

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR
2024

AUGUST 18, 2023.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. TURNER, from the Permanent Select Committee on
Intelligence, submitted the following

R E P O R T

[To accompany H.R. 3932]

The Permanent Select Committee on Intelligence, to whom was referred the bill (H.R. 3932) to authorize appropriations for fiscal year 2024 for intelligence and intelligence related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2024”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Restriction on conduct of intelligence activities.
Sec. 302. Increase in employee compensation and benefits authorized by law.
Sec. 303. Prohibition on availability of funds to implement Executive Order 13556.
Sec. 304. Nonapplicability of certain prohibitions relating to modification of account structure for National Intelligence Program budget.
Sec. 305. Secure communication between Congress and intelligence community.

TITLE IV—MATTERS RELATING TO NATIONAL INTELLIGENCE ENTERPRISE

Subtitle A—Miscellaneous Authorities and Limitations

- Sec. 401. Enhanced personnel security review with respect to social media.
- Sec. 402. Limitation on authority of Director of National Intelligence to establish additional national intelligence centers.
- Sec. 403. Improvements relating to intelligence community staffing, details, and assignments.
- Sec. 404. Insider threats.
- Sec. 405. Modification of deadline for annual submission of National Intelligence Priorities Framework.
- Sec. 406. Matters relating to chief data officers of intelligence community.
- Sec. 407. Modification to special pay authority for science, technology, engineering, or mathematics positions.
- Sec. 408. Annual report on unfunded priorities of intelligence community.
- Sec. 409. Notice to Congress of counterintelligence threats to legislative branch.
- Sec. 410. Congressional notice of counterintelligence investigations into persons holding elected offices and candidates for such offices.
- Sec. 411. Submission of legislative proposals.
- Sec. 412. Sunset of certain intelligence community reporting requirements.
- Sec. 413. Notice and damage assessment with respect to significant unauthorized disclosure of classified national intelligence.
- Sec. 414. In-state tuition rates for certain members of intelligence community.
- Sec. 415. Repeal of study on personnel under Strategic Intelligence Partnership Program.
- Sec. 416. Authorization relating to certain intelligence and counterintelligence activities of Coast Guard.
- Sec. 417. Intelligence Community Counterintelligence Offices.
- Sec. 418. Termination of Climate Security Advisory Council.
- Sec. 419. Limitation on availability of funds for Federal Bureau of Investigation pending submission of information regarding certain media engagements.
- Sec. 420. Limitation on availability of funds for Federal Bureau of Investigation pending submission of certain memorandum relating to budget.
- Sec. 421. Limitation on availability of funds for Office of the Director of National Intelligence pending submission of certain documents and annexes.

Subtitle B—Reports and Other Matters

- Sec. 431. Inclusion of counternarcotics as special topic in certain budget justification materials.
- Sec. 432. Development of plan to make open-source intelligence products available to certain Federal employees.
- Sec. 433. Intelligence community-wide policy on prepublication review.
- Sec. 434. Review relating to confidential human source program of Federal Bureau of Investigation.
- Sec. 435. Inspector General of the Intelligence Community assessment of Overt Human Intelligence Collection Program of Department of Homeland Security.
- Sec. 436. Intelligence assessments regarding Haiti.
- Sec. 437. Intelligence assessment of influence operations by People's Republic of China toward Pacific Islands countries.
- Sec. 438. Independent study on economic impact of military invasion of Taiwan by People's Republic of China.
- Sec. 439. Reports on civilian casualties caused by certain operations of foreign governments.
- Sec. 440. Report by Director of National Intelligence on Uyghur genocide.
- Sec. 441. Technical corrections.

TITLE V—MATTERS RELATING TO DEFENSE INTELLIGENCE AND OVERHEAD ARCHITECTURE

- Sec. 501. Extension of authority to engage in commercial activities as security for intelligence collection activities.
- Sec. 502. Modification of reporting requirement for All-Domain Anomaly Resolution Office.
- Sec. 503. Military intelligence collection and analysis partnerships.
- Sec. 504. Authorization for establishment of National Space Intelligence Center as field operating agency.
- Sec. 505. Defense Intelligence Agency assessment of strategic competition in Latin America and the Caribbean.
- Sec. 506. Quarterly briefings relating to use of Military Intelligence Program funds.

TITLE VI—MATTERS RELATING TO NATIONAL SECURITY AGENCY, CYBER, AND COMMERCIAL CLOUD ENTERPRISE

- Sec. 601. Congressional notification by National Security Agency of intelligence collection adjustments.
- Sec. 602. Modifications to enforcement of cybersecurity requirements for national security systems.
- Sec. 603. Support by intelligence community for certain cross-functional team of Department of Defense.
- Sec. 604. Commercial Cloud Enterprise notification.
- Sec. 605. Commercial Cloud Enterprise sole source task order notification requirement.
- Sec. 606. Analysis of commercial cloud initiatives of intelligence community.

TITLE VII—MATTERS RELATING TO CENTRAL INTELLIGENCE AGENCY

- Sec. 701. Inspector General of the Central Intelligence Agency quarterly employee engagement summaries.
- Sec. 702. Improved funding flexibility for payments made by Central Intelligence Agency for qualifying injuries to brain.
- Sec. 703. Benjamin Tallmadge Institute as primary Central Intelligence Agency entity for education and training in counterintelligence.
- Sec. 704. Central Intelligence Agency intelligence assessment of Sinaloa Cartel and Jalisco Cartel.
- Sec. 705. Central Intelligence Agency intelligence assessment with respect to efforts by People's Republic of China to increase influence in Middle East.
- Sec. 706. Assessment of availability of mental health and chaplain services to Agency employees.
- Sec. 707. Assessment by Director of Central Intelligence Agency on certain effects of Abraham Accords.

TITLE VIII—REPORTING AND INVESTIGATIONS OF ALLEGATIONS OF SEX-RELATED OFFENSES AND SEXUAL HARASSMENT IN CENTRAL INTELLIGENCE AGENCY

- Sec. 801. Reporting and investigation of allegations of sex-related offenses and sexual harassment in Central Intelligence Agency.

TITLE IX—MATTERS RELATING TO TECHNOLOGY AND INNOVATION

- Sec. 901. Intelligence Community Innovation Unit.
- Sec. 902. Establishment of Office of Engagement.
- Sec. 903. Requirement for a chief technology officer within each element of the intelligence community.
- Sec. 904. Requirement to authorize additional security clearances for certain contractors.

Sec. 905. Intelligence Innovation Board.
 Sec. 906. Programs for next-generation microelectronics in support of artificial intelligence.
 Sec. 907. Program for Beyond 5G.
 Sec. 908. Intelligence community commercial remote sensing requirements.
 Sec. 909. Requirement to ensure intelligence community directives appropriately account for artificial intelligence and machine learning tools in intelligence products.

SEC. 2. DEFINITIONS.

In this Act:

(1) **CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2024 for the conduct of the intelligence and intelligence-related activities of the Federal Government.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) **SPECIFICATIONS OF AMOUNTS.**—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence activities of the Federal Government are those specified in the classified Schedule of Authorizations prepared to accompany this Act.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—

(1) **AVAILABILITY.**—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) **DISTRIBUTION BY THE PRESIDENT.**—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch of the Federal Government.

(3) **LIMITS ON DISCLOSURE.**—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2024 the sum of \$715,200,000.

(b) **CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2024 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund \$514,000,000 for fiscal year 2024.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 303. PROHIBITION ON AVAILABILITY OF FUNDS TO IMPLEMENT EXECUTIVE ORDER 13556.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2024 for an element of the intelligence community may be obligated or expended to implement Executive Order 13556 (75 Fed. Reg. 68675; relating to controlled unclassified information), or any successor order.

SEC. 304. NONAPPLICABILITY OF CERTAIN PROHIBITIONS RELATING TO MODIFICATION OF ACCOUNT STRUCTURE FOR NATIONAL INTELLIGENCE PROGRAM BUDGET.

None of the prohibitions under section 8067 of the Consolidated Appropriations Act, 2023 (Public Law 117–328) shall apply with respect to amounts authorized to be appropriated by this Act.

SEC. 305. SECURE COMMUNICATION BETWEEN CONGRESS AND INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—The Director of National Intelligence shall provide secure communications to support the oversight functions of the congressional intelligence committees, including through the procurement, installation, configuration, and maintenance of sufficient software, connectivity, information technology equipment, computers, printers, and related peripheral equipment to ensure that such committees are able to communicate with the intelligence community through secure data, voice, and video communications at all classification levels.

(b) ON-PREMISES SUPPORT.—During any period when either the Senate or House of Representatives is in session, or upon the request of either of the congressional intelligence committees, the Director shall provide to such committees timely on-premises support to ensure the efficient operation of networks, equipment, and software and the resolution of any related issues.

(c) GOVERNANCE.—The Director, in coordination with designated congressional leaders, shall establish governance and security policies applicable to the connectivity, equipment, and software provided under subsection (a).

(d) BUDGET.—The Director shall ensure that within the budget of the Office of the Director of National Intelligence there is a specific expenditure center and project to be used to carry out this section.

(e) TREATMENT AS CONGRESSIONAL RECORDS.—Any data stored or transmitted by the congressional intelligence committees through networks, equipment, or software provided under subsection (a) is a congressional record and shall not be treated as an agency record for purposes of section 552 of title 5, United States Code, (commonly known as the “the Freedom of Information Act”) or any other law.

(f) DESIGNATED CONGRESSIONAL LEADERS.—In this section, the term “designated congressional leaders” means—

- (1) the Chair and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, or their designees; and
- (2) the Chair and Vice Chair of the Select Committee on Intelligence of the Senate, or their designees.

TITLE IV—MATTERS RELATING TO NATIONAL INTELLIGENCE ENTERPRISE

Subtitle A—Miscellaneous Authorities and Limitations

SEC. 401. ENHANCED PERSONNEL SECURITY REVIEW WITH RESPECT TO SOCIAL MEDIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the intelligence community should take appropriate measures to thoroughly and in a timely manner investigate and adjudicate prospective applicants for sensitive national security positions within the intelligence community;

(2) the intelligence community should use existing authorities to ensure robust continuous vetting for continued eligibility for access to classified information and carefully manage the speed and accuracy of the security clearance adjudication process at both the initial investigation process and throughout the career of personnel serving in positions within the intelligence community;

(3) the intelligence community must balance the increasing demand for recruiting the best talent to meet personnel requirements in an expeditious manner while still maintaining a dedicated and patriotic workforce with allegiance to the Constitution and the United States Government;

(4) the availability of social media to the national security workforce of the United States, including both private and public accounts, can enable the unauthorized disclosure of classified national security information in an instant, which endangers the United States and its partners and allies, and empowers foreign adversaries; and

(5) to ensure the loyalty and patriotism of the trusted national security and intelligence community workforce of the United States, the intelligence community must fully use available vetting resources and all authorities prescribed by law, while guaranteeing all constitutional protections of such workforce.

(b) ENHANCED PERSONNEL SECURITY REVIEW WITH RESPECT TO SOCIAL MEDIA.—Section 11001(b) of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(3) SPECIAL REQUIREMENTS WITH RESPECT TO SOCIAL MEDIA.—

“(A) IN GENERAL.—Information obtained and integrated from sources described in paragraph (1) shall include any publicly available social media information relating to the covered individual.

“(B) DISCLOSURE BY COVERED INDIVIDUALS.—The enhanced personnel security program of an agency shall include a requirement that a covered individual disclose any username or alias used by the covered individual on any social media account, including both private and public social media accounts, but may not require the covered individual to disclose any password for any such account.”.

SEC. 402. LIMITATION ON AUTHORITY OF DIRECTOR OF NATIONAL INTELLIGENCE TO ESTABLISH ADDITIONAL NATIONAL INTELLIGENCE CENTERS.

The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

(1) by amending section 102A(f)(2) (50 U.S.C. 3024(f)(2)) to read as follows:

“(2)(A) The Director of National Intelligence shall oversee the National Counterterrorism Center, the National Counterproliferation and Biosecurity Center, the National Counterintelligence and Security Center, the Foreign Malign Influence Center, and the Cyber Threat Intelligence and Integration Center.

“(B) The Director of National Intelligence may establish a new national intelligence center, or assign a new function to a national intelligence center, but only if—

“(i) the Director submits to the congressional intelligence committees written notification of such proposed establishment or assignment; and

“(ii) a period of 90 days has elapsed after the date on which such committees receive such notification.”;

(2) by amending section 103(c)(14) (50 U.S.C. 3025(c)(14)) to read as follows:

“(14) Such other offices and officials as may be established by law or the Director may establish or designate in the Office, including national intelligence centers (consistent with the notification requirement under section 102A(f)(2)(B)).”; and

(3) by amending section 119B(a) (50 U.S.C. 3058(a)) to read as follows:

“(a) AUTHORITY TO ESTABLISH.—The Director of National Intelligence may establish, consistent with the notification requirement under section 102A(f)(2)(B), one or more national intelligence centers to address intelligence priorities, including regional issues.”.

SEC. 403. IMPROVEMENTS RELATING TO INTELLIGENCE COMMUNITY STAFFING, DETAILS, AND ASSIGNMENTS.

(a) IMPROVEMENTS RELATING TO ASSIGNMENTS AND DETAILS.—Section 102A(f)(3)(A) of the National Security Act of 1947 (50 U.S.C. 3024(f)(3)(A)) is amended—

(1) in the matter preceding clause (i), by striking “personnel policies” and inserting “binding personnel policies”;

(2) by amending clause (i) to read as follows:

“(i) require and facilitate assignments and details of personnel to national intelligence centers, and between elements of the intelligence community over the course of the careers of such personnel;” and

(3) by amending clause (v) to read as follows:

“(v) require service in more than one element of the intelligence community as a condition of promotion to such positions within the intelligence community as the Director shall specify, and take requisite steps to ensure compliance among elements of the intelligence community; and”.

(b) REQUIRED STAFFING DOCUMENT FOR OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—

(1) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall establish, and thereafter shall update as necessary, a single document setting forth each position within the Office of the Director of National Intelligence, including any directorate, center, or office within such Office.

(2) ELEMENTS.—The document under paragraph (1) shall include, with respect to each position set forth in the document, the following:

(A) A description of the position.

(B) The directorate, center, office, or other component of the Office of the Director of National Intelligence within which the position is.

(C) The element of the intelligence community designated to fill the position, if applicable.

(D) The requisite type and level of skills for the position, including any special skills or certifications required.

(E) The requisite security clearance level for the position.

(F) The pay grade for the position.

(G) Any special pay or incentive pay payable for the position.

(3) INTEGRATED REPRESENTATION.—In establishing and filling the positions specified in paragraph (1), the Director of National Intelligence shall take such steps as may be necessary to ensure the integrated representation of officers and employees from the other elements of the intelligence community with respect to such positions.

SEC. 404. INSIDER THREATS.

Section 102A(f) of the National Security Act of 1947 (50 U.S.C. 3024(f)) is amended—

(1) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

“(8) The Director of National Intelligence shall—

“(A) conduct assessments and audits of the compliance of each element of the intelligence community with minimum insider threat policy;

“(B) receive information from each element of the intelligence community regarding the collection, sharing, and use by such element of audit and monitoring data for insider threat detection across all classified and unclassified information technology systems within such element;

“(C) provide guidance and oversight to Federal departments and agencies to fully implement automated records checks, consistent with personnel vetting reforms and the Trusted Workforce 2.0 initiative, or successor initiative, and ensure that information collected pursuant to such records checks is appropriately shared in support of intelligence community-wide insider threat initiatives;

“(D) carry out evaluations of the effectiveness of counterintelligence, security, and insider threat program activities of each element of the intelligence community, including with respect to the lowest organizational unit of each such element, that include an identification of any gaps, shortfalls, or resource needs of each such element;

“(E) identify gaps, shortfalls, resources needs, and recommendations for adjustments in allocations and additional resources and other remedies to strengthen counterintelligence, security, and insider threat detection programs;

“(F) pursuant to final damage assessments facilitated by the National Counterintelligence and Security Center that have been undertaken as a result of an unauthorized disclosure, determine whether the heads of the elements of the intelligence community implement recommended mitigation, and notify the congressional intelligence committees of such determinations; and

“(G) study the data collected during the course of background investigations and adjudications for security clearances granted to individuals who subsequently commit unauthorized disclosures, and issue findings regarding the quality of such data as a predictor for insider threat activity, delineated by the severity of the unauthorized disclosure.”.

SEC. 405. MODIFICATION OF DEADLINE FOR ANNUAL SUBMISSION OF NATIONAL INTELLIGENCE PRIORITIES FRAMEWORK.

Section 102A(p)(3) of the National Security Act of 1947 (50 U.S.C. 3024(p)(3)) is amended by striking “October 1” and inserting “March 1”.

SEC. 406. MATTERS RELATING TO CHIEF DATA OFFICERS OF INTELLIGENCE COMMUNITY.

(a) **PROHIBITION ON SIMULTANEOUS SERVICE AS CHIEF DATA OFFICER AND CHIEF INFORMATION OFFICER.**—Section 103G of the National Security Act of 1947 (50 U.S.C. 3032) is amended by adding at the end the following new subsection:

“(d) **PROHIBITION ON SIMULTANEOUS SERVICE AS CHIEF DATA OFFICER AND CHIEF INFORMATION OFFICER.**—An individual serving in the position of Chief Information Officer of the Intelligence Community or chief information officer of any other element of the intelligence community, as the case may be, may not, while so serving, serve as the Intelligence Community Chief Data Officer under section 103K or as the chief data officer of any other element of the intelligence community.”

(b) **CLARIFICATION OF DUTIES OF INTELLIGENCE COMMUNITY CHIEF DATA OFFICER.**—

(1) **CLARIFICATION OF DATA-RELATED DUTIES.**—Section 103K(c)(4) of the National Security Act of 1947 (50 U.S.C. 3034b(c)(4)) is amended by inserting “relating to data” after “duties”.

(2) **REMOVAL OF UNRELATED DUTIES AND FUNCTIONS.**—Not later than 90 days after the date of the enactment of this Act, consistent with section 103K(c) of the National Security Act of 1947 (50 U.S.C. 3034b(c)), as amended by paragraph (1), the Director of National Intelligence shall complete such internal reorganization of the Office of the Director of National Intelligence as the Director determines necessary to ensure that the duties of the Intelligence Community Chief Data Officer appointed under such section do not include—

(A) any duty relating to partnership interoperability or partnership engagement; or

(B) any other duty that does not relate to an issue involving data.

(3) **BRIEFING.**—Prior to the date on which the Director completes the reorganization under paragraph (2), the Director shall provide to the congressional intelligence committees a briefing regarding—

(A) the proposed reorganization; and

(B) any other efforts of the Director to ensure that any future duties prescribed by the Director to be performed by the Intelligence Community Chief Data Officer pursuant to section 103K(c) of the National Security Act of 1947 (50 U.S.C. 3034b(c)), as amended by paragraph (1), relate exclusively to issues involving data, consistent with such section.

(c) **REPORTS.**—Not later than 90 days after the date of the enactment of this Act, the head of each element of the intelligence community shall submit to the congressional intelligence committees a written report regarding the organizational and reporting structure for the chief data officer of that element, including an identification of whether such chief data officer reports to, or is otherwise subordinate to, the chief information officer of that element and, if so, the rationale for such organizational and reporting structure.

SEC. 407. MODIFICATION TO SPECIAL PAY AUTHORITY FOR SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS POSITIONS.

(a) **MODIFICATION.**—Section 113B of the National Security Act of 1947 (50 U.S.C. 3049a) is amended—

(1) in the section heading, by inserting “**AND POSITIONS REQUIRING BANKING OR FINANCIAL SERVICES EXPERTISE**” after “**MATHEMATICS POSITIONS**”;

(2) in subsection (a)—

(A) in the heading, by inserting “**OR IN BANKING OR FINANCIAL SERVICES**” after “**MATHEMATICS**”;

(B) in paragraph (1), in the matter preceding subparagraph (A), by inserting “or in banking or financial services (including expertise relating to critical financial infrastructure operations, capital markets, banking compliance programs, or international investments)” after “or mathematics”;

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph:

“(2) **LIMITATION ON NUMBER OF RECIPIENTS.**—For each element of the intelligence community, the number of individuals serving in a position in such element who receive a higher rate of pay established or increased under paragraph (1) may not, at any time during a given fiscal year, exceed 50 individuals or 5 percent of the total number of full-time equivalent positions authorized for such element for the preceding fiscal year, whichever is greater.”; and

(3) in subsection (e), by striking “the element” and inserting “an element”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by striking the item relating to section 113B and inserting the following new item:

“Sec. 113B. Special pay authority for science, technology, engineering, or mathematics positions and positions requiring banking or financial services expertise.”

(c) REPORTS.—Not later than September 1 of each year until September 1, 2025, the head of each element of the intelligence community shall submit to the congressional intelligence committees a report on any rates of pay established for such element under section 113B of such Act (50 U.S.C. 3049a), as amended by subsection (a), including—

- (1) a description of any rates of pay so established; and
- (2) an identification of the number of positions in such element that will be subject to such rates of pay during the subsequent fiscal year.

SEC. 408. ANNUAL REPORT ON UNFUNDED PRIORITIES OF INTELLIGENCE COMMUNITY.

Section 514(a) of the National Security Act of 1947 (50 U.S.C. 3113(a)) is amended by inserting “prepare and” after “each element of the intelligence community shall”.

SEC. 409. NOTICE TO CONGRESS OF COUNTERINTELLIGENCE THREATS TO LEGISLATIVE BRANCH.

Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by adding at the end the following new section (and conforming the table of contents at the beginning of such Act accordingly):

“SEC. 516. NOTICE TO CONGRESS OF COUNTERINTELLIGENCE THREATS TO LEGISLATIVE BRANCH AND LEGISLATIVE BRANCH OFFICIALS.

“(a) NOTIFICATION, BRIEFINGS, AND PREPARATION OF REPORTS.—Consistent with the protection of intelligence sources and methods, the Director of National Intelligence and the Director of the Federal Bureau of Investigation shall jointly—

- “(1) notify, in a timely manner, congressional leadership of any counterintelligence threat to the legislative branch or a legislative branch official;
- “(2) provide to legislative branch officials determined appropriate by the Directors, including any such official targeted or compromised by such a threat, briefings on the defense against such threats; and
- “(3) prepare reports that include specific information concerning such threats to the legislative branch or legislative branch officials but exclude the intelligence sources or methods by which such information has been obtained, to facilitate the increased distribution of specific information concerning such threats.

“(b) DEFENSIVE PRIORITY.—In determining the appropriateness of disseminating information on counterintelligence threats (including information associated with a sensitive intelligence matter or ongoing criminal investigation) or of providing a briefing on the defense against such threats under subsection (a), the Director of National Intelligence and the Director of the Federal Bureau of Investigation shall seek to resolve such determination in favor of the action most compatible with enhancing the defense of the legislative branch against such threats.

“(c) QUARTERLY REPORTS.—

“(1) REQUIREMENT.—On a quarterly basis, the Director of National Intelligence shall submit to congressional leadership a report on counterintelligence threats to the legislative branch or legislative branch officials.

“(2) MATTERS.—Each report under paragraph (1) shall include, with respect to the quarterly period covered by the report, the following:

“(A) A description of any counterintelligence threat to the legislative branch or a legislative branch official (including the identity of any such official) identified during such period.

“(B) An identification of each date on which the intelligence community became aware of such a threat.

“(C) An identification of the number of briefings provided under subsection (a)(2) during such period, including an identification of each date on which such a briefing occurred.

“(D) An identification of the number of reports prepared under subsection (a)(3) during such period.

“(d) DEFINITIONS.—In this section:

“(1) CONGRESSIONAL LEADERSHIP.—The term ‘congressional leadership’ means—

- “(A) the Speaker of the House of Representatives;
- “(B) the minority leader of the House of Representatives;
- “(C) the majority leader of the Senate;
- “(D) the minority leader of the Senate;

“(E) the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives; and

“(F) the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate.

“(2) LEGISLATIVE BRANCH.—The term ‘legislative branch’ has the meaning given that term in section 202 of title 18, United States Code.

“(3) LEGISLATIVE BRANCH OFFICIAL.—The term ‘legislative branch official’ includes—

“(A) a Member of Congress;

“(B) an elected officer of either House of Congress;

“(C) any employee of, or any other individual functioning in the capacity of an employee of—

“(i) a Member of Congress;

“(ii) a committee of either House of Congress;

“(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

“(iv) a joint committee of Congress; or

“(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

“(D) any other legislative branch employee serving in a position described under section 13101(13) of title 5, United States Code.”.

SEC. 410. CONGRESSIONAL NOTICE OF COUNTERINTELLIGENCE INVESTIGATIONS INTO PERSONS HOLDING ELECTED OFFICES AND CANDIDATES FOR SUCH OFFICES.

Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), as amended by section 409, is further amended by adding at the end the following new section (and conforming the table of contents at the beginning of such Act accordingly):

“SEC. 517. CONGRESSIONAL NOTICE OF COUNTERINTELLIGENCE INVESTIGATIONS INTO FEDERAL ELECTED OFFICIALS AND CANDIDATES IN ELECTIONS FOR FEDERAL OFFICE.

“(a) NOTICE REQUIREMENT.—Notwithstanding section 533 of title 28, United States Code, the delegation of the authorities of the Attorney General, or any other delegation of authority, direction, or policy of the executive branch, the Director of Federal Bureau of Investigation shall notify congressional leadership not later than 48 hours after the commencement of a counterintelligence investigation into a person who holds an elected Federal office or a candidate in an election for such an office. Such notification shall include a summary of the relevant facts associated with the counterintelligence investigation and the identity of the person subject to such investigation.

“(b) CONGRESSIONAL LEADERSHIP.—The term ‘congressional leadership’ means—

“(1) the Speaker of the House of Representatives;

“(2) the minority leader of the House of Representatives;

“(3) the majority leader of the Senate;

“(4) the minority leader of the Senate;

“(5) the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives; and

“(6) the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate.”.

SEC. 411. SUBMISSION OF LEGISLATIVE PROPOSALS.

Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), as amended by section 410, is further amended by adding at the end the following new section (and conforming the table of contents at the beginning of such Act accordingly):

“SEC. 518. SUBMISSION OF LEGISLATIVE PROPOSALS.

“Not later than 45 days after the date on which the President submits to Congress the budget for each fiscal year pursuant to section 1105(a) of title 31, United States Code, the Director of National Intelligence shall submit to the congressional intelligence committees any legislative provisions that are proposed by the Director to be enacted as part of the annual intelligence authorization bill for that fiscal year.”.

SEC. 412. SUNSET OF CERTAIN INTELLIGENCE COMMUNITY REPORTING REQUIREMENTS.

Title V of the National Security Act of 1947 (50 U.S.C. 3091), as amended by section 411, is further amended by adding at the end the following new section (and conforming the table of contents at the beginning of such Act accordingly):

“SEC. 519. TERMINATION OF CERTAIN REPORTING REQUIREMENTS.

“(a) SUNSET.—Effective on December 31, 2025, each report described in subsection (b) that is still required to be submitted to Congress as of such date shall no longer be required to be submitted to Congress.

“(b) REPORTS DESCRIBED.—Except as provided in subsection (c), a report described in this subsection is a recurring report that is required to be submitted to Congress by the Director of National Intelligence, or by any officer, official, component, or element of the Office of the Director of National Intelligence, pursuant to—

“(1) a provision of an annual intelligence authorization Act for fiscal year 2021 or any prior fiscal year;

“(2) any amendment made by such an Act; or

“(3) any committee report, classified annex, or explanatory statement accompanying such an Act.

“(c) EXCEPTIONS.—Subsection (a) shall not apply with respect to any of the following:

“(1) A reporting requirement imposed on all departments and agencies of the Federal Government.

“(2) A report required in conjunction with a provision of law that requires a certification, determination or comparable finding, or authorizing waiver with respect to a condition, limitation, or comparable restriction.

“(3) A recurring report required by a provision of law that specifies when the requirement to submit the report terminates.

“(4) An annual report required by section 108B of the National Security Act of 1947 (50 U.S.C. 3043b).

“(5) A report required to be submitted by an individual or entity other than an individual referred to in subsection (b) that requires consultation or coordination with an individual described in subsection (b).

“(d) REPORT TO CONGRESS.—Not later than February 1, 2024, the Director of National Intelligence shall submit to the congressional intelligence committees a report that includes—

“(1) a list of all reports that the Director determines are described in subsection (b) and not subject to an exception under subsection (c); and

“(2) for each report included on such list, a citation to the provision of law under which the report is required to be submitted.”.

SEC. 413. NOTICE AND DAMAGE ASSESSMENT WITH RESPECT TO SIGNIFICANT UNAUTHORIZED DISCLOSURE OF CLASSIFIED NATIONAL INTELLIGENCE.

Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by inserting after section 1105 the following new section (and conforming the table of contents at the beginning of such Act accordingly):

“SEC. 1105A. NOTICE AND DAMAGE ASSESSMENT WITH RESPECT TO SIGNIFICANT UNAUTHORIZED DISCLOSURE OF CLASSIFIED NATIONAL INTELLIGENCE.

“(a) NOTIFICATION AND DAMAGE ASSESSMENT REQUIREMENTS.—

“(1) REQUIREMENTS.—If the Director of National Intelligence becomes aware of an actual or potential significant unauthorized disclosure of classified national intelligence—

“(A) as soon as practicable, but not later than 7 days after the date on which the Director becomes so aware, the Director shall notify the congressional intelligence committees of such actual or potential disclosure; and

“(B) in the case of an actual disclosure, not later than 7 days after the date on which the Director becomes so aware, the Director or the head of any element of the intelligence community from which the significant unauthorized disclosure originated shall initiate a damage assessment consistent with the procedures set forth in Intelligence Community Directive 732 (relating to the conduct of damage assessments), or successor directive, with respect to such disclosure.

“(2) CONTENTS OF NOTIFICATION.—A notification submitted to the congressional intelligence committees under paragraph (1)(A) with respect to an actual or potential significant unauthorized disclosure of classified national intelligence shall include—

“(A) a summary of the facts and circumstances of such disclosure;

“(B) a summary of the contents of the national intelligence revealed or potentially revealed, as the case may be, by such disclosure;

“(C) an initial appraisal of the level of actual or potential damage, as the case may be, to the national security of the United States as a result of such disclosure; and

“(D) in the case of an actual disclosure, which elements of the intelligence community will be involved in the damage assessment conducted with respect to such disclosure pursuant to paragraph (1)(B).

“(b) DAMAGE ASSESSMENT REPORTING REQUIREMENTS.—

“(1) RECURRING REPORTING REQUIREMENT.—Not later than 30 days after the date of the initiation of a damage assessment pursuant to subsection (a)(1)(B), and every 90 days thereafter until the completion of the damage assessment or

upon the request of the congressional intelligence committees, the Director of National Intelligence shall—

“(A) submit to the congressional intelligence committees copies of any documents or materials disclosed as a result of the significant unauthorized disclosure of the classified national intelligence that is the subject of the damage assessment; and

“(B) provide to the congressional intelligence committees a briefing on such documents and materials and a status of the damage assessment.

“(2) FINAL DAMAGE ASSESSMENT.—As soon as practicable after completing a damage assessment pursuant to subsection (a)(1)(B), the Director of National Intelligence shall submit the final damage assessment to the congressional intelligence committees.

“(c) NOTIFICATION OF REFERRAL TO DEPARTMENT OF JUSTICE.—If a referral is made to the Department of Justice from any element of the intelligence community regarding a significant unauthorized disclosure of classified national intelligence under this section, the Director of National Intelligence shall notify the congressional intelligence committees of the referral on the date such referral is made.”.

SEC. 414. IN-STATE TUITION RATES FOR CERTAIN MEMBERS OF INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 135(d) of the Higher Education Act of 1965 (20 U.S.C. 1015d(d)), as amended by section 6206(a)(4) of the Foreign Service Families Act of 2021 (Public Law 117–81), is further amended—

(1) in paragraph (1), by striking “or” after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(3) an officer or employee of an element of the intelligence community (as such term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) who serves in a position of employment in such element for a period of more than 30 days.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at each public institution of higher education in a State that receives assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for the first period of enrollment at such institution that begins after July 1, 2024.

SEC. 415. REPEAL OF STUDY ON PERSONNEL UNDER STRATEGIC INTELLIGENCE PARTNERSHIP PROGRAM.

Section 6435 of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 3533) is repealed (and conforming the table of contents in section 6001(b) accordingly).

SEC. 416. AUTHORIZATION RELATING TO CERTAIN INTELLIGENCE AND COUNTERINTELLIGENCE ACTIVITIES OF COAST GUARD.

(a) AUTHORIZATION.—Consistent with the policies, procedures, and coordination required pursuant to section 811 of the Counterintelligence and Security Enhancements Act of 1994 (50 U.S.C. 3381) and section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382), the Commandant of the Coast Guard may obligate and expend amounts made available under the National Intelligence Program for the intelligence and counterintelligence activities of the Coast Guard to conduct such an activity without regard to any other provision of law or regulation relating to the obligation, expenditure, or accounting of Government funds, if—

(1) the object of the activity is of a confidential, extraordinary, or emergency nature; and

(2) following each such expenditure, the Commandant submits to the congressional intelligence committees a written certification that the object of the activity was of a nature described in paragraph (1).

(b) TREATMENT OF CERTIFICATION.—Each written certification under subsection (a)(2) shall be deemed a full and sufficient voucher for the expenditure of the amount expressed therein, and is final and conclusive upon the accounting officers of the United States.

(c) LIMITATION.—Except as provided in subsection (d), of the funds made available under the National Intelligence Program for a fiscal year for the intelligence and counterintelligence activities of the Coast Guard, not more than 5 percent may be expended during the fiscal year under subsection (a) to conduct such activities in accordance with such subsection unless, for each intended expenditure in excess of such percentage—

(1) the Commandant submits to the congressional intelligence committees a notification of the intent to expend the amounts; and

(2) a period of 30 days has elapsed following the date on which the Commandant submits such notification.

(d) WAIVER.—

(1) AUTHORITY.—The Commandant may waive the limitation under subsection (c) if the Commandant determines such a waiver is necessary as a result of extraordinary circumstances that affect the national security of the United States.

(2) NOTIFICATION TO CONGRESS.—Not later than 2 days after issuing a waiver under paragraph (1), the Commandant shall submit to the congressional intelligence committees written notice and justification for the waiver.

(e) NATIONAL INTELLIGENCE PROGRAM DEFINED.—In this section, the term “National Intelligence Program” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 417. INTELLIGENCE COMMUNITY COUNTERINTELLIGENCE OFFICES.

(a) ESTABLISHMENT OF OFFICES.—

(1) AGREEMENTS WITH DEPARTMENTS AND AGENCIES.—The Director of National Intelligence, acting through the Director of the National Counterintelligence and Security Center, shall seek to enter into an agreement with the head of a designated Federal department or agency under which the Director of National Intelligence and the head of the designated Federal department or agency shall establish within the designated Federal department or agency an office, which shall be known as an “Intelligence Community Counterintelligence Office”, in accordance with this section.

(2) LOCATION.—Each office established under this subsection within a department or agency shall be physically located within the headquarters of the department or agency and within reasonable proximity to the offices of the agency or departmental leadership.

(3) SECURITY.—The Director of the National Counterintelligence and Security Center shall be responsible for the protection of classified information and for the establishment and enforcement of all security-related controls within an Intelligence Community Counterintelligence Office.

(b) PERSONNEL.—

(1) DIRECTOR.—

(A) APPOINTMENT.—The head of an Intelligence Community Counterintelligence Office established within a designated Federal department or agency pursuant to this section shall be the Director of the Intelligence Community Counterintelligence Office of the department or agency who is appointed by the Director of National Intelligence. The Director of the Intelligence Community Counterintelligence Office shall—

(i) be supervised and subject to performance evaluations by the Director of the National Counterintelligence and Security Center, in consultation with the head of the department or agency;

(ii) be an employee of the intelligence community with significant counterintelligence experience; and

(iii) serve for a period of 3 years.

(B) RESPONSIBILITIES.—The Director of an Intelligence Community Counterintelligence Office at a designated Federal department or agency shall carry out the following responsibilities:

(i) Serving as the head of the Intelligence Community Counterintelligence Office of the department or agency, with supervisory responsibility for the Office and any other personnel assigned to the Office.

(ii) Advising the head of the department or agency on counterintelligence and intelligence information.

(iii) Ensuring that counterintelligence threat information and, as appropriate, finished intelligence on topics related to the functions of the department or agency, are provided to appropriate personnel of the department or agency without delay.

(iv) Ensuring critical intelligence relevant to the head of the department or agency is requested and disseminated in a timely manner.

(v) Establishing, as appropriate, mechanisms for collaboration through which department or agency subject matter experts, including those without security clearances, can share information and expertise with the intelligence community.

(vi) Correlating and evaluating counterintelligence threats identified within intelligence community reporting, in coordination with the National Counterintelligence and Security Center, and providing appropriate dissemination of such intelligence to officials of the department or agency with a need-to-know.

(vii) Advising the head of the agency or department on methods to improve the counterintelligence posture of the agency or department.

(viii) Where appropriate, supporting the agency or department leadership in engaging with the National Security Council.

(ix) In coordination with the National Counterintelligence and Security Center, establishing counterintelligence partnerships to improve the counterintelligence defense of the department or agency.

(2) DEPUTY DIRECTOR.—Each Intelligence Community Counterintelligence Office established within a department or agency shall have a Deputy Director who is appointed by the head of the department or agency, in coordination with the Director of National Intelligence. The Deputy Director shall—

(A) be supervised and subject to performance evaluations by the head of the department or agency, in consultation with the Director of the National Counterintelligence and Security Center;

(B) be a current or former employee of the department or agency with significant experience within such agency or department; and

(C) serve at the pleasure of the head of the department or agency.

(3) OTHER EMPLOYEES.—

(A) JOINT DUTY ASSIGNMENT.—Each Intelligence Community Counterintelligence Office shall have such other employees as the Director of National Intelligence, in consultation with the head of the department or agency, determines appropriate. Employment at an Intelligence Community Counterintelligence Office is an intelligence community joint duty assignment. A permanent change of station to an Intelligence Community Counterintelligence Office shall be for a period of not less than 2 years.

(B) SUPERVISION.—The Director of the Intelligence Community Counterintelligence Office of a department or agency shall be responsible for the supervision and management of employees assigned to the Office of that department or agency, including employees assigned by program elements of the intelligence community and other Federal departments and agencies, as appropriate.

(C) JOINT DUTY OR ASSIGNED PERSONNEL REIMBURSEMENT.—The Director of National Intelligence shall reimburse a program element of the intelligence community or a Federal department or agency for any permanent change of station employee assigned to the Office of that element, department, or agency from amounts authorized to be appropriated for the Office of the Director of National Intelligence.

(D) OPERATION UNDER AUTHORITY OF DIRECTOR OF NATIONAL INTELLIGENCE.—Employees assigned to an Intelligence Community Counterintelligence Office under this paragraph shall operate under the authorities of the Director of National Intelligence for the duration of their assignment or period of employment within the Office, except for temporary duty assignment employees.

(E) INCENTIVE PAY.—

(i) IN GENERAL.—An employee who accepts employment at an Intelligence Community Counterintelligence Office during the 120-day period after the date of the establishment of the Office shall receive an incentive payment, which shall be payable by the Director of National Intelligence, in an amount equal to 10 percent of the base annual pay of the employee. Such an employee who completes 2 years of service in such Office may receive an incentive payment in an amount equal to 10 percent of the base annual pay of the employee if the Director of the Office determines the performance of the employee is exceptional.

(ii) ADDITIONAL INCENTIVE PAYMENTS FOR OTHER EMPLOYMENT.—An employee who receives an incentive payment or payments under clause (i) for accepting employment in an Intelligence Community Counterintelligence Office may receive an additional incentive payment or payments if the employee accepts employment at a different Intelligence Community Counterintelligence Office. Such payments shall be made under the same terms and conditions as payments under clause (i), except that the amount of each incentive payment shall be 5 percent of the base annual pay of the employee.

(iii) ELIGIBILITY.—An employee is only eligible for an incentive payment under clause (i) or (ii) if the employee enters into an agreement with the Director of National Intelligence to serve in the Intelligence Community Counterintelligence Office for a period of at least 2 years.

(c) FUNDING.—Amounts authorized to be appropriated for the National Intelligence Program of the Office of the Director of National Intelligence may be made available for—

(1) the renovation, furnishing, and equipping of a Federal building, as necessary, to meet the security and operational requirements of an Intelligence Community Counterintelligence Office;

(2) the provision of connectivity to the Intelligence Community Counterintelligence Office of a Federal department or agency that is located within the building of that department or agency to enable briefings, secure audio and video communications, and collaboration between employees of the department or agency and the intelligence community at the unclassified, secret, and top secret levels;

(3) the provision of other information technology systems and devices, such as computers, printers, and phones, for use by employees of an Intelligence Community Counterintelligence Office;

(4) the assignment of employees of the intelligence community to support the operation of an Intelligence Community Counterintelligence Office; and

(5) the provision of other personal services necessary for the operation of an Intelligence Community Counterintelligence Office.

(d) **DEADLINE FOR ESTABLISHMENT OF OFFICE IN DEPARTMENT OF AGRICULTURE.**—

(1) **ESTABLISHMENT.**—Not later than January 1, 2025, the Director of National Intelligence shall seek to establish, in accordance with this section, an Intelligence Community Counterintelligence Office within the Department of Agriculture.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the plan to establish the Office required under paragraph (1). Such report shall include the costs and schedule associated with establishing such Office.

(e) **DESIGNATED FEDERAL DEPARTMENT OR AGENCY.**—In this section, the term “designated Federal department or agency” means the Department of Agriculture.

SEC. 418. TERMINATION OF CLIMATE SECURITY ADVISORY COUNCIL.

(a) **TERMINATION.**—The Climate Security Advisory Council established under section 120 of the National Security Act of 1947 (50 U.S.C. 3060) shall terminate on the date that is 180 days after the date of the enactment of this Act.

(b) **WIND-DOWN PERIOD.**—During the 180-day period beginning on the date of the enactment of this Act and ending on the date of the termination of the Climate Security Advisory Council under subsection (a)—

(1) the Director of National Intelligence shall take such steps as may be necessary to complete the termination by such date, including with respect to the discharge of any final duties; and

(2) the Climate Security Advisory Council may not carry out operations other than those related to such steps for termination.

(c) **CONFORMING REPEAL.**—

(1) **REPEAL.**—Section 120 of the National Security Act of 1947 (50 U.S.C. 3060) is repealed (and conforming the table of contents accordingly).

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 419. LIMITATION ON AVAILABILITY OF FUNDS FOR FEDERAL BUREAU OF INVESTIGATION PENDING SUBMISSION OF INFORMATION REGARDING CERTAIN MEDIA ENGAGEMENTS.

