2 Senate; and

3 “(C) the Committee on Foreign Affairs,
4 the Committee on Armed Services, and the
5 Committee on House Administration of the
6 House of Representatives.

7 “(2) MALIGN FOREIGN INFLUENCE OPER-
8 ATIONS AND CAMPAIGNS.—The term ‘malign foreign
9 influence operations and campaigns’ means the co-
10 ordinated direct or indirect application of national
11 diplomatic, informational, military, economic, busi-
12 ness, corruption, educational, and other capability by
13 hostile foreign powers to affect attitudes, behaviors,
14 decisions, or outcomes within the United States.

15 “(b) ESTABLISHMENT.—There is within the Office of
16 the Director of National Intelligence a Malign Foreign In-
17 fluence Response Center (in this section referred to as the
18 ‘Center’).

19 “(c) MISSIONS.—

20 “(1) IN GENERAL.—The primary missions of
21 the Center shall be as follows:

22 “(A) To serve as the primary organization
23 in the United States Government for analyzing
24 and integrating all intelligence possessed or ac-
25 quired by the United States Government per-

1 taining to malign foreign influence operations
2 and campaigns.

3 “(B) To synchronize the efforts of the in-
4 telligence community with respect to countering
5 malign foreign influence operations and cam-
6 paigns to undermine the national security, polit-
7 ical sovereignty, and economies of the United
8 States and the allies of the United States, in-
9 cluding by—

10 “(i) ensuring that each such element
11 is aware of and coordinating on such ef-
12 forts; and

13 “(ii) overseeing the development and
14 implementation of comprehensive and inte-
15 grated policy responses to such efforts.

16 “(C) In coordination with the relevant ele-
17 ments of the Department of State, the Depart-
18 ment of Defense, the Federal Bureau of Inves-
19 tigation, the intelligence community, and other
20 departments and agencies of the United
21 States—

22 “(i) to develop, in consultation with
23 the employee of the National Security
24 Council designated under section
25 101(g)(1), policy recommendations for the

1 President to detect, deter, and respond to
2 malign foreign influence operations and
3 campaigns including with respect to covert
4 activities pursuant to section 503; and

5 “(ii) to monitor and assess foreign ef-
6 forts to carry out such operations and
7 campaigns.

8 “(D) In coordination with the head of the
9 Global Engagement Center established by sec-
10 tion 1287 of the National Defense Authoriza-
11 tion Act for Fiscal Year 2017 (Public Law
12 114–328; 22 U.S.C. 2656 note), to examine
13 current and emerging foreign efforts to use
14 disinformation and information operations re-
15 lating to the threats described in paragraph (1).

16 “(E) To identify and close gaps across the
17 departments and agencies of the Federal Gov-
18 ernment with respect to expertise, readiness,
19 and planning to address malign foreign influ-
20 ence operations and campaigns.

21 “(F) To make information available to the
22 public, as the Director of National Intelligence
23 considers appropriate, regarding trends,
24 threats, and tactics deployed by malign foreign
25 influence operations and campaigns.

1 “(G) To share information, as the Director
2 of National Intelligence considers appropriate,
3 with allied intelligence partners on malign for-
4 eign influence operations and campaigns and in
5 so doing establish a two-way exchange of infor-
6 mation about malign foreign influence oper-
7 ations and campaigns.

8 “(2) SCOPE.—The primary missions of the Cen-
9 ter shall apply to malign foreign influence operations
10 and campaigns conducted by, at the direction of, on
11 behalf of, conspiring with, aiding or abetting the ef-
12 forts, or acting with substantial support of the fol-
13 lowing countries:

14 “(A) Russia.

15 “(B) Iran.

16 “(C) North Korea.

17 “(D) China.

18 “(E) Such other countries as the Director
19 of National Intelligence determines appropriate
20 for purposes of this section.

21 “(3) LIMITATIONS AND REQUIREMENTS.—

22 “(A) OTHER PROVISIONS OF LAW.—The
23 Center shall ensure that any actions taken pur-
24 suant to this subsection are consistent with
25 other applicable limitations, including applicable

1 limitations on the collection, retention, dissemi-
2 nation, and processing of intelligence, under
3 Federal law, including court orders and Execu-
4 tive orders, and any relevant agency guidelines
5 or procedures.

6 “(B) CONSTITUTION.—

7 “(i) CONSISTENCY.—The Center shall
8 ensure that activities undertaken pursuant
9 to this section are conducted consistent
10 with protections under the Constitution.