(a) **FINDINGS.**—Congress finds that the Director of the Federal Bureau of Investigation has previously agreed to provide the information specified in subsection (b).

(b) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available under the National Intelligence Program for fiscal year 2024 for the Federal Bureau of Investigation, not more than 98 percent may be obligated or expended until the Director of the Federal Bureau of Investigation submits to the congressional intelligence committees a list of media backgrounders conducted by personnel of the Federal Bureau of Investigation relating to the 2020 election for President or foreign malign influence in the lead up to such election, the dates of such engagements, and the persons with whom such engagements were held.

(c) **NATIONAL INTELLIGENCE PROGRAM DEFINED.**—In this section, the term “National Intelligence Program” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 420. LIMITATION ON AVAILABILITY OF FUNDS FOR FEDERAL BUREAU OF INVESTIGATION PENDING SUBMISSION OF CERTAIN MEMORANDUM RELATING TO BUDGET.

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available under the National Intelligence Program for fiscal year 2024 for the Federal Bureau of Investigation, not more than 99.9 percent may be obligated or expended until the Director of the Federal Bureau of Investigation, in coordination with the Director of National Intelligence, submits to the congressional

intelligence committees the memorandum of agreement that governs the policy of the Federal Bureau of Investigation on budget execution.

(b) NATIONAL INTELLIGENCE PROGRAM DEFINED.—In this section, the term “National Intelligence Program” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 421. LIMITATION ON AVAILABILITY OF FUNDS FOR OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE PENDING SUBMISSION OF CERTAIN DOCUMENTS AND ANNEXES.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2024 for the Office of the Director of National Intelligence, not more than 97 percent may be obligated or expended until the date on which the Director of National Intelligence submits each document and, if applicable, each annex that is required under section 515 of the National Security Act of 1947 (50 U.S.C. 3114) but that, as of the date of the enactment of this Act, has not been submitted.

Subtitle B—Reports and Other Matters

SEC. 431. INCLUSION OF COUNTERNARCOTICS AS SPECIAL TOPIC IN CERTAIN BUDGET JUSTIFICATION MATERIALS.

(a) INCLUSION OF COUNTERNARCOTICS AS SPECIAL TOPIC.—For the purposes of the congressional budget justification book for the National Intelligence Program (as such term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) for each of fiscal years 2025 through 2027, and for any subsequent fiscal year as the Director of National Intelligence determines appropriate, information with respect to the aggregate amount of funding requested for counternarcotics required to be included as part of the budget justification materials submitted to Congress under section 506(a)(3) of such Act shall be included as a provision relating to a special topic in such congressional budget justification book.

(b) CONTENTS.—With respect to a fiscal year, the special topic provision included in the congressional budget justification book pursuant to subsection (a) regarding the aggregate amount of funding requested for counternarcotics shall include—

- (1) a summary of the main activities and investments that such requested funding would support;
- (2) a breakdown of such requested funding by program, budget category, intelligence discipline, and any other appropriate classification;
- (3) a comparison of aggregate requested funding and aggregate enacted funding for counternarcotics for the current fiscal year and the previous fiscal year;
- (4) the number of full-time equivalent civilian and military personnel assigned to the counternarcotics mission of the intelligence community; and
- (5) such other information as the Director of National Intelligence determines appropriate.

SEC. 432. DEVELOPMENT OF PLAN TO MAKE OPEN-SOURCE INTELLIGENCE PRODUCTS AVAILABLE TO CERTAIN FEDERAL EMPLOYEES.

(a) PLAN REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with such heads of the elements of the intelligence community as the Director considers appropriate, shall develop and submit to the congressional intelligence committees a plan to make available to covered individuals any covered open-source intelligence product.

(b) ELEMENTS.—The plan required under subsection (a) shall include the following:

- (1) Policies and procedures to make available to covered individuals any covered open-source intelligence product in a manner consistent with the protection of intelligence sources and methods.
- (2) Policies and procedures to increase the availability and accessibility to covered individuals of publicly available foreign language material that is translated by or within the intelligence community.
- (3) Policies and procedures to ensure that the head of each element of the intelligence community that produces any covered open-source intelligence product complies with all policies and procedures issued to implement the plan submitted under subsection (a).
- (4) Policies and procedures to ensure that any covered open-source intelligence product that is made available to covered individuals satisfies the requirements under any policy, procedure, or standard issued by the head of an element of the intelligence community relating to the production and dissemination of intelligence products.

(5) Any obstacles to making available to covered individuals unclassified products derived from open-source intelligence produced by the intelligence community, including translated foreign language material described in paragraph (2).

(6) With respect to implementation of the plan, a discussion of the estimated timeline, any additional funding or other resources, and any new authorities that would be required for such implementation.

(7) A discussion of the feasibility and advisability of making unclassified products derived from open-source intelligence produced by the intelligence community available to State and local government officials who would derive value from such unclassified products.

(c) FORM.—The plan required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) INTELLIGENCE COMMUNITY DIRECTIVE WITH RESPECT TO OPEN-SOURCE INTELLIGENCE.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall update Intelligence Community Directive 208, Maximizing the Utility of Analytic Products (or any successor directive) to specifically address—

(1) the production and dissemination of unclassified intelligence products derived entirely from open-source intelligence, including from unclassified publicly available information, unclassified commercially available information, or any other type of unclassified information; and

(2) the needs and requirements of covered individuals who do not hold a security clearance or have access to the classified systems on which such unclassified intelligence products reside.

(e) DEFINITIONS.—In this section:

(1) COVERED INDIVIDUAL.—The term “covered individual” means an employee of the Federal Government—

(A) who is not an employee or contractor of an element of the intelligence community; and

(B) who would derive value from a covered open-source intelligence product.

(2) COVERED OPEN-SOURCE INTELLIGENCE PRODUCT.—The term “covered open-source intelligence product” means an unclassified product derived from open-source intelligence that is produced by the intelligence community.

SEC. 433. INTELLIGENCE COMMUNITY-WIDE POLICY ON PREPUBLICATION REVIEW.

Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall issue, and submit to the congressional intelligence committees, an intelligence community-wide policy regarding prepublication review.

SEC. 434. REVIEW RELATING TO CONFIDENTIAL HUMAN SOURCE PROGRAM OF FEDERAL BUREAU OF INVESTIGATION.

(a) REVIEW BY INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—

(1) REVIEW.—The Inspector General of the Intelligence Community, in coordination with the Inspector General of the Department of Justice, shall conduct a review of the policies and procedures governing the confidential human source program of the Federal Bureau of Investigation (in this section referred to as the “program”) and the compliance by the Federal Bureau of Investigation with such policies and procedures, including—

(A) the policy of the Department of Justice titled “The Attorney General’s Guidelines Regarding the Use of FBI Confidential Sources” (or successor policy); and

(B) Intelligence Community Directive 304 (or successor directive).

(2) ELEMENTS.—The review under paragraph (1) shall include the following:

(A) An assessment of the compliance by the Federal Bureau of Investigation with the policies and procedures governing the program, including with respect to the management and validation of confidential human sources under such program.

(B) An assessment of the means by which the Federal Bureau of Investigation conducts risk assessments relating to the continual validation of long-term confidential human sources under the program.

(C) An assessment of the timeliness and completion rates of the reviews of confidential human sources under the program.

(D) An identification of the data points assessed by the Federal Bureau of Investigation during such reviews and the State and local databases used in conducting such reviews.

(E) A list containing an identification of each incident of noncompliance with a policy or procedure specified in subparagraph (A).

(3) SUBMISSION.—Not later than 90 days after the date on which the review under paragraph (1) is completed, the Inspector General of the Intelligence

Community shall submit to the congressional intelligence committees a report containing the results of such review.

(b) **REQUIREMENT.**—Beginning not later than 180 days after the date of the enactment of this Act, with respect to any confidential human source the management of which is funded through the National Intelligence Program—

(1) if an agent of the Federal Bureau of Investigation has reasonable grounds to believe that such a confidential human source, or any immediate family member of such a source, has engaged in unauthorized criminal activity, including any misdemeanor or felony crime, the agent shall promptly notify a confidential human source coordinator or the assigned Federal prosecutor; and

(2) the file of each such confidential human source shall be reviewed on at least a quarterly basis and in a manner otherwise consistent with the guidelines of the Attorney General and other policies of the Federal Bureau of Investigation.

(c) **DEFINITIONS.**—In this section:

(1) **IMMEDIATE FAMILY MEMBER.**—The term “immediate family member” means, with respect to an individual, a spouse, domestic partner, parent, sibling, child, stepparent, stepsibling, or stepchild of the individual.

(2) **NATIONAL INTELLIGENCE PROGRAM.**—The term “National Intelligence Program” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 435. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY ASSESSMENT OF OVERT HUMAN INTELLIGENCE COLLECTION PROGRAM OF DEPARTMENT OF HOMELAND SECURITY.

(a) **ASSESSMENT.**—

(1) **REQUIREMENT.**—The Inspector General of the Intelligence Community shall conduct an assessment of the Overt Human Intelligence Collection Program administered by the Under Secretary of Homeland Security for Intelligence and Analysis.

(2) **ELEMENTS.**—The assessment under paragraph (1) shall include findings and, as appropriate, recommendations on the following:

(A) Whether the Overt Human Intelligence Collection Program is authorized or otherwise supported by legal authorities.

(B) Whether, and to what extent, such Program has provided valuable insights on national intelligence priorities and intelligence priorities of the Department of Homeland Security.

(C) Whether there is sufficient training provided to, and sufficient oversight provided of, officers and employees of the Office of Intelligence and Analysis of the Department of Homeland Security who conduct interviews or other engagements for intelligence collection purposes under such Program.

(D) Whether the responsibilities, procedures, and requirements for such Program set forth in Policy Instruction 907 of the Office of Intelligence and Analysis, issued on June 29, 2016, (or any successor instruction) are clear, complete, and consistently complied with by such officers and employees.

(E) Whether such Program raises, or, with respect to activities conducted under such Program prior to the date of such assessment, has raised, legal, ethical, or operational concerns, including concerns relating to the actual or potential violation of any applicable policies or procedures for protecting the constitutional or statutory rights of United States persons.

(F) Any other matter the Inspector General of the Intelligence Community determines appropriate.

(3) **BRIEFING.**—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall provide to the appropriate congressional committees a briefing on the preliminary findings and recommendations of the Inspector General with respect to the assessment under paragraph (1).

(4) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the appropriate congressional committees a report containing the findings and recommendations of the Inspector General with respect to the assessment under paragraph (1).

(b) **PROHIBITION ON AVAILABILITY OF FUNDS.**—None of the funds authorized to be appropriated by this Act may be made available to the Office of Intelligence and Analysis to conduct or resume a covered activity.

(c) **DEFINITION.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following:

(A) The congressional intelligence committees.

(B) The Committee on Homeland Security of the House of Representatives.

(C) The Committee on Homeland Security and Governmental Affairs of the Senate.

(2) COVERED ACTIVITY.—The term “covered activity” means an activity the conduct of which under the Overt Human Intelligence Collection Program was paused in 2022 (as described in the document submitted to the Permanent Select Committee on Intelligence of the House of Representatives by the Under Secretary of Homeland Security for Intelligence and Analysis, titled “Response to Questions during HPSCI Briefing on March 7, 2023”), involving the conduct by an officer or employee of the Office of Intelligence and Analysis of an interview or other engagement for intelligence collection purposes with an individual, in connection with a criminal matter—

(A) who has been charged, arraigned, or is in the custody of a Federal, State, or local law enforcement agency; and

(B) whose guilt with respect to such matter has not yet been adjudicated.

(3) OVERT HUMAN INTELLIGENCE COLLECTION PROGRAM.—The term “Overt Human Intelligence Collection Program” means the program established by the Under Secretary of Homeland Security for Intelligence and Analysis pursuant to Policy Instruction 907 of the Office of Intelligence and Analysis, issued on June 29, 2016 (or any successor program).

(4) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 436. INTELLIGENCE ASSESSMENTS REGARDING HAITI.

(a) INTELLIGENCE COMMUNITY ASSESSMENT.— The Director of National Intelligence, acting through the National Intelligence Council, shall produce an intelligence community assessment regarding Haiti. Such assessment shall include each of the following:

(1) An analysis of the security, political, and economic situation in Haiti, and its effect on—

(A) the people of Haiti;

(B) other countries in the Caribbean region; and

(C) the United States, including Puerto Rico and the United States Virgin Islands, as a result of increased out-migration from Haiti to the United States, the increased use of Haiti as a transshipment point for illicit drugs destined for the United States, or any other relevant factor or trend.

(2) A description of opportunities available to improve or stabilize the security, political, and economic situation in Haiti.

(3) An identification of specific events or actions in Haiti that, were they to occur individually or in combination, would serve as signposts indicating the further deterioration or collapse of the security, political, and economic situation in Haiti.

(b) INTELLIGENCE ASSESSMENT.—The Director of National Intelligence shall produce an intelligence assessment based on a review of the intelligence products pertaining to Haiti that were written by elements of the intelligence community and provided to policymakers during the period of time beginning on January 1, 2021, and ending on July 7, 2021. Such assessment shall include each of the following:

(1) An analysis of whether, during the time period covered by the assessment, the intelligence community provided policymakers with adequate indications and warning of the assassination of Haitian President Jovenel Moise on July 7, 2021.

(2) An analysis of whether, during such time period, the intelligence community provided policymakers with useful and unique insights, derived from both covertly collected and open-source intelligence, that policymakers would not otherwise have been able to obtain from sources outside of the intelligence community.

(3) Based on the analyses conducted under paragraphs (1) and (2), any recommendations to improve indications and warning or to otherwise enhance the utility for policymakers of intelligence products that the intelligence community prepares on Haiti, specifically, or on other countries characterized by chronic insecurity, instability, and poverty.

(c) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director shall concurrently submit to the congressional intelligence committees the intelligence community assessment produced under subsection (a) and the intelligence assessment produced under subsection (b).

(2) **FORM.**— The assessments submitted under paragraph (1) shall be submitted in classified form.

SEC. 437. INTELLIGENCE ASSESSMENT OF INFLUENCE OPERATIONS BY PEOPLE'S REPUBLIC OF CHINA TOWARD PACIFIC ISLANDS COUNTRIES.

(a) **ASSESSMENT.**—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of State for Intelligence and Research, in consultation with the heads of the other elements of the intelligence community that the Assistant Secretary determines appropriate, shall submit to the congressional intelligence committees an assessment of influence operations by the People's Republic of China toward Pacific Islands countries.

(b) **ELEMENTS.**—The intelligence assessment under subsection (a) shall include the following:

(1) A description of recent and potential future efforts by the People's Republic of China, using either overt or covert means, to enhance its security, political, diplomatic, or economic ties with Pacific Islands countries.

(2) An assessment of how the People's Republic of China views the success of its efforts to expand influence in Pacific Islands countries, and the importance of such efforts to its national security, foreign policy, and economic development objectives.

(3) An identification of Pacific Islands countries in which the People's Republic of China has established, or is seeking to establish, an intelligence presence or intelligence partnerships.

(4) An assessment of the degree to which the People's Republic of China is using economic or other forms of coercion to pressure the Pacific Islands countries that diplomatically recognize Taiwan (the Republic of the Marshall Islands, Palau, Nauru, and Tuvalu) into instead recognizing the People's Republic of China.

(5) An analysis of how specific Pacific Islands countries are responding to efforts by the People's Republic of China to increase bilateral engagement.

(6) An assessment of the influence of the People's Republic of China in the Pacific Islands Forum (the main multilateral organization of the region) and of the efforts of the People's Republic of China to establish parallel regional organizations and recruit Pacific Islands countries to participate.

(7) An analysis of opportunities for the United States to counter influence operations by the People's Republic of China in the Pacific Islands region that undermine the national security or economic interests of the United States.

(c) **FORM.**—The intelligence assessment under subsection (a) may be submitted in classified form.

(d) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Affairs and the Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party of the House of Representatives; and

(C) the Committee on Foreign Relations of the Senate.

(2) **PACIFIC ISLANDS COUNTRIES.**—The term “Pacific Islands countries” includes the Federated States of Micronesia, Fiji, French Polynesia, Kiribati, the Republic of the Marshall Islands, Nauru, Palau, Solomon Islands, Tonga, Samoa, Niue, Tuvalu, and Vanuatu.

SEC. 438. INDEPENDENT STUDY ON ECONOMIC IMPACT OF MILITARY INVASION OF TAIWAN BY PEOPLE'S REPUBLIC OF CHINA.

(a) **REQUIREMENT.**—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall seek to enter into a contract with an eligible entity to conduct a comprehensive study on the global economic impact of a military invasion of Taiwan by the People's Republic of China or certain other aggressive or coercive actions taken by the People's Republic of China with respect to Taiwan.

(b) **MATTERS INCLUDED.**—The study required under subsection (a) shall include the following:

(1) An assessment of the economic impact globally, in the United States, and in the People's Republic of China that would result from an invasion of Taiwan by the People's Republic of China under various potential invasion and response scenarios, including with respect to the impact on—

(A) supply chains;

(B) trade flows;

(C) financial markets;

(D) sovereign debt; and

(E) gross domestic product, unemployment, and other key economic indicators.

(2) An assessment of the economic impact globally, in the United States, and in the People's Republic of China that would result from of an aggressive or coercive military, economic, or other action taken by the People's Republic of China with respect to Taiwan that falls short of an invasion, including as a result of a blockade of Taiwan.

(3) The development of economic policy options, to include sanctions and supply chain restrictions, designed to cause escalating impacts on the economy of the People's Republic of China during a preconflict phase.

(c) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the eligible entity that the Director of National Intelligence enters into an agreement with under subsection (a) shall submit to the Director a report containing the results of the study conducted under such subsection.

(2) SUBMISSION TO CONGRESS.—Not later than 30 days after the date the Director receives the report under paragraph (1), the Director shall submit the report to the congressional intelligence committees.

(3) FORM OF REPORT.—The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.

(d) ELIGIBLE ENTITY DEFINED.—In this section, the term “eligible entity” means a federally funded research and development center or nongovernmental entity which has—

- (1) a primary focus on studies and analysis;
- (2) experience and expertise relevant to the study required under subsection (a); and
- (3) a sufficient number of personnel with the appropriate security clearance to conduct such study.

SEC. 439. REPORTS ON CIVILIAN CASUALTIES CAUSED BY CERTAIN OPERATIONS OF FOREIGN GOVERNMENTS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 2 years, the Director of National Intelligence shall submit to the congressional intelligence committees a report on civilian casualties caused by covered operations.

(b) ELEMENTS.—Each report under subsection (a) shall include, for the year covered by the report, each of the following:

(1) A list identifying each covered operation during that year that has resulted in civilian casualties that the Director of National Intelligence has confirmed.

(2) An identification of the total number of civilian casualties resulting from covered operations during that year that the Director of National Intelligence has confirmed.

(3) For each covered operation identified in the list under paragraph (1), an identification of the following:

(A) The date on which, and the location where, the covered operation occurred.

(B) The element of the foreign government that conducted the covered operation.

(C) The individual or entity against which the covered operation was directed.

(D) Any other circumstances or facts that the Director of National Intelligence determines relevant.

(c) FORM.—Each report required under subsection (a) may be submitted in classified form, but if so submitted shall include an unclassified executive summary.

(d) COVERED OPERATION DEFINED.—In this section, the term “covered operation” means an operation—

- (1) conducted by a foreign government;
- (2) involving the use of force; and
- (3) in which intelligence shared by an element of the intelligence community plays a significant role.

SEC. 440. REPORT BY DIRECTOR OF NATIONAL INTELLIGENCE ON UYGHUR GENOCIDE.

(a) REPORT ON UYGHUR GENOCIDE.—

(1) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the relevant heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the Uyghur genocide.

(2) MATTERS.—The report under paragraph (1) shall address the following matters:

(A) Forced sterilization, forced birth control, and forced abortion of Uyghurs.

(B) Forced transfer of Uyghur children from their families.

(C) Forced labor of Uyghurs, inside and outside of Xinjiang.

(D) The work conditions of Uyghur laborers (including laborers in the textile, automobile and electric vehicle, solar panel, polyvinyl chloride, and rare earth metals sectors), including an identification of any company that is—

(i) organized under the laws of the People’s Republic of China or otherwise subject to the jurisdiction of (or over which control is exercised or exercisable by) the Government of the People’s Republic of China; and

(ii) employing forced Uyghur laborers from Xinjiang.

(E) Any other forms of physical or psychological torture against Uyghurs.

(F) Any other actions that infringe on the rights of Uyghurs to live freely in accordance with their customs, culture, and religious practices.

(G) The methods of surveillance of Uyghurs, including surveillance via technology, law enforcement notifications, and forcing Uyghurs to live with other individuals for monitoring purposes.

(H) Such other matters as the Director of National Intelligence may determine appropriate.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) DEFINITIONS.—In this section, the terms “congressional intelligence committees”, “intelligence”, “intelligence community”, and “national intelligence” have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 441. TECHNICAL CORRECTIONS.

(a) NATIONAL SECURITY ACT OF 1947.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

(1) in section 102A(n) (50 U.S.C. 3024(n)) by redesignating the second paragraph (5) as paragraph (6);

(2) in section 503(c)(3) (50 U.S.C. 3093(c)(3)), by striking “section” and inserting “subsection”;

(3) in section 805(6) (50 U.S.C. 3164(6)), by striking “sections 101 (a) and (b)” and inserting “subsections (a) and (b) of section 101”; and

(4) in section 1102A (50 U.S.C. 3232a)—

(A) in subsection (b)(3), by striking “subsection (2)” and inserting “paragraph (1)”; and

(B) in subsection (c)(4)(C)(iv), by striking “wavier” and inserting “waiver”.

(b) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2023.—The Intelligence Authorization Act for Fiscal Year 2023 (division F of Public Law 117–263) is amended—

(1) in section 6422(b) (50 U.S.C. 3334(b)), by striking “Congressional” and inserting “congressional”; and

(2) in section 6732(b) (50 U.S.C. 3024 note; 136 Stat. 3583), by striking “paragraph (5)” and inserting “paragraph (6)”.

(c) DAVID L. BOREN NATIONAL SECURITY EDUCATION ACT OF 1991.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended—

(1) in section 802(j)(6) (50 U.S.C. 1902(j)(6))—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(B) in subparagraph (B), as so redesignated, by striking “subparagraph (D)” and inserting “subparagraph (C)”;

(2) in section 803(d)(9)(D) (50 U.S.C. 1903(d)(9)(D)), by striking “Local” and inserting “local”; and

(3) in section 808(4)(A) (50 U.S.C. 1908(4)(A)), by striking “a agency” and inserting “an agency”.

(d) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—The Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.) is amended—

(1) in section 211(c)(2)(B) (50 U.S.C. 2021(c)(2)(B)), by striking “subsection 241(c)” and inserting “section 241(c)”;

(2) in section 263(g)(1) (50 U.S.C. 2093(g)(1)), by striking “Fund” and inserting “fund”;

(3) in section 271(b) (50 U.S.C. 2111(b)), by striking “section 231(b)” and inserting “section 231(c)”;

(4) in section 304(c) (50 U.S.C. 2154(c))—

- (A) in paragraph (1)(B)(i), by striking “title 50” and inserting “title 5”; and
- (B) in paragraph (5)(A)(ii), by striking “sections” and inserting “section”.
- (e) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341) is amended—
 - (1) in subsection (a)—
 - (A) in paragraph (4)(B)(i), by striking the semicolon and inserting “);”; and
 - (B) in paragraph (9)(A), by striking “with industry” and inserting “within industry”; and
 - (2) in subsection (j)(1)(C)(i), by striking “(d),” and all that follows through “section 8H” and inserting “(d), and (h) of section 8H”.
- (f) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2383) is amended—
 - (1) in section 313(d)(3)(B) (50 U.S.C. 3361(d)(3)(B)), by adding a period at the end; and
 - (2) in section 343(d)(1) (50 U.S.C. 3363(d)(1)), by striking “Not later than” and inserting “Not later than”.
- (g) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended—
 - (1) in section 4—
 - (A) in subsection (a)(1)(E) (50 U.S.C. 3505(a)(1)(E)), by striking the period at the end and inserting “; and”; and
 - (B) in subsection (b)(2) (50 U.S.C. 3505(b)(2)), by striking “authorized by section” and inserting “authorized by sections”; and
 - (2) in section 6 (50 U.S.C. 3507), by striking “or of the, names” and inserting “or of the names”; and
 - (3) in section 12(a)(2)(A) (50 U.S.C. 3512(a)(2)(A)), by striking “used only for—” and inserting “used only for—”; and
 - (4) in section 17—
 - (A) in subsection (d)(5)(B)(ii) (50 U.S.C. 3517(d)(5)(B)(ii)), by adding a period at the end; and
 - (B) in subsection (e)(4) (50 U.S.C. 3517(e)(4)), by striking “which oath affirmation, or affidavit” and inserting “which oath, affirmation, or affidavit”; and
 - (5) in section 19(a)(2) (50 U.S.C. 3519(a)(2)), by striking “, as a participant” and inserting “as a participant”.
- (h) CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT.—Section 2(a)(1) of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 3519a(a)(1)) is amended by adding “and” at the end.
- (i) NATIONAL SECURITY AGENCY ACT OF 1959.—Section 16(d)(1) of the National Security Agency Act of 1959 (50 U.S.C. 3614(d)(1)) is amended by striking “program participant,” and inserting “program participant”.
- (j) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.—Section 811(e)(7) of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 3381(e)(7)) is amended by striking “sections 101 (a) and (b)” and inserting “subsections (a) and (b) of section 101”.
- (k) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

TITLE V—MATTERS RELATING TO DEFENSE INTELLIGENCE AND OVERHEAD ARCHITECTURE

SEC. 501. EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended by striking “December 31, 2023” and inserting “December 31, 2024”.

SEC. 502. MODIFICATION OF REPORTING REQUIREMENT FOR ALL-DOMAIN ANOMALY RESOLUTION OFFICE.

Section 1683(k)(1) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(k)(1)), as amended by section 6802(a) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263), is further amended—

(1) in the heading, by striking “DIRECTOR OF NATIONAL INTELLIGENCE AND SECRETARY OF DEFENSE” and inserting “ALL-DOMAIN ANOMALY RESOLUTION OFFICE”; and

(2) in subparagraph (A), by striking “Director of National Intelligence and the Secretary of Defense shall jointly” and inserting “Director of the Office shall”.

SEC. 503. MILITARY INTELLIGENCE COLLECTION AND ANALYSIS PARTNERSHIPS.

(a) **USE OF APPROPRIATED FUNDS.**—The Director of the Defense Intelligence Agency may use not more than \$10,000,000 of appropriated funds available to the Defense Intelligence Agency for each fiscal year to pay for the expenses of partnerships with foreign countries, regional organizations with defense, intelligence, or security components, and security alliances of which the United States is a member for military intelligence collection and analysis activities.

(b) **USE OF FUNDS OTHER THAN APPROPRIATED FUNDS.**—Notwithstanding any other provision of law, the Director may use funds other than appropriated funds to pay for the expenses of partnerships with foreign countries, regional organizations with defense or security components, and security alliances of which the United States is a member for military intelligence collection and analysis activities, except that—

(1) no such funds may be expended, in whole or in part, by or for the benefit of the Defense Intelligence Agency for a purpose for which Congress had previously denied funds;

(2) proceeds from the sale of military intelligence collection and analysis items may be used only to purchase replacement items similar to the items that are sold; and

(3) the authority provided by this subsection may not be used to acquire items or services for the principal benefit of the United States.

(c) **LOGISTIC SUPPORT, SUPPLIES, AND SERVICES.**—Notwithstanding any other provision of law, the Director may exercise the authority under this section to pay for, or otherwise facilitate, the logistic support, supplies, and services associated with partnerships with foreign countries, regional organizations with defense or security components, and security alliances of which the United States is a member.

(d) **COORDINATION WITH SECRETARY OF STATE.**—The Director of the Defense Intelligence Agency shall coordinate the military intelligence collection and analysis activities funded pursuant to this section with the Secretary of State.

(e) **COORDINATION WITH DIRECTOR OF NATIONAL INTELLIGENCE.**—The Director of the Defense Intelligence Agency shall coordinate the military intelligence collection and analysis activities funded pursuant to this section with the Director of National Intelligence.

(f) **SUNSET.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the authority to carry out this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

(2) **EXCEPTION.**—A military intelligence collection and analysis activity for which funds have been obligated under this section before the date on which the authority to carry out this section terminates under paragraph (1) may continue until the completion of the activity.

(g) **MILITARY INTELLIGENCE COLLECTION AND ANALYSIS ACTIVITY DEFINED.**—In this section, the term “military intelligence collection and analysis activity” means—

(1) the conduct of a combined human intelligence and counterintelligence activity;

(2) the collection, processing, exploitation, analysis, and dissemination of all-source intelligence;

(3) the conduct of a foreign defense intelligence liaison relationship or defense intelligence exchange program; or

(4) the research, development, acquisition, and sustainment of an information technology system or telecommunication capability in support of an activity described in paragraph (1), (2), or (3).

SEC. 504. AUTHORIZATION FOR ESTABLISHMENT OF NATIONAL SPACE INTELLIGENCE CENTER AS FIELD OPERATING AGENCY.

(a) **AUTHORITY.**—Notwithstanding any other provision of law prohibiting the establishment of a field operating agency, the Secretary of the Air Force may establish the National Space Intelligence Center as a field operating agency of the Space

Force to analyze and produce scientific and technical intelligence on space-based and counterspace threats from foreign adversaries.

(b) REQUIREMENT.—If the Secretary of the Air Force decides to establish the National Space Intelligence Center as a field operating agency, the Secretary shall consider the operational and geographical benefits provided by co-locating the National Space Intelligence Center with the National Air and Space Intelligence Center.

SEC. 505. DEFENSE INTELLIGENCE AGENCY ASSESSMENT OF STRATEGIC COMPETITION IN LATIN AMERICA AND THE CARIBBEAN.

(a) ASSESSMENT.—Not later than 120 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency, in consultation with the heads of the other elements of the intelligence community that the Director determines appropriate, shall submit to the appropriate congressional committees an intelligence assessment on the level of intelligence and defense cooperation between covered countries and—

- (1) the People’s Republic of China; and
- (2) the Russian Federation.

(b) ELEMENTS.—The intelligence assessment under subsection (a) shall include a description of any security-related cooperation or engagement between covered countries and the People’s Republic of China or the Russian Federation in the following areas:

- (1) Strategic dialogue.
- (2) Training or professional military education.
- (3) Defense agreements.
- (4) Intelligence sharing agreements.
- (5) Arms transfers.
- (6) Defense equipment transfers.
- (7) Military exercises.
- (8) Joint operations.
- (9) Permanent military presence.
- (10) Space cooperation.
- (11) Any other area the Director of the Defense Intelligence Agency determines appropriate.

(c) FORM.—The assessment under subsection (a) may be provided in classified form.

(d) FORMAT.—To the extent practicable, the Director shall present the information contained in the assessment under subsection (a) in the format of a chart or other graphic.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the following:

- (A) The congressional intelligence committees.
- (B) The congressional defense committees, as such term is defined in section 101(a) of title 10, United States Code.

(2) COVERED COUNTRY.—The term “covered country” means Mexico and each foreign country or territory in Central or South America or in the Caribbean.

SEC. 506. QUARTERLY BRIEFINGS RELATING TO USE OF MILITARY INTELLIGENCE PROGRAM FUNDS.

Not less frequently than once each quarter, the Secretary of Defense shall provide to the Permanent Select Committee on Intelligence of the House of Representatives a briefing on—

- (1) significant military operations of the Department of Defense carried out during the immediately preceding quarter and funded by amounts made available under the Military Intelligence Program; and
- (2) all clandestine operations in the information environment carried out during the immediately preceding quarter and funded or otherwise enabled by amounts made available under the Military Intelligence Program.

TITLE VI—MATTERS RELATING TO NATIONAL SECURITY AGENCY, CYBER, AND COMMERCIAL CLOUD ENTERPRISE

SEC. 601. CONGRESSIONAL NOTIFICATION BY NATIONAL SECURITY AGENCY OF INTELLIGENCE COLLECTION ADJUSTMENTS.

The National Security Agency Act of 1959 (50 U.S.C. 3601 et seq.) is amended by adding at the end the following new section:

“SEC. 22. CONGRESSIONAL NOTIFICATION OF INTELLIGENCE COLLECTION ADJUSTMENTS.

“(a) NOTIFICATION.—Not later than 30 days after the date on which the Director of the National Security Agency determines the occurrence of an intelligence collection adjustment, the Director shall submit to the congressional intelligence committees a notification of the intelligence collection adjustment.

“(b) DEFINITIONS.—In this section:

“(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ‘congressional intelligence committees’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(2) INTELLIGENCE COLLECTION ADJUSTMENT.—The term ‘intelligence collection adjustment’ includes a change by the United States Government to a policy on intelligence collection or the prioritization thereof that results in a significant loss of intelligence.”.

SEC. 602. MODIFICATIONS TO ENFORCEMENT OF CYBERSECURITY REQUIREMENTS FOR NATIONAL SECURITY SYSTEMS.

Section 6309 of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

“(e) IMPLEMENTATION REPORT.—Each head of an element of the intelligence community that owns or operates a national security system shall submit to the congressional intelligence committees not later than 90 days after the date of the enactment of this subsection a plan detailing the cost and schedule requirements necessary to meet all of the cybersecurity requirements for national security systems by the end of fiscal year 2026.”.

SEC. 603. SUPPORT BY INTELLIGENCE COMMUNITY FOR CERTAIN CROSS-FUNCTIONAL TEAM OF DEPARTMENT OF DEFENSE.

(a) ACCESS TO INFORMATION.—Upon request by the cross-functional team of the Department of Defense established under section 910 of the National Defense Authorization Act of Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 111 note) (in this section referred to as the “cross-functional team”), and consistent with the protection of intelligence sources and methods, the head of any element of the intelligence community shall provide such team with access to any information (including any intelligence reporting, analysis, or finished intelligence product) of the element potentially relevant to the duties of such team required under subsection (b)(1) of such section.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed as waiving the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) or any other applicable law regarding privacy or the protection of health information.

(c) STAFFING OF CROSS-FUNCTIONAL TEAM BY CERTAIN ELEMENTS.—

(1) STAFFING.—The head of each covered element shall detail or assign to the cross-functional team, including through a joint duty assignment (as applicable), intelligence or counterintelligence personnel of that covered element in such numbers as the head, in consultation with such team, determines necessary to support such team in fulfilling the duties required under section 910(b)(1) of the National Defense Authorization Act of Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 111 note).

(2) NATIONAL SECURITY AGENCY.—In carrying out paragraph (1) with respect to the National Security Agency, the Director of the National Security Agency shall ensure there is detailed or assigned to the cross-functional team at least 1 individual determined appropriate by the Director, who, while so detailed or assigned, shall provide such team with technical expertise of the National Security Agency relevant to the fulfilment of the duties referred to in paragraph (1).

(d) ADDITIONAL DETAIL AUTHORITY.—Upon request by the cross-functional team, the head of any element of the intelligence community may detail to such team personnel of the element to provide intelligence, counterintelligence, or related support.

(e) COVERED ELEMENT DEFINED.—In this section, the term “covered element” means the following:

(1) The National Security Agency.

(2) The Defense Intelligence Agency.

(3) The intelligence elements of the Army, the Navy, the Air Force, and the Marine Corps.

SEC. 604. COMMERCIAL CLOUD ENTERPRISE NOTIFICATION.

(a) NOTIFICATION REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and on a quarterly basis thereafter, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees a noti-

fication relating to the Commercial Cloud Enterprise contract entered into by the Director of the Central Intelligence Agency in November 2020 for commercial cloud services for the intelligence community, which shall include—

- (1) the number and value of all task orders issued under such contract, broken down by vendor, for each element of the intelligence community;
- (2) the duration of each task order;
- (3) the number of sole source task orders issued compared to the number of task orders issued on a competitive basis under such contract; and
- (4) with respect to each vendor authorized to provide commercial cloud services under such contract, an update on the status of the security accreditation and authority to operate decision of each vendor.

(b) DATA SHARING.—The head of each element of the intelligence community shall share such data with the Director of the Central Intelligence Agency as the Director determines necessary to prepare the notification required under subsection (a).

(c) SUNSET.—The requirement to submit the notification under subsection (a) shall terminate on the date that is 3 years after the date of the enactment of this Act.

SEC. 605. COMMERCIAL CLOUD ENTERPRISE SOLE SOURCE TASK ORDER NOTIFICATION REQUIREMENT.

(a) NOTIFICATION REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and on a semiannual basis thereafter, the head of each element of the intelligence community shall submit to the congressional intelligence committees a notification with respect to any sole source task order awarded by such head under the contract relating to the Commercial Cloud Enterprise entered into by the Director of the Central Intelligence Agency in November 2020 for commercial cloud services for the intelligence community.

(b) CONTENTS.—Each notification required under subsection (a) shall include, with respect to the task order concerned—

- (1) a description of the order;
- (2) a summary of services provided under the order;
- (3) the value of the order;
- (4) the justification for awarding the order on a sole source basis; and
- (5) an identification of the vendor awarded the order.

(c) SUNSET.—The requirement to submit the notification under subsection (a) shall terminate on the date that is 3 years after the date of the enactment of this Act.

SEC. 606. ANALYSIS OF COMMERCIAL CLOUD INITIATIVES OF INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with such heads of elements of the intelligence community as the Director considers appropriate—

- (1) complete a comprehensive analysis of the commercial cloud initiatives of the intelligence community relating to the Commercial Cloud Enterprise contract entered into by the Director of the Central Intelligence Agency in November 2020; and
- (2) provide to the congressional intelligence committees a briefing on the findings of the Director with respect to the analysis conducted pursuant to paragraph (1).

(b) ELEMENTS.—The analysis conducted under subsection (a) shall include—

- (1) the current year and 5-year projected costs for commercial cloud utilization for each element of the intelligence community, including costs related to data storage, data migration, egress fees, and any other commercial cloud services;
- (2) the termination or planned termination, as the case may be, of legacy data storage capacity of an element of the intelligence community and the projected cost savings resulting from such termination;
- (3) efforts underway by the Office of the Director of National Intelligence and elements of the intelligence community to utilize multiple commercial cloud service providers; and
- (4) the operational value that elements of the intelligence community are achieving through utilization of commercial cloud analytic tools and services.

TITLE VII—MATTERS RELATING TO CENTRAL INTELLIGENCE AGENCY

SEC. 701. INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY QUARTERLY EMPLOYEE ENGAGEMENT SUMMARIES.

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517) is amended by adding at the end the following new subsection:

“(i) QUARTERLY EMPLOYEE ENGAGEMENT SUMMARIES.—(1) Not later than 30 days after the last day of each fiscal quarter, the Inspector General shall provide to the appropriate congressional committees a summary of the engagement of Agency employees with the Inspector General during that quarter.

“(2) Each summary required under paragraph (1) shall include each of the following for the quarter covered by the summary:

“(A) The total number of reports filed with the Inspector General by Agency employees.

“(B) An identification of the nature of the allegation made in each such report, such as—

“(i) fraud, waste, and abuse;

“(ii) harassment or other personnel issues;

“(iii) questionable intelligence activities; or

“(iv) threats to health and safety.

“(C) For each such report—

“(i) whether an investigation was initiated because of the report;

“(ii) for any such investigation, whether the status of the investigation is initiated, in progress, or complete; and

“(iii) for any completed investigation, whether the allegation made in the report was found to be substantiated or unsubstantiated, and whether any recommendations or criminal referrals were made as a result.

“(D) A copy of any audit, assessment, inspection, or other final report completed by the Inspector General during the quarter covered by the summary.

“(3) In this subsection, the term ‘appropriate congressional committees’ means—

“(A) the Permanent Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives; and

“(B) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate.”.

SEC. 702. IMPROVED FUNDING FLEXIBILITY FOR PAYMENTS MADE BY CENTRAL INTELLIGENCE AGENCY FOR QUALIFYING INJURIES TO BRAIN.

Section 19A(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)) is amended by striking paragraph (3) and inserting the following new paragraph:

“(3) FUNDING.—

“(A) IN GENERAL.—Payment under paragraph (2) in a fiscal year may be made using any amounts—

“(i) appropriated in advance specifically for payments under such paragraph; or

“(ii) reprogrammed in accordance with section 504 of the National Security Act of 1947 (50 U.S.C. 3094).

“(B) BUDGET.—For each fiscal year, the Director shall include with the budget justification materials submitted to Congress in support of the budget of the President for that fiscal year pursuant to section 1105(a) of title 31, United States Code, an estimate of the amounts required in that fiscal year to make payments under paragraph (2).”.

SEC. 703. BENJAMIN TALLMADGE INSTITUTE AS PRIMARY CENTRAL INTELLIGENCE AGENCY ENTITY FOR EDUCATION AND TRAINING IN COUNTERINTELLIGENCE.

(a) IN GENERAL.—The Director of the Central Intelligence Agency shall maintain the Benjamin Tallmadge Institute as the primary entity within the Central Intelligence Agency for education and training related to all aspects of counterintelligence.

(b) RESPONSIBILITIES OF DIRECTOR.—The Director of the Central Intelligence Agency shall—

(1) ensure the Institute is fully and properly organized and has the resources necessary to provide counterintelligence education and training for all career fields within the Agency, including specialized certifications for Agency counterintelligence personnel;

(2) develop appropriate certification courses that are designed to educate, train, and certify Agency personnel in—

(A) counterintelligence threats, insider threats, and other counterintelligence processes and issues;

(B) the conduct and support of counterintelligence inquiries and investigations;

(C) relevant skills necessary for coordination with Federal law enforcement; and

(D) any other skills as the Director determines necessary;

(3) identify and designate specific positions for which an individual shall be required to have a certification described in paragraph (2) prior to filling such a position; and

(4) develop necessary infrastructure and capacity to support National Counterintelligence and Security Center outreach programs to increase participation by personnel from other components of the intelligence community in the courses offered by the Institute.

(c) **TRAINING AND FAMILIARIZATION COURSES.**—

(1) **IN GENERAL.**—The head of the Institute shall—

(A) develop training and familiarization courses at different classification levels, including courses at an unclassified level; and

(B) offer instruction in the courses developed under subparagraph (A) or make training curricula available to other intelligence community components, as appropriate, to support outreach efforts.

(2) **AVAILABILITY OF COURSES.**—The training and familiarization courses developed under paragraph (1) shall be made available to any of the following that have a need and appropriate clearance, as determined by the Director of the National Counterintelligence and Security Center, for a general education on counterintelligence threats, briefings on specific topics, or other training related to counterintelligence:

(A) Federal departments and agencies that are not elements of the intelligence community.

(B) State, local, and Tribal governments, as the Director determines appropriate.