11 “(ii) COLLECTION AND MAINTENANCE.—The Center may not directly col-
12 lect information or maintain information
13 about a United States person solely for the
14 purpose of monitoring activities protected
15 by the First Amendment of the Constitu-
16 tion or the lawful exercise of other rights
17 secured by the Constitution or laws of the
18 United States.

19 “(C) ARTICULATION OF FOREIGN CONNEC-
20 TIONS AND THREATS.—In receiving information
21 arising out of an information collection effort in
22 which the collection target is a United States
23 person and such information is received from a
24 relevant department or agency of the Federal
25

1 Government participating in the mission of the
2 Center, the Center shall take such steps as may
3 be necessary to ensure that such department or
4 agency articulates a reasonable belief that the
5 person is connected to a foreign power and such
6 person and connection pose a threat to the
7 United States.

8 “(d) DIRECTOR.—

9 “(1) APPOINTMENT.—There is a Director, who
10 shall be the head of the Center, and who shall be ap-
11 pointed by the Director of National Intelligence,
12 with the concurrence of the Secretary of State. The
13 Director of the Center may not simultaneously serve
14 in any other capacity in the executive branch.

15 “(2) REPORTING.—The Director of the Center
16 shall directly report to the Director of National In-
17 telligence.

18 “(3) RESPONSIBILITIES.—The Director of the
19 Center shall—

20 “(A) ensure that the relevant departments
21 and agencies of the Federal Government par-
22 ticipate in the mission of the Center, including
23 by recruiting detailees from such departments
24 and agencies in accordance with subsection
25 (g)(1); and

1 “(B) have primary responsibility within the
2 United States Government, in coordination with
3 the Director of National Intelligence, for estab-
4 lishing requirements for the collection of intel-
5 ligence related to, or regarding, malign foreign
6 influence operations and campaigns, in accord-
7 ance with applicable provisions of law and Ex-
8 ecutive orders.

9 “(e) ANNUAL REPORTS.—

10 “(1) IN GENERAL.—At the direction of the Di-
11 rector of National Intelligence, but not less than
12 once each year, the Director of the Center shall sub-
13 mit to the appropriate congressional committees a
14 report on malign foreign influence operations and
15 campaigns.

16 “(2) MATTERS INCLUDED.—Each report under
17 paragraph (1) shall include, with respect to the pe-
18 riod covered by the report, a discussion of the fol-
19 lowing:

20 “(A) The nature of the malign foreign in-
21 fluence operations and campaigns.

22 “(B) The ability of the United States Gov-
23 ernment to counter and deter such operations
24 and campaigns.

1 “(C) The progress of the Center in achiev-
2 ing the missions of the Center.

3 “(D) Such recommendations as the Direc-
4 tor may determine necessary for legislative ac-
5 tion to improve the ability of the Center to
6 achieve the missions of the Center.

7 “(E) Any implications of the activities of
8 the Center as may regard the privacy and civil
9 liberties of the people of the United States.

10 “(F) Recommendations—

11 “(i) to improve on the activities of the
12 Center with respect to privacy and civil lib-
13 erties; and

14 “(ii) to improve privacy and civil lib-
15 erties safeguards of the intelligence com-
16 munity for the people of the United States.

17 “(3) FORM.—Each report under paragraph (1)
18 shall be submitted in unclassified form, but may in-
19 clude a classified annex.

20 “(f) ANNUAL INDEPENDENT REVIEW.—

21 “(1) IN GENERAL.—Not less frequently than
22 once each year, the Inspector General of the Intel-
23 ligence Community shall conduct an independent re-
24 view of the programs and activities of the Center

1 and submit to Congress a report on the findings of
2 the Inspector General with respect to the review.

3 “(2) MATTERS INCLUDED.—Each report sub-
4 mitted under paragraph (1) shall include, with re-
5 spect to the period covered by the report, the fol-
6 lowing:

7 “(A) Discussion of the progress of the
8 Center in achieving the missions of the Center.

9 “(B) The effectiveness of integrating ac-
10 tivities from agencies across the Federal Gov-
11 ernment into the operations of the Center.

12 “(C) Such recommendations for legislative
13 action as the Inspector General may have to im-
14 prove the ability of the Center to achieve the
15 missions of the Center.

16 “(D) Such recommendations as the Inspec-
17 tor General may have for improving intelligence
18 gathering and sharing practices across the in-
19 telligence community relating to the mission
20 and activities of the Center.

21 “(E) An assessment of the effect of the ac-
22 tivities of the Center on the privacy and civil
23 liberties of the people of the United States and
24 such recommendations as the Inspector General

1 may have to improve safeguards to privacy and
2 civil liberties of the people of the United States.