(C) Private sector entities, as the Director determines appropriate.

(D) Such other personnel and entities as the Director may determine appropriate.

(d) **BASELINE CERTIFICATION COURSE.**—

(1) **IN GENERAL.**—The Institute shall develop, in coordination with the National Counterintelligence and Security Center and the Defense Intelligence Agency, and implement a baseline certification course for all counterintelligence career professionals that aligns the minimum certification requirements of the course and the Defense Counterintelligence Agent Course of the Joint Counterintelligence Training Activity.

(2) **AVAILABILITY OF COURSE.**—The baseline certification course developed under paragraph (1) shall be made available, on a space-available basis, to all intelligence community professionals and appropriate personnel with appropriate security clearance from any other agency, committee, commission, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government.

SEC. 704. CENTRAL INTELLIGENCE AGENCY INTELLIGENCE ASSESSMENT OF SINALOA CARTEL AND JALISCO CARTEL.

(a) **ASSESSMENT.**—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency, in consultation with the heads of the other elements of the intelligence community that the Director determines appropriate, shall submit to the congressional intelligence committees an intelligence assessment on the transnational criminal organizations known as the Sinaloa Cartel and the Jalisco Cartel.

(b) **ELEMENTS.**—The intelligence assessment under subsection (a) shall include, with respect to each transnational criminal organization specified in such subsection, a description of the following:

(1) The key leaders, organizational structure, subgroups, presence in the states within Mexico, and cross-border illicit drug smuggling routes (beginning in Mexico and ending in the United States) of the transnational criminal organization.

(2) The practices used by the transnational criminal organization to import the chemicals used to make synthetic drugs, to produce such drugs, and to smuggle such drugs across the border into the United States.

(3) The main suppliers based in China, and the main brokers based in Mexico, that supply the transnational criminal organization with precursor chemicals and equipment used in the production of synthetic drugs.

(4) The manner in which the transnational criminal organization is tailoring the fentanyl products of such organization to attract a wider variety of United States consumers, including unwitting users.

(5) The degree to which the transnational criminal organization is using human and technical operations to undermine counternarcotics efforts by United States and Mexican security services.

(6) An estimate of the annual revenue received by the transnational criminal organization from the sale of illicit drugs, disaggregated by drug type.

(7) Any other information the Director of the Central Intelligence Agency determines relevant.

(c) FORM.—The intelligence assessment under subsection (a) may be submitted in classified form.

SEC. 705. CENTRAL INTELLIGENCE AGENCY INTELLIGENCE ASSESSMENT WITH RESPECT TO EFFORTS BY PEOPLE'S REPUBLIC OF CHINA TO INCREASE INFLUENCE IN MIDDLE EAST.

(a) ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency, in consultation with such heads of the other elements of the intelligence community that the Director of National Intelligence determines appropriate, shall submit to the appropriate congressional committees an intelligence assessment on efforts by the People's Republic of China to increase its influence, through overt or covert means, with respect to the political, military, economic, or other policies or activities of governments of countries in the Middle East in ways that are detrimental to the national security interests of the United States.

(b) ELEMENTS.—The intelligence assessment required under subsection (a) shall include the following:

(1) A summary of the key relationships that the People's Republic of China has developed, or is seeking to develop, with countries in the Middle East, and the national security objectives that the People's Republic of China intends to advance through such established or emerging relationships.

(2) A description of the relationship between the People's Republic of China and Iran, including in the areas of security cooperation and intelligence sharing.

(3) An identification of the countries in the Middle East in which the People's Republic of China has established, or is seeking to establish, an intelligence presence or intelligence partnerships.

(4) An assessment of how the People's Republic of China seeks to weaken the role, influence, and relationships of the United States with respect to countries in the Middle East, including through the Global Security Initiative of the People's Republic of China.

(5) An analysis of whether, and to what degree, efforts by the People's Republic of China to increase its influence among countries in the Middle East are designed to support the broader strategic interests of the People's Republic of China, including with respect to Taiwan.

(c) FORM.—The intelligence assessment required under subsection (a) may be submitted in classified form.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the following:

(A) The congressional intelligence committees.

(B) The Committee on Foreign Affairs of the House of Representatives.

(C) The Committee on Foreign Relations of the Senate.

(D) The Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party of the House of Representatives.

(2) COUNTRIES IN THE MIDDLE EAST.—The term “countries in the Middle East” means—

(A) Algeria;

(B) Bahrain;

(C) Egypt;

(D) Iran;

(E) Iraq;

(F) Israel;

(G) Jordan;

(H) Kuwait;

(I) Lebanon;

(J) Libya;

(K) Morocco;

(L) Oman;

(M) the Palestinian territories;

(N) Qatar;

(O) Saudi Arabia;

(P) Syria;

(Q) Tunisia;

(R) the United Arab Emirates; and

(S) Yemen.

SEC. 706. ASSESSMENT OF AVAILABILITY OF MENTAL HEALTH AND CHAPLAIN SERVICES TO AGENCY EMPLOYEES.

(a) **ASSESSMENT.**—The Director of the Central Intelligence Agency shall conduct an assessment on the availability of the services of mental health professionals and chaplains with appropriate security clearances to employees of the Agency. Such assessment shall include—

- (1) an evaluation of the current availability of and demand for such services globally;
- (2) an assessment of the feasibility of expanding the availability of such services;
- (3) information, including a detailed schedule and cost estimate, as to what would be required to increase the availability of such services for Agency employees located in the United States and abroad; and
- (4) information on the feasibility and advisability of requiring that each employee returning from a high risk or high threat tour, as designated by the Director, access the services of a mental health professional, chaplain, or both, at the option of the employee.

(b) **REPORT.**—Not later than 210 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the assessment required by subsection (a).

(c) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Permanent Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives; and

(B) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

(2) **CHAPLAIN.**—The term “chaplain” means a member of the Chaplain Corps, as established under section 26 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3527), whom the Director has certified as meeting common standards for professional chaplaincy and board certification by a national chaplaincy and pastoral care organization or equivalent.

(3) **MENTAL HEALTH PROFESSIONAL.**—The term “mental health professional” means an appropriately trained and certified professional counselor, medical professional, psychologist, psychiatrist, or other appropriate employee, as determined by the Director.

SEC. 707. ASSESSMENT BY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY ON CERTAIN EFFECTS OF ABRAHAM ACCORDS.

(a) **ASSESSMENT.**—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency, in consultation with the heads of the other elements of the intelligence community that the Director determines appropriate, shall submit to the congressional intelligence committees an assessment of the current effects on the intelligence community of the agreements between Israel and 4 other foreign countries, collectively known as the Abraham Accords, and of the potential effects on the intelligence community if the Abraham Accords were to be expanded to additional foreign countries.

(b) **ELEMENTS.**—The assessment under subsection (a) shall include, with respect to the agreements referred to in such subsection, the following:

(1) A description of whether, and in what respects, the agreement between Israel and Bahrain has resulted in the intelligence community obtaining new and valuable insights regarding national intelligence priorities.

(2) A description of whether, and in what respects, the agreement between Israel and Morocco has resulted in the intelligence community obtaining new and valuable insights regarding national intelligence priorities.

(3) A description of whether, and in what respects, the agreement between Israel and the United Arab Emirates has resulted in the intelligence community obtaining new and valuable insights regarding national intelligence priorities.

(4) A description of whether, and in what respects, the agreement between Israel and Sudan has resulted in the intelligence community obtaining new and valuable insights regarding national intelligence priorities.

(5) An assessment of whether, and in what respects, additional agreements between Israel and other foreign countries to normalize or otherwise enhance relations would result in the intelligence community obtaining new and valuable insights regarding national intelligence priorities.

(c) **FORM.**—The assessment under subsection (a) may be submitted in classified form.

TITLE VIII—REPORTING AND INVESTIGATION OF ALLEGATIONS OF SEX-RELATED OF- FENSES AND SEXUAL HARASSMENT IN CEN- TRAL INTELLIGENCE AGENCY

SEC. 801. REPORTING AND INVESTIGATION OF ALLEGATIONS OF SEX-RELATED OFFENSES AND SEXUAL HARASSMENT IN CENTRAL INTELLIGENCE AGENCY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) sexual assault and sexual harassment arise from, and are often indicative of, an environment where toxic, provocative, and sometimes significantly inappropriate behavior is tolerated;

(2) when supervisors and senior leaders at headquarters and in the field are among the offenders and facilitate a work climate in which toxic and disrespectful behavior is tolerated, harassment and even assault will often go unaddressed and unpunished;

(3) while establishing clear policies and procedures and enhancing training are necessary first steps toward protecting victims and establishing stronger internal mechanisms for preventing and responding to future sexual assault and sexual harassment within the Central Intelligence Agency, comprehensive culture change driven by Agency leadership will be necessary to accomplish impactful and enduring improvement; and

(4) it is vital for the Central Intelligence Agency to maintain an independent and neutral person with whom all employees at all levels, supervisors and non-supervisors, may speak confidentially, informally, and off-the-record about work-related concerns or questions.

(b) SEX-RELATED OFFENSES AND SEXUAL HARASSMENT WITHIN THE AGENCY.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by adding at the end the following new section:

“SEC. 30. SEX-RELATED OFFENSES AND SEXUAL HARASSMENT WITHIN THE AGENCY.

“(a) RESPONSIBILITIES OF DIRECTOR.—The Director shall carry out the following responsibilities:

“(1) Establishing professional and uniform training for employees assigned to working with all aspects of the response of the Agency to allegations of sex-related offenses and sexual harassment.

“(2) Developing and implementing policies and procedures to protect the confidentiality of employees who report sex-related offenses or sexual harassment and to mitigate negative effects on the reputation or career of such an employee as a result of such a report.

“(3) Developing and implementing documented standards for—

“(A) appropriate mitigation and protection measures for individuals who make allegations of a sex-related offense or sexual harassment to be put in place while an investigation proceeds;

“(B) appropriate employee consequences to be imposed as a result of an inquiry or investigation into a substantiated allegation of a sex-related offense or sexual harassment;

“(C) appropriate career path protection for all employees involved in an incident resulting in a reported allegation of a sex-related offense or sexual harassment while an investigation or review of the allegation is pending; and

“(D) mitigation measures to protect employees and mission execution while such allegations are being addressed.

“(4) Articulating and enforcing norms, expectations, practices, and policies, including with respect to employee promotions and assignments, that are published for the workforce and designed to promote a healthy workplace culture that is inhospitable to sex-related offenses and sexual harassment.

“(5) Developing and issuing workforce messaging to inform Agency employees of policies, procedures, resources, and points of contact to obtain information related to, or to report, sex-related offenses or sexual harassment globally.

“(6) Developing and implementing sex-related offense and sexual harassment training for all Agency employees that—

“(A) is designed to strengthen individual knowledge, skills, and capacity to prevent and respond to sex-related offenses and sexual harassment;

“(B) includes initial entry and accession programs, annual refresher training, and specialized leadership training; and

“(C) includes details of the definitions of sex-related offense and sexual harassment, the distinction between such terms, and what does or does not constitute each.

“(7) Developing and implementing processes and procedures applicable to personnel involved in providing the training referred to in paragraph (6) that—

“(A) are designed to ensure seamless policy consistency and reporting mechanisms in all training environments; and

“(B) include requirements for in-person training that—

“(i) covers the reporting processes for sex-related offenses and sexual harassment that are specific to training environments for students and trainers; and

“(ii) shall be provided at an appropriate time during the first 5 days of any extended or residential training course.

“(8) Developing and implementing, in consultation with the Victim Advocacy Specialists of the Federal Bureau of Investigation, appropriate training requirements, policies, and procedures applicable to all employees whose professional responsibilities include interaction with people making reports alleging sex-related offenses or sexual harassment.

“(9) Developing and implementing procedures under which current and former employees of the Agency are able to obtain documents and records, as appropriate and upon request, that are related to a report of an allegation of a sex-related offense or sexual harassment.

“(10) Developing and implementing procedures under which an employee who makes a restricted or unrestricted report containing an allegation of a sex-related offense or sexual harassment may transfer out of the current assignment or location of the employee, upon the request of the employee making the report. Such procedures shall ensure that an employee who makes a restricted report maintains the privilege against disclosure, strict confidentiality, and with such employee maintaining full control over all decisions related to any further dissemination of the report.

“(11) Developing policies and procedures for the Office of the Victim and Whistleblower Counsel and the Special Victim Investigator, as applicable, to facilitate outside engagement requests of employees reporting allegations of sex-related offenses or sexual harassment.

“(12) Coordinating the response of the Agency to allegations of sex-related offenses and sexual harassment.

“(b) BIENNIAL REPORT.—Not less frequently than once every 180 days, the Director shall submit to the appropriate congressional committees a report on the activities of the Office of Equal Employment Opportunity and the Sexual Assault Prevention and Response Office during the period covered by the report. The Director shall personally review, approve, and submit each report under this subsection on a non-delegable basis. Each such report shall include—

“(1) for the period covered by the report—

“(A) the number of new allegations of sex-related offenses and sexual harassment reported to either such Office, disaggregated by restricted and unrestricted reports;

“(B) the number of employees seeking legal assistance or services from either such Office;

“(C) the number of new or ongoing cases in which either such Office has provided services;

“(D) a description of all training activities related to sex-related offenses and sexual harassment carried out Agency-wide, and the number of such trainings conducted; and

“(2) for the period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2024 and ending on the last day of the period covered by the report—

“(A) the total number of allegations of sex-related offenses and sexual harassment;

“(B) the disposition of each report of such an allegation;

“(C) any corrective action taken in response to each such report;

“(D) the number of such allegations that were not substantiated; and

“(E) the number of employee reassignment and relocation requests, including—

“(i) the number of such requests that were granted;

“(ii) the number of such requests that were denied; and

“(iii) for any such request that was denied, the position of the individual who denied the request and the reason for denial.

“(c) APPLICABILITY.—The policies developed pursuant to this section shall apply to each of the following:

“(1) Any employee of the Agency.

“(2) Any employee of an entity that has entered into a contract with the Agency under which the employee performs functions at a facility associated with the Agency or functions associated with the Agency.

“(3) Any person who alleges they were sexually assaulted or harassed by an employee referred to in paragraph (1) or (2) at a facility associated with the Agency or during the performance of a function associated with the Agency.”.

(c) VICTIM AND WHISTLEBLOWER COUNSEL.—Such Act is further amended by adding at the end the following new section:

“SEC. 31. VICTIM AND WHISTLEBLOWER COUNSEL.

“(a) ESTABLISHMENT.—The Director shall establish an Office of the Victim and Whistleblower Counsel. The head of the Office shall be the Victim and Whistleblower Counsel who shall report directly to the Chief Operating Officer of the Agency. The Office shall have the authority of an independent office within the Agency.

“(b) RESPONSIBILITIES.—The Victim and Whistleblower Counsel shall carry out the following responsibilities:

“(1) Providing legal assistance and consultation to employees of the Agency who are victims of alleged sex-related offenses or sexual harassment, regardless of whether the report of that offense is restricted or unrestricted.

“(2) Acting as the primary point of contact and entry point for Agency employees with respect to all allegations of, or concerns regarding, sex-related offenses and sexual harassment.

“(3) Managing the victim advocacy activities of the Agency for employees reporting sex-related offenses or sexual harassment.

“(4) Maintaining, and making available to Agency employees the following:

“(A) A list of physicians and mental health care providers (including from the private sector, as applicable) who have experience with the physical and mental health care needs of the Agency workforce.

“(B) A list of chaplains and religious counselors who have experience with the needs of the Agency workforce, including information regarding access to the Chaplain Corps established under section 26 of this Act.

“(C) Information regarding how to select and retain private attorneys who have experience with the legal needs of the Agency workforce, including detailed information on the process for the appropriate sharing of information with retained private attorneys.

“(5) Facilitating communications with the Inspector General, Congress, and other outside entities.

“(c) RULE OF CONSTRUCTION.—The inclusion of any person on a list maintained or made available pursuant to subsection (b)(4) shall not be construed as an endorsement of such person (or any service furnished by such person), and the Victim and Whistleblower Counsel shall not be liable, as a result of such inclusion, for any portion of compensable injury, loss, or damage attributable to such person or service.

“(d) COMMUNICATIONS.—The relationship between the Victim and Whistleblower Counsel and a victim in the provision of legal assistance and consultation shall be the relationship between an attorney and client.

“(e) PURPOSE.—The Office of the Victim and Whistleblower Counsel shall—

“(1) solely function as an advocate for employees and not as an advocate for the Agency itself; and

“(2) not be a proponent of Agency policies for sex-related offenses or sexual harassment.”.

(d) REPORTING AND INVESTIGATION OF ALLEGATIONS OF SEX-RELATED OFFENSES AND SEXUAL HARASSMENT.—Such Act is further amended by adding at the end the following new section:

“SEC. 32. REPORTING AND INVESTIGATION OF ALLEGATIONS OF SEX-RELATED OFFENSES AND SEXUAL HARASSMENT.

“(a) POLICIES RELATING TO RESTRICTED AND UNRESTRICTED REPORTING OF SEX-RELATED OFFENSES AND HARASSMENT.—

“(1) IN GENERAL.—The Director shall develop and implement policies, regulations, personnel training, and workforce messaging to establish and provide information about restricted reports and unrestricted reports of allegations of sex-related offenses and sexual harassment within the Agency in accordance with this subsection.

“(2) WORKFORCE MESSAGING.—Workforce messaging developed under paragraph (1) shall be designed to clearly inform Agency employees of the differences between restricted and unrestricted reporting of allegations of sex-related offenses and sexual harassment, and which individual or office within the Agency is responsible for receiving each type of report.

“(b) ELECTION.—Any person making a report containing an allegation of a sex-related offense or sexual harassment shall elect whether to make a restricted report or an unrestricted report. Once an election is made to make an unrestricted report, such election may not be changed.

“(c) UNRESTRICTED REPORTS.—

“(1) DISCLOSURE; ASSISTANCE.—A person who elects to make an unrestricted report containing an allegation of a sex-related offense or sexual harassment may disclose the report to any employee of the Agency. A person who elects to make an unrestricted report containing an allegation of a sex-related offense or sexual harassment may seek the assistance of another employee of the Agency with taking the action required under paragraph (2).

“(2) ACTION REQUIRED.—A person electing to make an unrestricted report containing an allegation of a sex-related offense or sexual harassment shall submit the report to the Office of the Victim and Whistleblower Counsel. In the case of a person making an unrestricted report of sexual harassment, the Victim and Whistleblower Counsel shall facilitate the contact by the person with the Office of Equal Employment Opportunity. In the case of a person making an unrestricted report of a sex-related offense other than sexual harassment, the Victim and Whistleblower Counsel shall facilitate the contact of such person with the Sexual Assault Prevention and Response Office.

“(d) RESTRICTED REPORTS.—

“(1) PROCESS FOR MAKING REPORTS.—A person who elects to make a restricted report containing an allegation of a sex-related offense or sexual harassment shall submit the report to a person authorized to receive a restricted report under paragraph (2).

“(2) PERSON AUTHORIZED TO RECEIVE A RESTRICTED REPORT.—The following individuals are persons authorized to receive a restricted report:

- “(A) The Chief Wellbeing Officer.
- “(B) Any employee of the Office of Wellness and Workforce Support.
- “(C) Any employee of the Office of the Victim and Whistleblower Counsel.
- “(D) Any medical professional assigned to the Center for Global Health Services, or any successor organization employing Agency support staff.
- “(E) Any employee of the Chaplain Corps of the Agency.
- “(F) The Special Victim Investigator within the Office of Security.
- “(G) Any medical professional, including a mental health professional.
- “(H) Any additional employees that the Director determines appropriate.

“(3) ACTION REQUIRED.—A restricted report containing an allegation of a sex-related offense or sexual harassment—

“(A) shall be treated by the person who receives the report in the same manner as a communication covered by attorney-client privilege;

“(B) shall be privileged against disclosure with strict confidentiality and with the person making the report maintaining full control over all decisions related to any further dissemination, except in cases of an imminent threat of serious bodily harm;

“(C) shall not result in a referral to law enforcement or commencement of a formal administrative investigation, unless the victim elects to change the report from a restricted report to an unrestricted report;

“(D) in a case requiring an employee reassignment, relocation, or other mitigation or protective measures, shall result only in actions that are managed in a manner to limit, to the extent possible, the disclosure of any information contained in the report; and

“(E) shall be exempt from any Federal or, to the maximum extent permitted by the Constitution, State reporting requirements, including the requirements under section 535(b) of title 28, United States Code, section 17(b)(5) of this Act, and section 1.6(b) of Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), except when reporting is necessary to prevent or mitigate an imminent threat of serious bodily harm.

“(e) INCIDENT REPORTS WHEN VICTIM OR ALLEGED PERPETRATOR IS AN AGENCY EMPLOYEE.—

“(1) INCIDENT REPORTING POLICY.—The Director shall establish and maintain a policy under which—

“(A) in the case of an unrestricted report of—

“(i) sexual harassment, the head of the Office of Equal Employment Opportunity is required to submit a written incident report not later than 8 days after receiving a formal complaint containing an allegation of sexual harassment; and

“(ii) a sex-related offense other than sexual harassment, the head of the Sexual Assault Prevention and Response Office is required to sub-

- mit a written incident report not later than 8 days after receipt of the unrestricted report; and
- “(B) each such incident report required under subparagraph (A) shall be provided to—
- “(i) the Chief Operating Officer of the Agency;
 - “(ii) the Special Victim Investigator;
 - “(iii) the Office of the Victim and Whistleblower Counsel;
 - “(iv) the Sexual Assault Prevention and Response Office;
 - “(v) the Office of Equal Employment Opportunity; and
 - “(vi) such other individuals as the Director determines appropriate.
- “(2) PURPOSE.—The purpose of an incident report required under paragraph (1) is to—
- “(A) record the details about actions taken or in progress to provide the necessary care and support to the victim of the alleged incident;
 - “(B) refer the allegations to the appropriate investigatory or law enforcement agency; and
 - “(C) provide initial formal notification of the alleged incident.
- “(3) ELEMENTS.—Each incident report required under paragraph (1) shall include each of the following:
- “(A) The time, date, and location of the alleged sex-related offense or sexual harassment.
 - “(B) An identification of the type of offense or harassment alleged.
 - “(C) An identification of the assigned office and location of the victim.
 - “(D) An identification of the assigned office and location of the alleged perpetrator, including information regarding whether the alleged perpetrator has been temporarily transferred or removed from an assignment or otherwise restricted, if applicable.
 - “(E) A description of any post-incident actions taken in connection with the incident, including—
 - “(i) referral to any services available to victims, including the date of each referral;
 - “(ii) notification of the incident to appropriate investigatory organizations, including the organizations notified and dates of notifications; and
 - “(iii) issuance of any personal protection orders or steps taken to separate the victim and the alleged perpetrator within their place of employment.
 - “(F) Such other elements as the Director determines appropriate.
- “(f) COMMON PERPETRATOR NOTICE REQUIREMENT.—
- “(1) UNRESTRICTED REPORTS.—Upon receipt of an incident report under subsection (e)(1) containing an allegation of a sex-related offense or sexual harassment against an individual known to be the subject of at least one allegation of a sex-related offense or sexual harassment by another reporter, the Special Victim Investigator shall notify each of the following of all existing allegations against the individual:
- “(A) The Director.
 - “(B) The Chief Operating Officer.
 - “(C) The head of the directorate employing the individual.
 - “(D) The head of the Sexual Assault Prevention and Response Office.
 - “(E) The first supervisor of the individual.
 - “(F) The Inspector General.
 - “(G) The Victim and Whistleblower Counsel.
- “(2) RESTRICTED REPORTS.—Upon receipt of a restricted report under subsection (d), the Victim and Whistleblower Counsel shall notify any victim known to have filed a restricted report against the same individual who is the subject of the report under paragraph (1) that another allegation has been made against the individual who is the subject of the report under paragraph (1).
- “(g) APPLICABILITY.—The policies developed pursuant to this section shall apply to each of the following:
- “(1) Any employee of the Agency.
 - “(2) Any employee of an entity that has entered into a contract with the Agency under which the employee performs functions at a facility associated with the Agency or functions associated with the Agency.
 - “(3) Any person who makes an allegation of a sex-related offense or sexual harassment against an employee referred to in paragraph (1) or (2) at a facility associated with the Agency or during the performance of a function associated with the Agency.
- “(h) RECORDS.—The Director shall establish a system for tracking and permanently maintaining all Agency records related to any investigation into an allegation

of a sex-related offense or sexual harassment made in an unrestricted report, including any related medical documentation.”

(e) SPECIAL VICTIM INVESTIGATOR.—Such Act is further amended by adding at the end the following new section:

“SEC. 33. SPECIAL VICTIM INVESTIGATOR.

“(a) ESTABLISHMENT.—The Director shall establish in the Office of Security a Special Victim Investigator, who shall be responsible for investigating all unrestricted reports containing allegations of sex-related offenses other than sexual harassment and supporting, as appropriate, the Office of Equal Employment Opportunity with investigating formal complaints containing allegations of sexual harassment. The person appointed as the Investigator shall be an appropriately credentialed Federal law enforcement officer and may be a detailee from a Federal law enforcement entity.

“(b) RESPONSIBILITIES.—The Investigator shall be responsible for—

“(1) supporting the Office of Equal Employment Opportunity with investigations into formal complaints containing allegations of sexual harassment, as appropriate;

“(2) investigating unrestricted reports containing allegations of sex-related offenses, including the conduct and management of all internal Agency inquiries, investigations, and other fact-finding activities related to specific allegations of sex-related offenses;

“(3) testifying in a criminal prosecution in any venue, where appropriate;

“(4) serving as the case agent for a criminal investigation in any venue, where appropriate;

“(5) supporting engagement with law enforcement relating to such allegations, where appropriate, including coordinating related cases with other Federal, State, local, and Tribal law enforcement agencies, as necessary and appropriate, pursuant to regulations, requirements, and procedures developed in consultation with the Federal Bureau of Investigation, for any such inquiries, investigations, or other fact-finding activities;

“(6) developing and implementing policies and procedures necessary for the Investigator or any law enforcement partner to conduct effective investigations and also protect sensitive information;

“(7) serving as the only authorized investigative body in the Agency for allegations of sex-related offenses, except that, in the case of an allegation of a sex-related offense involving an employee of the Office of Security, the Investigator shall coordinate with appropriate criminal investigators who are detailed to the Agency for other missions or employed by another Federal law enforcement entity, as necessary, to maintain the integrity of the investigation and mitigate potential conflicts of interest;

“(8) establishing and coordinating clear policies regarding which agency should take the lead on conducting, or be the lead in coordinating with local law enforcement when applicable, investigations of sexual assault and sexual harassment overseas; and

“(9) sharing information with the Victim and Whistleblower Counsel to facilitate the support and advocacy of such Counsel for victims of alleged sex-related offenses or sexual harassment.

“(c) TIMEFRAME FOR INVESTIGATIONS.—The Investigator shall—

“(1) ensure that any investigative support for a formal complaint containing allegations of sexual harassment shall occur within any investigation timelines required by applicable law;

“(2) ensure that any investigation into an allegation of a sex-related offense contained in an unrestricted report is completed by not later than 60 days after the date on which the report is referred to the Investigator under section 32(e)(1); and

“(3) if the Investigator determines that the completion of an investigation will take longer than 60 days—

“(A) not later than 60 days after the date on which the report is referred to the Investigator under section 32(e)(1), submit to the Director a request for an extension that contains a summary of the progress of the investigation, the reasons why the completion of the investigation requires additional time, and a plan for the completion of the investigation; and

“(B) provide to the person who made the report and the person against whom the allegation in the report was made notice of the extension of the investigation.”

(f) IMPLEMENTATION AND REPORTING REQUIREMENTS.—

(1) **DEADLINE FOR IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall—

(A) establish the Office of the Victim and Whistleblower Counsel, as required by section 31 of the Central Intelligence Agency Act of 1949, as added by subsection (c);

(B) establish and implement the policies required under sections 30 and 32 of the Central Intelligence Agency Act of 1949, as added by subsections (b) and (d), respectively;

(C) consolidate the responsibilities of the Director under such sections 30 and 32 in a single Office, as determined by the Director; and

(D) establish the Special Victim Investigator, as required by section 33 of the Central Intelligence Agency Act of 1949, as added by subsection (e).

(2) **REPORT.**—

(A) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter for 2 years, the Director of the Central Intelligence Agency shall submit to the appropriate congressional committees a report on the implementation of this section and the amendments made by this section. The Director shall personally review, approve, and submit each report under this paragraph on a nondelegable basis.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Permanent Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives; and

(B) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

TITLE I—MATTERS RELATING TO TECHNOLOGY AND INNOVATION

SEC. 901. INTELLIGENCE COMMUNITY INNOVATION UNIT.

(a) **ESTABLISHMENT.**—Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended by inserting after section 103K the following new section (and conforming the table of contents at the beginning of such Act accordingly):

“SEC. 103L. INTELLIGENCE COMMUNITY INNOVATION UNIT.

“(a) **ESTABLISHMENT.**—The Director of National Intelligence shall establish within the Office of the Director of National Intelligence a unit to be known as the ‘Intelligence Community Innovation Unit’ (in this section referred to as the ‘Unit’).

“(b) **DUTIES.**—The duties of the Unit shall be as follows:

“(1) To identify and evaluate commercial emerging technologies for potential adoption by the intelligence community to fulfill critical mission needs.

“(2) To assist the heads of the elements of the intelligence community in identifying commercial emerging technologies and associated capabilities to address critical mission needs of that element.

“(3) To provide to the heads of the elements of the intelligence community seeking to field commercial emerging technologies technical expertise with respect to such technologies.

“(4) To manage the prototyping program under subsection (e).

“(5) To facilitate the transition of potential solutions to critical mission needs of the intelligence community from research and prototype projects to production.

“(6) To serve as a liaison between the intelligence community and the private sector (with a focus on small- and medium-sized companies and other organizations that do not have significant experience engaging with the intelligence community) to fulfill the duties listed in paragraphs (1) through (5), in coordination with the head of the Office of Engagement established under section 122.

“(c) **DIRECTOR OF UNIT.**—

“(1) **APPOINTMENT; REPORTING.**—The head of the Unit is the Director of the Intelligence Community Innovation Unit, who shall be appointed by the Director of National Intelligence and shall report directly to the Director of National Intelligence.

“(2) **QUALIFICATIONS.**—In selecting an individual for appointment as the Director of the Intelligence Community Innovation Unit, the Director of National Intelligence shall give preference to individuals who the Director of National Intelligence determines have—

“(A) significant relevant experience involving commercial emerging technology within the private sector; and

“(B) a demonstrated history of fostering the adoption of commercial emerging technologies by the United States Government or the private sector.

“(d) STAFF.—

“(1) IN GENERAL.—In addition to the Director of the Intelligence Community Innovation Unit, the Unit shall be composed of not more than 50 full-time equivalent positions.

“(2) STAFF WITH CERTAIN EXPERTISE.—The Director of National Intelligence shall ensure that there is a sufficient number of staff of the Unit, as determined by the Director, with expertise in—

“(A) other transaction authorities and nontraditional and rapid acquisition pathways for emerging technology;

“(B) engaging and evaluating small- and medium-sized emerging technology companies;

“(C) the mission needs of the intelligence community; and

“(D) any other skills or experiences the Director determines necessary.

“(3) SPECIAL HIRING AND RETENTION AUTHORITIES.—

“(A) IN GENERAL.—The Director of National Intelligence shall take such steps as may be necessary to incentivize the hiring and retention of staff of the Unit.

“(B) SPECIAL PAY.—In establishing the rates of pay for the positions specified in paragraph (1), and to the extent practicable, the Director of National Intelligence may use the special pay authority under section 113B.

“(4) AUTHORITY RELATING TO DETAILEES.—Upon request of the Unit, each head of an element of the intelligence community may detail to the Unit any of the personnel of that element to assist in carrying out the duties under subsection (b) on a reimbursable or a nonreimbursable basis.

“(e) PROTOTYPING PROGRAM.—The Director of the Intelligence Community Innovation Unit shall establish a program to transition research and prototype projects to products in a production stage for the purpose of fulfilling critical mission needs of the intelligence community (in this subsection referred to as the ‘program’), including by designating projects as Emerging Technology Transition Projects under section 6713 of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263; 50 U.S.C. 3024 note; 136 Stat. 3568).

“(f) ENCOURAGEMENT OF USE BY ELEMENTS.—The Director of National Intelligence shall take such steps as may be necessary to encourage the use of the Unit by the heads of the other elements of the intelligence community.

“(g) EMERGING TECHNOLOGY DEFINED.—In this section, the term ‘emerging technology’ has the meaning given that term in section 6701 of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263; 50 U.S.C. 3024 note; 136 Stat. 3561).”.

(b) CLARIFICATION OF EMERGING TECHNOLOGY DEFINITION.—Section 6701(8)(A) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263; 50 U.S.C. 3024 note; 136 Stat. 3561) is amended by striking “during the 10-year period beginning on January 1, 2022” and inserting “during the subsequent 10-year period”.

(c) DEADLINE FOR ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall establish the Intelligence Community Innovation Unit.

(d) PLAN AND BRIEFINGS.—

(1) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a plan for the establishment of the Intelligence Community Innovation Unit.

(2) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, and on a biannual basis thereafter for 5 years, the Director of National Intelligence shall provide to the appropriate congressional committees a briefing on the status of the Intelligence Community Innovation Unit, the staffing levels of such Unit, and the progress of such Unit in identifying and facilitating the adoption of commercial emerging technologies capable of advancing the mission needs of the intelligence community.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional intelligence committees; and

(B) the Committees on Appropriations of the House of Representatives and the Senate.

(2) EMERGING TECHNOLOGY.—The term “emerging technology” has the meaning given such term in section 103L of the National Security Act of 1947 (as added by subsection (a)).

(3) INTELLIGENCE COMMUNITY INNOVATION UNIT.—The term “Intelligence Community Innovation Unit” means the Intelligence Community Innovation Unit established under such section 103L.

SEC. 902. ESTABLISHMENT OF OFFICE OF ENGAGEMENT.

(a) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.), as amended by section 901, is further amended by adding at the end the following new section (and conforming the table of contents at the beginning of such Act accordingly):

“SEC. 122. OFFICE OF ENGAGEMENT.

“(a) ESTABLISHMENT.—There is within the Office of the Director of National Intelligence an Office of Engagement (in this section referred to as the ‘Office’).

“(b) HEAD; STAFF.—

“(1) HEAD.—The Director of National Intelligence shall appoint as head of the Office an individual with requisite experience in matters relating to the duties of the Office, as determined by the Director of National Intelligence. Such head of the Office shall report directly to the Director of National Intelligence.

“(2) STAFF.—To assist the head of the Office in fulfilling the duties of the Office, the head shall employ full-time equivalent staff in such number, and with such requisite expertise in matters relating to such duties, as may be determined by the head.

“(c) DUTIES.—The duties of the Office shall be as follows:

“(1) To coordinate and facilitate across the elements of the intelligence community efforts regarding outreach, relationship development, and associated knowledge and relationship management, with covered entities.

“(2) To assist in sharing best practices regarding such efforts among the elements of the intelligence community.

“(3) To establish and implement metrics to assess the effectiveness of such efforts.

“(d) COVERED ENTITY DEFINED.—In this section, the term ‘covered entity’ means an entity that is not an entity of the United States Government, including private sector companies, institutions of higher education, trade associations, think tanks, laboratories, international organizations, and foreign partners and allies.”.

(b) DEADLINE.—The Director of National Intelligence shall establish the Office of Engagement by not later than 1 year after the date of the enactment of this Act.

(c) PLAN AND BRIEFINGS.—

(1) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a plan for the establishment of the Office of Engagement.

(2) QUARTERLY BRIEFINGS.—Not later than 1 year after the date of the establishment of the Office of Engagement, and on a quarterly basis for 5 years thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a briefing on the status of the Office, including with respect to the staffing levels, activities, and fulfilment of duties of the Office.

(d) DEFINITIONS.—In this section, the term “Office of Engagement” means the Office of Engagement established under section 122 of the National Security Act of 1947, as added by subsection (a).

SEC. 903. REQUIREMENT FOR A CHIEF TECHNOLOGY OFFICER WITHIN EACH ELEMENT OF THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the head of each element of the intelligence community shall ensure there is within such element a senior official designated as the chief technology officer of such element.

(b) RESPONSIBILITY.—The chief technology officer of each element of the intelligence community shall be responsible for assisting the head of such element in the identification and adoption of technology to advance mission needs.

SEC. 904. REQUIREMENT TO AUTHORIZE ADDITIONAL SECURITY CLEARANCES FOR CERTAIN CONTRACTORS.

(a) REQUIREMENT.—Notwithstanding any provision of law to the contrary, consistent with Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information within industry), or any successor thereto, and subject to the limitations described in subsection (b)—

- (1) any entity that enters into a covered contract or agreement with an element of the intelligence community may designate an additional number of covered persons who may submit an application for a security clearance;
- (2) the appropriate authorized investigative agency and authorized adjudicative agency, as such terms are defined in section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(a)), shall—
 - (A) upon receiving such an application—
 - (i) conduct an appropriate investigation of the background of the additional covered person; and
 - (ii) make a determination as to whether the additional covered person is eligible for access to classified information; and
 - (B) if the determination under subparagraph (A)(ii) is favorable, upon any of the specified number of covered persons required to hold a security clearance for the performance of work under that covered contract or agreement becoming unable to perform such work, make a determination as to whether the additional covered person has a demonstrated need-to-know under such an Executive Order (without requiring an additional investigation to be conducted under subparagraph (A)(i)); and
 - (3) if the additional covered person receives a favorable determination regarding the need-to-know under paragraph (2)(B) and signs an approved nondisclosure agreement, the additional covered person may perform such work in lieu of such covered person.
- (b) LIMITATIONS.—The limitations described in this subsection are as follows:
 - (1) LIMITATION ON NUMBER DESIGNATED PER CONTRACT.—The additional number designated by an entity under subsection (a) for each covered contract or agreement may not exceed the greater of the following:
 - (A) 10 percent of the number of security clearances required to be held by covered persons to perform work under the covered contract or agreement.
 - (B) 1 person.
 - (2) LIMITATION ON NUMBER DESIGNATED PER ENTITY.—The total additional number designated by an entity under subsection (a) may not exceed the greater of the following:
 - (A) 10 percent of the sum total number of security clearances required to be held by covered persons to perform work under all covered contracts or agreements of the entity.
 - (B) 1 person.
- (c) PROHIBITION.—No application for a security clearance may be submitted by a covered person of an entity or granted pursuant to subsection (a) in excess of the limitations under subsection (b) applicable to such entity.
- (d) COSTS.—
 - (1) AUTHORITY TO CHARGE AND COLLECT.—The head of each element of the intelligence community may charge fees or collect amounts to cover the exact costs associated with granting or maintaining a security clearance an application for which is submitted to the head pursuant to subsection (a)(1).
 - (2) RETENTION OF AMOUNTS.—Notwithstanding section 3302(b) of title 31, United States Code—
 - (A) the head of each element of the intelligence community may retain amounts received under paragraph (1); and
 - (B) any amount so retained shall be deposited into an account to be determined by such head and shall be made available without subsequent appropriation until expended for the purpose of granting or maintaining the respective security clearance for which such amount was received.
 - (3) PROHIBITION ON BEARING COSTS.—No head of an element of the intelligence community may bear any cost associated with granting or maintaining a security clearance the application for which is submitted pursuant to subsection (a)(1).
- (e) APPLICABILITY.—The requirement under subsection (a) shall apply with respect to contracts and other agreements entered into on or after the date of the enactment of this Act.
- (f) RULE OF CONSTRUCTION.—Nothing in this section may be construed as requiring the head of an element of the intelligence community to grant any covered person access to classified information if a favorable determination of eligibility to access such classified information is not made with respect to such person.
- (g) DEFINITIONS.—In this section:
 - (1) COVERED CONTRACT OR AGREEMENT.—The term “covered contract or agreement”, with respect to an entity, means a contract or other agreement between that entity and an element of the intelligence community the performance of

which requires a specified number of covered persons to hold a security clearance.

(2) COVERED PERSON.—In this section, the term “covered person”, with respect to an entity, means a contractor or employee of that entity.

SEC. 905. INTELLIGENCE INNOVATION BOARD.

(a) ESTABLISHMENT OF INTELLIGENCE INNOVATION BOARD.—There is established a board to be known as the Intelligence Innovation Board (in this section referred to as the “Board”).

(b) PURPOSE.—The purpose of the Board is to provide to the Director of National Intelligence, the heads of the other elements of the intelligence community, and the congressional intelligence committees advice and recommendations on changes to the culture, organizational structures, processes, and functions of the intelligence community necessary to address the adoption of emerging technologies by the intelligence community and to accelerate such adoption.

(c) MEMBERSHIP.—

(1) APPOINTMENT OF MEMBERS.—The Board shall be composed of 9 members appointed by the Director of National Intelligence, after consultation with the Chair and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives and the Chair and Vice Chair of the Select Committee on Intelligence of the Senate, from among citizens of the United States—

(A) who are not officers or employees of an element of the intelligence community;

(B) who are eligible to hold an appropriate security clearance;

(C) who have demonstrated academic, government, business, or other expertise relevant to the mission and functions of the intelligence community; and

(D) who the Director of National Intelligence determines—

(i) meet at least 1 of the qualifications described in paragraph (2); and

(ii) do not present a conflict of interest.

(2) QUALIFICATIONS.—The qualifications described in this paragraph are the following:

(A) A proven track record of sound judgment in leading or governing a large and complex private sector corporation or organization.

(B) A proven track record as a distinguished academic or researcher at an accredited institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(C) Demonstrated experience in identifying emerging technologies and facilitating the adoption of such technologies into the operations of large organizations in either the public or private sector.

(D) Demonstrated experience in developing new technology.

(3) CHAIR.—The Board shall have a Chair, who shall be appointed by the Director of National Intelligence from among the members of the Board, after consultation with the Chair and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives and the Chair and Vice Chair of the Select Committee on Intelligence of the Senate.

(4) NOTIFICATIONS.—Not later than 30 days after the date on which the Director of National Intelligence appoints a member to the Board under paragraph (1), or appoints a member of the Board as Chair under paragraph (3), the Director shall notify the congressional intelligence committees of such appointment in writing.

(5) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Board shall be appointed for a term of 2 years.

(B) VACANCIES.—A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed only for the remainder of that term. A vacancy in the Board shall not affect the powers of the Board and shall be filled in the manner in which the original appointment was made.

(C) REAPPOINTMENT.—A member of the Board may only be reappointed for 1 additional 2-year term.

(6) PROHIBITION ON COMPENSATION.—Except as provided in paragraph (7), members of the Board shall serve without pay.