3 “(3) FORM.—Each report under paragraph (1)
4 shall be submitted in unclassified form, but may in-
5 clude a classified annex.

6 “(g) EMPLOYEES.—

7 “(1) DETAILEES.—Any Federal Government
8 employee may be detailed to the Center on a reim-
9 bursable or nonreimbursable basis, and such detail
10 shall be without interruption or loss of civil service
11 status or privilege for a period of not more than 8
12 years.

13 “(2) PERSONAL SERVICE CONTRACTORS.—The
14 Director of National Intelligence, in consultation
15 with the Secretary of State, may hire United States
16 citizens or aliens as personal services contractors for
17 purposes of personnel resources of the Center, if—

18 “(A) the Director of National Intelligence
19 determines that existing personnel resources are
20 insufficient;

21 “(B) the period in which services are pro-
22 vided by a personal services contractor, includ-
23 ing options, does not exceed 3 years, unless the
24 Director of National Intelligence determines

1 that exceptional circumstances justify an exten-
2 sion of up to 1 additional year;

3 “(C) not more than 10 United States citi-
4 zens or aliens are employed as personal services
5 contractors under the authority of this para-
6 graph at any time; and

7 “(D) the authority of this paragraph is
8 only used to obtain specialized skills or experi-
9 ence or to respond to urgent needs.

10 “(3) SECURITY CLEARANCES.—Each employee
11 detailed to the Center and contractor of the Center
12 shall have the security clearance appropriate for the
13 assigned duties of the employee or contractor.

14 “(h) BOARD.—

15 “(1) ESTABLISHMENT.—There is established a
16 Board of the Malign Foreign Influence Response
17 Center (in this section referred to as the ‘Board’).

18 “(2) FUNCTIONS.—The Board shall conduct
19 oversight to ensure the Center is achieving the mis-
20 sions of the Center.

21 “(3) MEMBERSHIP.—

22 “(A) APPOINTMENT.—The Board shall
23 consist of 8 members as follows:

1 “(i) One senior official of the Depart-
2 ment of State appointed by the Secretary
3 of State.

4 “(ii) One senior official of the Depart-
5 ment of Defense appointed by the Sec-
6 retary of Defense.

7 “(iii) One senior official of the De-
8 partment of Justice appointed by the At-
9 torney General.

10 “(iv) One senior official of the De-
11 partment of the Treasury appointed by the
12 Secretary of the Treasury.

13 “(v) One senior official of the Depart-
14 ment of Homeland Security appointed by
15 the Secretary of Homeland Security.

16 “(vi) One senior official of the Central
17 Intelligence Agency appointed by the Di-
18 rector of the Central Intelligence Agency.

19 “(vii) One senior official of the Fed-
20 eral Bureau of Investigation appointed by
21 the Director of the Federal Bureau of In-
22 vestigation.

23 “(viii) The Chief of the Office of Civil
24 Liberties, Privacy and Transparency of the
25 Office of the Director of National Intel-

1 ligence, who shall serve as a member of the
2 Board without delegation to any other per-
3 son.

4 “(B) REQUIREMENT.—Each person ap-
5 pointed under clauses (i) through (vii) of sub-
6 paragraph (A) shall be appointed from among
7 members of the Senior Executive Service.

8 “(4) MEETINGS.—The Board shall meet not
9 less than semiannually and shall be convened by the
10 member appointed by the Secretary of State.

11 “(5) OUTSIDE EXPERTS.—The board may con-
12 fer with appropriate outside experts with regard to
13 improving the ability of the Center to safeguard the
14 privacy and civil liberties of the people of the United
15 States.

16 “(i) INTERNATIONAL ENGAGEMENT.—The Director
17 of the Center may convene semiannual conferences to co-
18 ordinate international efforts to counter and deter malign
19 foreign influence operations and campaigns.

20 “(j) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to authorize any activity, including
22 the collection, retention, or dissemination of intelligence
23 information, that was not already delegated to the Direc-
24 tor of National Intelligence before the date of the enact-
25 ment of the Combatting Foreign Influence Act of 2019.

1 “(k) TERMINATION.—The Center shall terminate on
2 the date that is 8 years after the date of the enactment
3 of the Combatting Foreign Influence Act of 2019.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 at the beginning of such Act is amended by inserting after
6 the item relating to section 119B the following new item:

“Sec. 119C. Malign Foreign Influence Response Center.”.

7 (c) CONFORMING AMENDMENT.—Section 507(a) of
8 such Act (50 U.S.C. 3106) is amended by adding at the
9 end the following new paragraph:

10 “(6) An annual report submitted under section
11 119C(e)(1).”.

○