(7) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(8) MEETINGS.—The Board shall meet as necessary to carry out its purpose and duties under this section, but shall meet in person not less frequently than on a quarterly basis. A majority of the members of the Board shall constitute a quorum.

(d) STAFF.—

(1) COMPOSITION.—The Board shall be composed of full-time staff with requisite experience to assist the Board in carrying out its purpose and duties under this section in such number as the Director of National Intelligence determines appropriate. Such staff may be appointed by the Director of National Intelligence or detailed or otherwise assigned from another element of the intelligence community.

(2) SECURITY CLEARANCES.—Staff of the Board, shall, as a condition of appointment, detail, or assignment to the Board, as the case may be, hold appropriate security clearances for access to the classified records and materials to be reviewed by the staff, and shall follow the guidance and practices on security under applicable Executive orders and Presidential or agency directives.

(e) CONTRACT AUTHORITY.—The Board may contract with and compensate government and private agencies or persons to enable the Board to carry out its purpose and duties under this section, without regard to section 6101 of title 41, United States Code.

(f) REPORTS.—

(1) SUBMISSION.—Beginning on the date that is 2 years after the date on which the Board is established, and once every 2 years thereafter until the date on which the Board terminates under subsection (i), the Board shall submit to the Director of National Intelligence and the congressional intelligence committees a report on the activities of the Board, which shall include, with respect to the period covered by the report, the following:

(A) An assessment of the efforts of the intelligence community taken during such period to accelerate the adoption of emerging technologies by the intelligence community, including such efforts taken with respect to the culture, organizational structures, processes, or functions of the intelligence community.

(B) Recommendations on how the intelligence community may make further progress to accelerate such adoption, including recommendations on changes to the culture, organizational structures, processes, and functions of the intelligence community necessary for such accelerated adoption.

(C) Any other matters the Board or the Director of National Intelligence determines appropriate.

(2) FORM.—Each report under paragraph (1) may be submitted in classified form, but if so submitted shall include an unclassified executive summary.

(g) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Chapter 10 of title 5, United States Code, (commonly known as the “Federal Advisory Committee Act”) shall not apply to the Board.

(h) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Board shall terminate on September 30, 2028.

(2) RENEWAL.—The Director of National Intelligence may renew the Board for an additional 4-year period following the date of termination specified in paragraph (1) if the Director notifies the congressional intelligence committees of such renewal.

(i) CHARTER.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall establish a charter for the Board, consistent with this section.

SEC. 906. PROGRAMS FOR NEXT-GENERATION MICROELECTRONICS IN SUPPORT OF ARTIFICIAL INTELLIGENCE.

(a) PROGRAM ESTABLISHMENT.—The Director of National Intelligence, acting through the Director of the Intelligence Advanced Research Projects Activity, shall establish or otherwise oversee a program to advance microelectronics research.

(b) RESEARCH FOCUS.—The Director of National Intelligence shall ensure that the research carried out under the program established under subsection (a) is focused on the following:

(1) Advanced engineering and applied research into next-generation computing models, materials, devices, architectures, and algorithms to enable the advancement of artificial intelligence and machine learning.

(2) Efforts to—

(A) overcome challenges with engineering and applied research of microelectronics, including with respect to the physical limits on transistors, electrical interconnects, and memory elements;

(B) promote long-term advancements in computing technologies, including by fostering a unified and multidisciplinary approach encompassing research and development into—

- (i) next-generation algorithm design;
- (ii) next-generation compute capability;
- (iii) generative and adaptive artificial intelligence for design applications;
- (iv) photonics-based microprocessors, including electrophotonics;
- (v) the chemistry and physics of new materials;
- (vi) optical communication networks, including electrophotonics; and
- (vii) safety and controls for generative artificial intelligence applications for the intelligence community.

(3) Any other activity the Director determines would promote the development of microelectronics research for future technologies, including optical communications or quantum technologies.

(c) **COLLABORATION AND PARTNERSHIPS.**—In carrying out the program established under subsection (a), the Director of National Intelligence shall actively collaborate with relevant Government agencies, academic institutions, and private industry to leverage expertise and resources in conducting research.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Amounts authorized to be appropriated for the National Intelligence Program of the Office of the Director of National Intelligence may be made available to award contracts and grants, and to enter into transactions other than contracts, to carry out the program established under subsection (a).

(e) **REPORTING REQUIREMENTS.**—The Director of the Intelligence Advanced Research Projects Activity shall provide to the congressional intelligence committees regular briefings on—

- (1) the progress, achievements, and outcomes of the program established under subsection (a);
- (2) the partnerships and collaborations conducted pursuant to subsection (c); and
- (3) recommendations for future research priorities.

SEC. 907. PROGRAM FOR BEYOND 5G.

(a) **ESTABLISHMENT.**—The Director of National Intelligence, acting through the Director of the Intelligence Advanced Research Projects Activity, may initiate or otherwise carry out a program dedicated to research and development efforts relevant to 6G technology and any successor technologies.

(b) **CONSULTATION.**—In carrying out any program under subsection (a), the Director shall consult with—

- (1) relevant—
 - (A) heads of Federal departments and agencies;
 - (B) private sector entities;
 - (C) institutions of higher learning; and
 - (D) federally funded research and development centers; and
- (2) such other individuals and entities as the Director determines appropriate.

(c) **6G TECHNOLOGY DEFINED.**—In this section, the term “6G technology” means hardware, software, or other technologies relating to sixth-generation wireless networks.

SEC. 908. INTELLIGENCE COMMUNITY COMMERCIAL REMOTE SENSING REQUIREMENTS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

- (1) the United States benefits from a robust commercial remote sensing industry that supports a science, technology, engineering, and mathematics academic pipeline, enables skilled manufacturing jobs, and fosters technological innovation;
- (2) commercial remote sensing capabilities complement and augment dedicated Government remote sensing capabilities, both when integrated into Government architectures and leveraged as stand-alone services;
- (3) the Director of National Intelligence and Under Secretary of Defense for Intelligence and Security should serve as the United States Government leads for commercial remote sensing procurement and seek to accommodate commercial remote sensing needs of the intelligence community, the Department of Defense, and Federal civil organizations under the preview of the cognizant functional managers; and
- (4) a transparent, sustained investment by the United States Government in commercial remote sensing capabilities—

- (A) is required to strengthen the United States commercial remote sensing commercial industry; and

(B) should include electro-optical, synthetic aperture radar, hyperspectral, and radio frequency detection and other innovative phenomenology that may have national security applications.

(b) **GUIDANCE REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security shall jointly develop guidance requiring the Commercial Strategy Board or, if that is not feasible, such other entities within the intelligence community and the Department of Defense that the Director and the Under Secretary determine appropriate, to perform, on a recurring basis, the following functions related to commercial remote sensing:

(1) Validation of the current and long-term commercial remote sensing capability needs, as determined by the relevant functional managers, of the Department of Defense, the intelligence community, and Federal civil users under the preview of the cognizant functional managers.

(2) Development of commercial remote sensing requirements documents that are unclassified and releasable to United States commercial industry.

(3) Development of a cost estimate that is unclassified and releasable to United States commercial industry, covering at least 5 years, associated with fulfilling the requirements contained in the commercial remote sensing requirements documents referred developed under paragraph (2).

(c) **FUNDING LEVELS.**—In the case of any fiscal year for which a cost estimate is developed under subsection (b)(3) and for which the budget of the President (as submitted to Congress pursuant to section 1105 of title 31, United States Code) requests a level of funding for the procurement of commercial remote sensing requirements that is less than the amount identified in the cost estimate, the President shall include with the budget an explanation for the difference.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security shall jointly submit to the appropriate congressional committees a report on the implementation of subsection (b).

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the congressional defense committees;

(C) the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives; and

(D) the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 909. REQUIREMENT TO ENSURE INTELLIGENCE COMMUNITY DIRECTIVES APPROPRIATELY ACCOUNT FOR ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING TOOLS IN INTELLIGENCE PRODUCTS.

(a) **REQUIREMENT.**—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the congressional intelligence committees a briefing on whether intelligence community directives in effect as of the date such briefing is provided furnish intelligence community analysts with sufficient guidance and direction with respect to the use of artificial intelligence and machine learning tools in intelligence products produced by the intelligence community.

(b) **ELEMENTS.**—The briefing required under subsection (a) shall include—

(1) a determination by the Director as to—

(A) whether Intelligence Community Directive 203, Analytic Standards, Intelligence Community Directive 206, Sourcing Requirements for Disseminated Analytic Products, and any other intelligence community directive related to the production and dissemination of intelligence products by the intelligence community in effect as of the date the briefing under subsection (a) is provided furnish intelligence community analysts with sufficient guidance and direction on how to properly use, provide sourcing information about, and otherwise provide transparency to customers regarding the use of artificial intelligence and machine learning tools in intelligence products produced by the intelligence community; and

(B) whether any intelligence community directive described in subparagraph (A) requires an update to provide such guidance and direction; and

(2) with respect to the determination under paragraph (1)—

(A) in the case the Director makes a determination that no update to an intelligence community directive described in such paragraph is required, an explanation regarding why such intelligence community directives currently provide sufficient guidance and direction to intelligence community analysts; and

(B) in the case the Director makes a determination that an update to an intelligence community directive described in such paragraph is required, a plan and proposed timeline to update any such intelligence community directive.

SECTION-BY-SECTION ANALYSIS

The following is a section-by-section summary of H.R. 3932, the Intelligence Authorization Act for Fiscal Year 2024 (the Act).

TITLE I—INTELLIGENCE ACTIVITIES

Section 101. Authorization of appropriations

Section 101 specifies that the Act authorizes appropriations for intelligence and intelligence-related activities of the Intelligence Community for Fiscal Year 2024.

Section 102. Classified Schedule of Authorizations

Section 102 provides that the amounts authorized to be appropriated for intelligence and intelligence-related activities for Fiscal Year 2024 are contained in the classified Schedule of Authorizations, which shall be made available to the Committees on Appropriations of the Senate and the House of Representatives and to the President.

Section 103. Intelligence Community Management Account

Section 103 authorizes appropriations for the Intelligence Community Management Account of the Director of National Intelligence for Fiscal Year 2024.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Section 201. Authorization of appropriations

Section 201 authorizes appropriations for the Central Intelligence Agency Retirement and Disability Fund for Fiscal Year 2024.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Section 301. Restriction on conduct of intelligence activities

Section 301 provides that the authorization of appropriations in the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or the laws of the United States.

Section 302. Increase in employee compensation and benefits authorized by law

Section 302 states that appropriations authorized in the Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional amounts as may be necessary for increases in such compensation or benefits authorized by law.

Section 303. Prohibition on availability of funds to implement Executive Order 13556

Section 303 prohibits funds authorized to be appropriated for any element of the intelligence community in Fiscal Year 2024 from

being used to implement Executive Order 13556 (relating to controlled unclassified information), or any successor order.

Section 304. Nonapplicability of certain prohibitions relating to modification of account structure for National Intelligence Program Budget

Section 304 provides that none of the prohibitions under section 8067 of the Consolidated Appropriations Act for Fiscal Year 2023 (P.L. 117–328) shall apply with respect to amounts authorized to be appropriated by this Act.

Section 305. Secure communication between Congress and intelligence community

Section 305 requires the Director of National Intelligence to provide secure communications to support the oversight functions of the congressional intelligence committees, including through the procurement, installation, configuration, and maintenance of all required equipment to ensure that the committees can communicate with the intelligence community through data, voice, and video call at all classification levels. Section 305 further requires that the Director provide timely on-premises support to the committees when Congress is in session or at the request of either committee, and that the Director ensure the budget of the Office of the Director of National Intelligence contain a specific expenditure center and project to carry out this section. Section 305 further requires that any data stored or transmitted by the committees through the equipment provided under this section be treated as a congressional record for purposes of the Freedom of Information Act or any other law.

TITLE IV—MATTERS RELATING TO NATIONAL INTELLIGENCE ENTERPRISE

SUBTITLE A—MISCELLANEOUS AUTHORITIES AND LIMITATIONS

Section 401. Enhanced personnel security review with respect to social media

Section 401 expresses the sense of Congress that the intelligence community should fully use available resources and authorities prescribed by law with respect to vetting prospective and current employees. Section 401 further requires that the sources of information used by each element of the intelligence community under its enhanced personnel security program shall include any publicly available social media information. Finally, Section 401 requires that the enhanced personnel security program of each element of the intelligence community shall include a requirement that the prospective or current employee disclose any username or alias on any social media account but may not require that the individual disclose any password for such account.

Section 402. Limitation on authority of Director of National Intelligence to establish additional national intelligence centers

Section 402 restricts the Director of National Intelligence from establishing any new national intelligence center, beyond the existing National Counterterrorism Center, National Counterproliferation and Biosecurity Center, National Counterintelligence and Se-

curity Center, Foreign Malign Influence Center, and Cyber Threat Intelligence and Integration Center, unless the Director notifies the congressional intelligence committees in writing of such establishment and 90 days have elapsed since such notification.

Section 403. Improvements relating to intelligence community staffing, details, and assignments

Section 403 requires the Director of National Intelligence to prescribe binding personnel policies applicable to the intelligence community that require and facilitate assignments and details of personnel to national intelligence centers, and between elements of the intelligence community. Section 403 further requires service in more than one element of the intelligence community as a condition of promotion to such positions within the intelligence community as the Director shall specify and requires the Director to ensure compliance among elements of the intelligence community. Finally, Section 403 requires the Director to establish, and update as necessary, a single document that sets forth each position within the Office of the Director of National Intelligence and provides certain information about each position.

Section 404. Insider Threats

Section 404 requires the Director of National Intelligence to assess and audit the compliance of each element of the intelligence community with minimum insider threat policy; to provide guidance and oversight to federal departments and agencies to fully implement automated records checks; to evaluate the effectiveness of—and identify gaps in—the counterintelligence, security, and insider threat program activities of each element of the intelligence community; to determine whether each element of the intelligence community has implemented mitigation measures recommended in damage assessments conducted after an unauthorized disclosure of classified information; and to study data collected during background investigations of individuals who subsequently commit unauthorized disclosures and issue findings as to whether such data could be used to predict insider threat activity.

Section 405. Modification of deadline for annual submission of National Intelligence Priorities Framework

Section 405 modifies the deadline for the President, acting through the Director of National Intelligence, to submit to the appropriate congressional committees the most recently updated National Intelligence Priorities Framework of the Office of the Director of National Intelligence, from October 1 to March 1.

Section 406. Matters relating to chief data officers of intelligence community Section 406 prohibits an individual from serving as both chief data officer and chief information officer of any element of the intelligence community. Section 406 further clarifies that the Intelligence Community Chief Data Officer shall only perform duties related to data. Finally, Section 406 requires the head of each element of the intelligence community to provide a written report to the congressional intelligence committees identifying whether the element's chief data officer is subordinate to the element's chief information officer, and, if so, the rationale for such an organizational structure.

Section 407. Modification to special pay authority for science, technology, engineering, or mathematics positions

Section 407 authorizes elements of the intelligence community, within certain limits, to establish higher rates of pay for positions requiring expertise in banking or financial services.

Section 408. Annual report on unfunded priorities of intelligence community

Section 408 updates current law to require each element of the intelligence community to prepare and submit to the appropriate congressional committees a report on the unfunded priorities of the programs under the jurisdiction of such element.

Section 409. Notice to Congress of counterintelligence threats to legislative branch

Section 409 requires the Director of National Intelligence and the Director of the Federal Bureau of Investigation to provide timely notification to congressional leadership of any counterintelligence threat to the legislative branch or a legislative branch official. Section 409 further requires the Directors to provide defensive briefings to legislative branch officials determined appropriate by the Directors, including officials targeted or compromised by such counterintelligence threats. Section 409 further requires the Directors to prepare reports that include specific information concerning such threats, but that exclude intelligence sources and methods by which such information was obtained, to facilitate the distribution of specific threat information. Finally, this provision requires the Director of National Intelligence to provide quarterly reports to congressional leadership regarding counterintelligence threats to the legislative branch and legislative branch officials.

Section 410. Congressional notice of counterintelligence investigations into persons holding elected offices and candidates for such offices

Section 410 requires the Director of the Federal Bureau of Investigation to notify congressional leadership within 48 hours after the commencement of a counterintelligence investigation into a person who holds an elected Federal office or a candidate in an election for such an office.

Section 411. Submission of legislative proposals

Section 411 requires the Director of National Intelligence, within 45 days of the date on which the President submits to Congress the budget request for a particular fiscal year, to submit to the congressional intelligence committees any legislative proposals proposed by the Director to be enacted as part of the annual intelligence authorization act for that fiscal year.

Section 412. Sunset of certain intelligence community reporting requirements

Section 412 establishes a general rule, with certain specified exceptions, that recurring reports tasked to the Director of National Intelligence in an annual intelligence authorization act prior to Fiscal Year 2022 will no longer be required to be submitted to Congress as of December 31, 2025. Section 412 further requires the Di-

rector of National Intelligence, by February 1, 2024, to submit to the congressional intelligence committees a list of all reports that would be repealed under this section.

Section 413. Notice and damage assessment with respect to significant unauthorized disclosure of classified national intelligence

Section 413 requires the Director of National Intelligence to notify the congressional intelligence committees within seven days if the DNI becomes aware of an actual or potential significant unauthorized disclosure of classified national intelligence and requires that the notification contain certain information regarding the facts and circumstances of the disclosure. Section 413 further requires, within seven days of the DNI becoming aware of an actual disclosure, that the DNI or the head of the appropriate element of the intelligence community initiate a damage assessment, and that the DNI regularly update the congressional intelligence committees, including by providing the committees with copies of any documents disclosed, until the final damage assessment is completed.

Section 414. In-state tuition rates for certain members of intelligence community

Section 414 amends Section 135(d) of the Higher Education Act of 1965 (20 U.S.C. 1015d(d)) to add members of the intelligence community (IC) to the definition of “qualifying Federal service,” thereby allowing members of the IC (or the spouse or dependent child of such member) to be eligible for in-state tuition at public institutions of higher education in states that receive assistance under the Higher Education Act of 1965. This amendment would become effective after July 1, 2024.

Section 415. Repeal of study on personnel under Strategic Intelligence Partnership Program

Section 415 repeals Section 6435 of the Intelligence Authorization Act for Fiscal Year 2023, which requires the DNI and the Director of the Office of Intelligence and Counterintelligence of the Department of Energy, in consultation with the National Laboratories Directors’ Council, to jointly conduct a study of the skills, recruitment, and retention of the personnel at the national laboratories who carry out projects under the Strategic Intelligence Partnership Program.

Section 416. Authorization relating to certain intelligence and counterintelligence activities of Coast Guard

Section 416 provides the Commandant of the Coast Guard with the authority, under certain circumstances and with certain limitations, to expend funds made available under the National Intelligence Program for intelligence and counterintelligence activities without regard to any other provision of law relating to the obligation, expenditure, or accounting of government funds. Section 416 further requires the Commandant, following any use of this authority, to certify to the congressional intelligence committees that the authority was used in a manner consistent with this section.

Section 417. Intelligence Community Counterintelligence Offices

Section 417 requires the Director of National Intelligence (DNI) to seek to enter into agreements with non-intelligence community (IC) federal departments or agencies to establish an “Intelligence Community Counterintelligence Office” (ICCO) within the non-IC federal department or agency for the purpose of providing timely and relevant counterintelligence threat information to the leadership of the non-IC federal department or agency. Section 417 further requires the DNI to seek to establish an ICCO within the U.S. Department of Agriculture no later than January 1, 2025, and submit a plan for such establishment to Congress within 180 days after enactment.

Section 418. Termination of Climate Security Advisory Council

Section 418 terminates the Climate Security Advisory Council, established in the Intelligence Authorization Act for Fiscal Year 2020 (50 USC 3060), 180 days after the date of enactment.

Section 419. Limitation on availability of funds for Federal Bureau of Investigation pending submission of information regarding certain media engagements

Section 419 prohibits the Federal Bureau of Investigation from obligating or expending 2.0 percent of the National Intelligence Program funds authorized to be appropriated to the FBI in Fiscal Year 2024 until the FBI submits to the congressional intelligence committees a list of media backgrounders conducted by FBI personnel relating to the 2020 election for President or foreign malign influence in the lead-up to such election, the dates of such engagements, and the persons with whom such engagements were held.

Section 420. Limitation on availability of funds for Federal Bureau of Investigation pending submission of certain memorandum relating to budget

Section 420 prohibits the Federal Bureau of Investigation from obligating or expending 0.1 percent of the National Intelligence Program funds authorized to be appropriated to the FBI in Fiscal Year 2024 until the FBI, in coordination with the Director of National Intelligence, submits to the congressional intelligence committees the memorandum of agreement that governs the policy of the FBI on budget execution.

Section 421. Limitation on availability of funds for the Office of the Director of National Intelligence pending submission of certain documents and annexes

Section 421 prohibits the Office of the Director of National Intelligence from obligating or expending 3.0 percent of the funds authorized to be appropriated to the ODNI in Fiscal Year 2024 until the DNI submits to the congressional intelligence committees the covered documents and any classified annex accompanying such covered documents required to be submitted under Section 6316 of the Intelligence Authorization Act for Fiscal Year 2023 (50 U.S.C. 3114).

SUBTITLE B—REPORTS AND OTHER MATTERS

Section 431. Inclusion of counternarcotics as special topic in certain budget justification materials

Section 431 requires the Director of National Intelligence to include counternarcotics as a “special topic” in the document the DNI prepares each budget cycle to summarize the National Intelligence Program budget request. Section 431 further requires the DNI to provide information regarding the main activities and investments that such requested funding would support; a breakdown of such requested funding by program, budget category, and intelligence discipline; a comparison of aggregate requested funding and aggregate enacted funding for counternarcotics for the current fiscal year and the previous fiscal year; and the number of full-time equivalent civilian and military personnel assigned to the counternarcotics mission of the intelligence community.

Section 432. Development of plan to make open-source intelligence products available to certain Federal employees

Section 432 requires the Director of National Intelligence to develop a plan to make unclassified intelligence products written by the intelligence community and derived from open-source materials accessible to U.S. government customers outside the intelligence community who would benefit from such products. Section 432 further requires the DNI to submit this plan to the congressional intelligence committees within 180 days of enactment. Section 432 further requires the DNI to update Intelligence Community Directive 208 (“Maximizing the Utility of Analytic Products”) to address the production and dissemination of unclassified intelligence products derived from open-source intelligence, and the needs and requirements of U.S. government customers who do not hold a security clearance or do not have access to the classified systems on which such unclassified intelligence products reside.

Section 433. Intelligence community-wide policy on prepublication review

Section 433 requires the Director of National Intelligence to issue an intelligence-community wide policy regarding prepublication review within 30 days of the date of enactment of this Act.

Section 434. Review relating to confidential human source program of Federal Bureau of Investigation

Section 434 requires the Inspector General of the Intelligence Community (ICIG), in coordination with the Inspector General of the Department of Justice, to conduct a review of the policies and procedures governing the confidential human source program of the Federal Bureau of Investigation and the FBI’s compliance with those policies and procedures. Section 434 further requires the ICIG to submit a report containing the results of that review to the congressional intelligence committees within 90 days of the review’s completion. Section 434 further requires an FBI agent, with respect to confidential human sources the FBI manages with National Intelligence Program funding, to notify a confidential human source coordinator or federal prosecutor if the agent has reasonable grounds to believe a confidential human source or their immediate

family member is engaged in unauthorized criminal activity. Section 434 further requires the FBI to review the file of each confidential human source on at least a quarterly basis.

Section 435. Inspector General of the Intelligence Community assessment of Overt Human Intelligence Collection Program of Department of Homeland Security

Section 435 requires the Intelligence Community Inspector General (ICIG) to conduct a comprehensive assessment of the Overt Human Intelligence Collection (OHIC) program administered by DHS's Office of Intelligence and Analysis. Section 435 further requires the ICIG to brief the appropriate congressional committees on its preliminary findings and recommendations within 180 days of enactment, and to submit its final report to the appropriate congressional committees within one year of enactment. Section 435 further prohibits any funds authorized to be appropriated by this Act from being used to conduct or resume certain intelligence collection activities pursuant to the OHIC program, namely interviews with individuals who have been charged with a criminal offense but whose guilt has not yet been adjudicated.

Section 436. Intelligence assessments regarding Haiti

Section 436 requires the Director of National Intelligence, through the National Intelligence Council, to submit to the congressional intelligence committees within one year of enactment an intelligence community assessment of the current situation in Haiti; its implications for citizen security in Haiti, regional security in the Caribbean, and U.S. national security; and opportunities for the United States to stabilize the situation. Section 436 further requires the Director of National Intelligence to submit to the congressional intelligence committees within one year of enactment a review of the intelligence products on Haiti written by the intelligence community between January 1, 2021, and July 7, 2021, the date on which Haitian President Jovenal Moise was assassinated, along with any recommendations for how the intelligence community can improve its reporting to policymakers on Haiti and other countries characterized by chronic insecurity, instability, and poverty.

Section 437. Intelligence assessment of influence operations by People's Republic of China toward Pacific Island countries

Section 437 requires the Assistant Secretary of State for Intelligence and Research to submit a report to the congressional intelligence committees within 180 days of enactment that assesses influence operations, through either covert or overt means, by China toward Pacific Island countries, and that analyzes opportunities for the United States to counter these efforts.

Section 438. Independent study on economic impact of military invasion of Taiwan by People's Republic of China

Section 438 requires the Director of National Intelligence to seek to enter into a contract with a federally funded research and development center or non-governmental entity to conduct a comprehensive study on the global economic impact that would occur in the event China were to invade Taiwan or China were to take certain

other aggressive or coercive actions toward Taiwan, including the impact on supply chains, trade flows, financial markets, sovereign debt, and key economic indicators. The section further requires that the results of the study be submitted to the congressional intelligence committees within 270 days of enactment.

Section 439. Reports on civilian casualties caused by certain operations of foreign governments

Section 439 requires the Director of National Intelligence, within one year of enactment and annually thereafter for two years, to submit to the congressional intelligence committees a report detailing any instance in which the DNI confirms (1) that a foreign government has conducted an operation involving the use of force, (2) intelligence shared by a U.S. intelligence community element played a significant role in that operation, and (3) that foreign government operation resulted in civilian casualties. Section 439 provides that the report may be submitted in classified form, but must include an unclassified executive summary.

Section 440. Report by Director of National Intelligence on Uyghur genocide

Section 440 requires the Director of National Intelligence to submit a report to the congressional intelligence committees on the Uyghur genocide within 180 days of enactment. The report would be required to include information on forced sterilization, birth control, and abortion of Uyghurs; forced transfer of Uyghur children from their families, forced labor of Uyghurs inside and outside Xinjiang; work conditions of Uyghur workers; physical or psychological torture against Uyghurs; methods used to surveille Uyghurs; and actions that infringe on the rights of Uyghurs to live freely in accordance with their customs, culture, and religious practices.

Section 441. Technical corrections

Section 441 contains technical corrections to prior Acts.

**TITLE V—MATTERS RELATING TO DEFENSE INTELLIGENCE
AND OVERHEAD ARCHITECTURE**

Section 501. Extension of authority to engage in commercial activities as security for intelligence collection activities

Section 501 extends for one year the Secretary of Defense's authority to conduct commercial activities necessary to provide security for authorized intelligence collection activities abroad undertaken by the Department of Defense.

Section 502. Modification of reporting requirement for All-Domain Anomaly Resolution Office

Section 502 requires the Director of the All-Domain Anomaly Resolution Office to submit the report previously required to be jointly submitted by the Director of National Intelligence and the Secretary of Defense.

Section 503. Military intelligence collection and analysis partnerships

Section 503 provides the Director of the Defense Intelligence Agency with the authority, with certain limitations, to use non-appropriated funds to pay for the expenses of partnerships with foreign countries, regional organizations, and security alliances for military intelligence collection and analysis activities. This section further provides the DIA Director with authority to use up to \$10 million of appropriated funds annually to pay for such expenses.

Section 504. Authorization for establishment of the National Space Intelligence Center (NSIC) as field operating agency

Section 504 authorizes the Secretary of the Air Force to establish the National Space Intelligence Center as a field operating agency of the Space Force. This section further requires the Secretary, if the Secretary does establish the National Space Intelligence Center as a field operating agency of the Space Force, to consider the operational and geographical benefits of co-locating the National Space Intelligence Center with the National Air and Space Intelligence Center.

Section 505. Defense Intelligence Agency assessment of strategic competition in Latin America and the Caribbean

Section 505 directs the Director of the Defense Intelligence Agency to submit to the appropriate congressional committees within 120 days an intelligence assessment on the level of intelligence and defense cooperation between China and countries in Latin America and the Caribbean, and between Russia and countries in Latin America and the Caribbean. This section requires the assessment to describe or depict cooperation in the areas of strategic dialogue, training or professional military education, defense agreements, intelligence sharing agreements, arms transfers, military exercises, joint operations, permanent military presence, and space cooperation.

Section 506. Quarterly briefings relating to use of Military Intelligence Program funds

Section 506 directs the Secretary of Defense to provide the Permanent Select Committee on Intelligence of the House of Representatives a quarterly briefing on significant military operations funded by amounts made available under the Military Intelligence Program, and on all clandestine operations in the information environment funded or otherwise enabled by amounts made available under the Military Intelligence Program.

TITLE VI—MATTERS RELATING TO NATIONAL SECURITY AGENCY, CYBER, AND COMMERCIAL CLOUD ENTERPRISE

Section 601. Congressional notification by National Security Agency of intelligence collection adjustments

Section 601 requires the Director of NSA to notify the congressional intelligence committees within 30 days of any government policy change related to intelligence collection or prioritization that results in a significant loss of collection.

Section 602. Modifications to enforcement of cybersecurity requirements for national security systems

Section 602 amends Section 6309 of the Fiscal Year 2023 Intelligence Authorization Act (P.L. 117–263) to require the head of each IC element that owns or operates a national security system (NSS) to submit to the congressional intelligence committees, within 90 days of enactment, a plan detailing the cost and schedule requirements to meet the cybersecurity requirements for NSS by the end of Fiscal Year 2026. National Security Memorandum 8 (NSM–8), released on January 19, 2022, sets forth requirements for NSS security across the government. NSM 8 lays out requirements for the Director of the National Security Agency (NSA) acting as the National Manager responsible for NSS. Section 6309 of the Fiscal Year 2023 Intelligence Authorization Act (P.L. 117–263) requires the NSM–8 cybersecurity requirements for NSS include “appropriate deadlines” for each IC element to meet. The intention of the new section is to require the IC elements to assume that the “reasonable implementation deadlines” all occur by the end of Fiscal Year 2026, and to provide schedule and cost plans to meet those requirements. This information will allow the congressional intelligence committees to appropriately assess future budget submissions.

Section 603. Support by intelligence community for certain cross-functional team of Department of Defense

Section 603 requires the head of any intelligence community component to provide access to that component’s intelligence reporting, analysis, or finished intelligence products, and assign intelligence or counterintelligence personnel to facilitate that information sharing, upon request by the Department of Defense (DoD)’s Cross-Functional Team that was created by the Fiscal Year 2022 National Defense Authorization Act to address anomalous health incidents.

Section 604. Commercial Cloud Enterprise notification

Section 604 requires the Director of the Central Intelligence Agency (CIA) to provide quarterly notifications to the congressional intelligence committees on the status, value, and duration of all Commercial Cloud Enterprise (C2E) task orders by vendor and IC element, the number of sole source task orders, and the status of security accreditation for the C2E vendors. Each IC element is required to share necessary information with the CIA to prepare the required notification. The requirement sunsets three years after enactment.

Section 605. Commercial Cloud Enterprise sole source task order notification requirement

Section 605 requires the head of each IC element to report to the congressional intelligence committees within 90 days of enactment and then on a semi-annual basis thereafter regarding sole source task orders awarded under the Commercial Cloud Enterprise (C2E) contract. The notifications shall include a description of the task order, a summary of services to be provided, the value of the task order, the justification for the sole source award, and the identifica-

tion of the awardee. The requirement sunsets three years after enactment. Section 605 does not prohibit or limit sole source awards.

Section 606. Analysis of commercial cloud initiatives of the intelligence community

Section 606 requires the Director of National Intelligence (DNI), in coordination with the other Intelligence Community (IC) elements as appropriate, to assess the IC's current and future usage of the Commercial Cloud Enterprise (C2E) contract and brief the congressional intelligence committees within 90 days of enactment on the findings. The DNI's analysis and briefing shall include anticipated cost savings from the termination of IC legacy storage capacity, IC efforts to utilize multiple C2E vendors, and the operational value the IC is achieving through utilization of C2E analytic tools and services.

Section 606 is modeled after language included in the Fiscal Year 2020 Intelligence Authorization Act (Section 5711, P.L. 116–92), which has a similar requirement for DNI reporting on IC activity related to Artificial Intelligence.

TITLE VII—MATTERS RELATING TO CENTRAL INTELLIGENCE AGENCY

Section 701. Inspector General of the Central Intelligence Agency quarterly employee engagement summaries

Section 701 requires the CIA Inspector General (CIA IG) to provide a quarterly summary of CIA workforce engagement with the CIA IG during that quarter to the congressional intelligence committees and the defense appropriations subcommittees. The summaries shall detail the number of reports to the CIA IG filed by the CIA workforce, the nature of the allegations in each report, whether the CIA IG initiated an investigation into each report, the status of each investigation, and the result of any completed investigation.

Section 702. Improved funding flexibility for payments made by the Central Intelligence Agency for qualifying injuries to the brain

Section 702 authorizes the CIA to reprogram funds to meet the demand for payments to certain individuals who incurred qualifying injuries to the brain.

Section 703. Benjamin Tallmadge Institute as primary Central Intelligence Agency entity for education and training in counterintelligence

Section 703 requires the CIA Director to maintain the Benjamin Tallmadge Institute as the CIA's primary entity for counterintelligence education and training for all career fields within the CIA, including specialized certifications for CIA counterintelligence personnel. Section 703 further requires the Benjamin Tallmadge Institute to develop courses at an unclassified level for personnel or entities outside of the intelligence community and a baseline certification course for all counterintelligence career professionals from any branch of the federal government. Finally, Section 703 requires the CIA Director, in coordination with the Director of National Intelligence, to develop programs to increase participation in Ben-

jamin Tallmadge Institute offerings by personnel from other intelligence community components.

Section 704. Central Intelligence Agency intelligence assessment of Sinaloa Cartel and Jalisco Cartel

Section 704 requires the CIA Director, in consultation with the heads of the other elements of the intelligence community, to submit to the congressional intelligence committees within 90 days an intelligence assessment on the structure, capabilities, methods, practices, and other pertinent information regarding the Sinaloa Cartel and the Jalisco Cartel.

Section 705. Central Intelligence Agency intelligence assessment with respect to efforts by the People's Republic of China to increase influence in the Middle East

Section 705 requires the CIA Director, in consultation with the heads of the other elements of the intelligence community, to submit an intelligence assessment to the appropriate congressional committees within 90 days on China's efforts to increase influence in the Middle East in ways that are detrimental to the national security interests of the United States.

Section 706. Assessment of availability of mental health and chaplain services to Agency employees

Section 706 requires the CIA Director to submit to the congressional intelligence committees within 180 days an assessment on the availability of appropriately cleared mental health professionals and chaplains for CIA employees seeking such services.

Section 707. Assessment by the Director of Central Intelligence Agency on certain effects of Abraham Accords

Section 707 requires the CIA Director, in consultation with the heads of the other elements of the intelligence community, to submit to the congressional intelligence committees within 90 days an intelligence assessment on the Abraham Accords' effects on the intelligence community and potential effects if the Abraham Accords were expanded to include additional countries.

TITLE VIII—REPORTING AND INVESTIGATIONS OF ALLEGATIONS OF SEX RELATED OFFENSES AND SEXUAL HARASSMENT IN CENTRAL INTELLIGENCE AGENCY

Section 801. Reporting and investigation of allegations of sex-related offenses and sexual harassment in Central Intelligence Agency

Section 801 imposes new requirements on the CIA Director to create uniform policies and training for all aspects of the CIA's response to allegations of sex-related offenses and sexual harassment, and submit a biannual report on the number and type of sexual harassment and sex-related offenses reported and addressed within the CIA. Section 801 creates a Victim and Whistleblower Legal Counsel to provide representation, guidance, and facilitate resources for individuals who report allegations of sexual harassment and sex-related offenses under the confidentiality of an attorney-client relationship. Section 801 creates a new process for re-

porting and investigating allegations of sexual assault and sex-related offenses within the CIA, including an option to file a restricted report, which remains confidential and does not result in a formal investigation; or an unrestricted report, which shall require a serious incident report within 8 days and results in a formal investigation. Section 801 creates a Special Victim Investigator to support sexual harassment investigations, lead investigations into sex-related offenses other than sexual harassment, and coordinate with Federal, State, local, and Tribal law enforcement agencies as necessary and appropriate. Finally, Section 801 requires the CIA Director to implement its provisions and consolidate all the CIA's policy and training responsibilities into a single office within 180 days.

TITLE IX—MATTERS RELATING TO TECHNOLOGY AND INNOVATION

Section 901. Intelligence Community Innovation Unit

Section 901 requires the Director of National Intelligence to establish an Intelligence Community Innovation Unit to identify and evaluate commercial emerging technologies for intelligence community adoption, transition prototypes to operational use, and serve as an entry point to the intelligence community in collaboration with the Office of Engagement created by Section 902. Section 901 also requires the Director of National Intelligence to appoint a director, hire staff, and establish hiring qualifications. This section also grants the Director of National Intelligence special hiring and retention authorities and directs the Director of National Intelligence to provide a plan on establishing the Intelligence Community Innovation Unit.

Section 902. Establishment of Office of Engagement

Section 902 requires the Director of National Intelligence to establish an Office of Engagement to coordinate, facilitate, and track engagements with intelligence community partners across the elements of the intelligence community. The section also directs plans and briefings on the establishment of the office and briefings of the operation of the office.

Section 903. Requirement for a chief technology officer within each element of the intelligence community

Section 903 requires each intelligence community element to identify a senior official to serve as the chief technology officer for each element.

Section 904. Requirement to authorize additional security clearances for certain contractors

Section 904 authorizes any entity that enters into a covered contract or agreement with an element of the Intelligence Community to designate an additional number of covered employees, for which the private entity may apply and pay for a security clearance, to establish a “back bench” of cleared employees at no cost to the government.

Section 905. Intelligence Innovation Board

Section 905 requires the Director of National Intelligence to create an Intelligence Community Innovation Board to advise the Director of National Intelligence, the heads of the elements of the intelligence community, and the Congressional Intelligence Committees on how the intelligence community can better identify and adopt emerging technologies.

Section 906. Programs for next-generation microelectronics in support of artificial intelligence

Section 906 requires the Director of National Intelligence, acting through the Director of the Intelligence Advanced Research Projects Activity, to establish or oversee a program dedicated to the advancement of microelectronics research. Section 906 further requires that such research focus on advanced engineering and applied research into next-generation computing models, materials, devices, and architectures to enable the advancement of artificial intelligence and machine learning, along with efforts to overcome challenges with respect to physical limits on hardware size and promote long-term advancements in computing technologies.

Section 907. Program for beyond 5G

Section 907 authorizes the Director of National Intelligence, acting through the Director of the Intelligence Advanced Research Projects Activity, to initiate or carry out a program dedicated to research and development of 6G technology and any successor technologies. The section further provides that, in carrying out this program, the DNI shall consult with heads of federal departments and agencies, private sector entities, institutions of higher education, federally funded research and development centers, and any other individuals or entities the DNI deems appropriate.

Section 908. Intelligence community commercial remote sensing requirements

Section 908 directs the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security to perform various functions related to commercial remote sensing, including the validation of capability needs, the development of requirements, and the development of cost estimates and other budget-related materials. This section further requires the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security to submit to the appropriate congressional committees within 180 days a report on their implementation of this section.

Section 909. Requirement to ensure intelligence community directives appropriately account for artificial intelligence and machine learning tools in intelligence products

Section 909 requires the Director of National Intelligence to provide the congressional intelligence committees with a briefing on whether current intelligence community directives provide intelligence community analysts with sufficient guidance and direction regarding the use of artificial intelligence and machine learning tools. The section further requires the DNI to determine if any intelligence community directive requires updating to account for ar-

tificial intelligence and machine learning tools, and, if so, to provide a plan and proposed timeline for updating such intelligence community directive.

PURPOSE

The purpose of H.R. 3932, the Intelligence Authorization Act for Fiscal Year 2024 (the Act), is to authorize the intelligence and intelligence-related activities of the United States Government for Fiscal Year 2024.

CLASSIFIED ANNEX AND COMMITTEE INTENT

The classified annex to this bill includes the classified Schedule of Authorizations, as well as directive and explanatory language. The classified Schedule of Authorizations is incorporated directly into the Act by Section 102 of the Act and has the legal status of public law. Elements of the Intelligence Community shall strictly comply with all Committee direction and other guidance contained in the classified annex.

The classified annex, including the classified Schedule of Authorizations, will be made available for review by all Members of the House of Representatives on conditions set by the Committee at the time of its consideration of H.R. 3932.

SCOPE OF COMMITTEE REVIEW

The Act authorizes United States intelligence and intelligence-related activities within the jurisdiction of the Committee, including the National Intelligence Program (NIP), the Military Intelligence Program (MIP), and the Information Systems Security Program (ISSP).

The NIP consists of those intelligence activities of the United States Government that provide the President, other Executive Branch officials, and Congress with national intelligence on broad strategic concerns bearing on U.S. national security. The NIP funds activities of the Office of the Director of National Intelligence; the Central Intelligence Agency, including the CIA Retirement and Disability System; certain intelligence, counterintelligence, and intelligence-related activities of the Department of Defense, including the Defense Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office; and the intelligence elements of the Department of Energy; the Department of Homeland Security, including the U.S. Coast Guard; the Department of Justice, including the Federal Bureau of Investigation and the Drug Enforcement Administration; the Department of State; and the Department of the Treasury.

The MIP consists of those intelligence activities of the United States Government that provide the President, other Executive Branch officials, and Congress with military intelligence bearing on U.S. national security, including the tactical intelligence and intelligence-related activities of the Department of Defense. The MIP funds certain activities of the Army, Navy, Marine Corps, Air Force, Space Force, Special Operations Command, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the National Reconnaissance Office, and other elements of the Department of Defense.

The Committee has exclusive or concurrent legislative and oversight jurisdiction of these activities—and exclusive jurisdiction to review and study the sources and methods of the Intelligence Community.

COMMITTEE COMMENTS AND DIRECTION

ESTABLISHMENT OF AN INTELLIGENCE COMMUNITY INNOVATION UNIT

In Section 901 of this bill, the Committee directs the Director of National Intelligence to create the Intelligence Community Innovation Unit (ICIU) to identify and evaluate commercial emerging technologies for intelligence community adoption, help transition prototypes to operational use within the intelligence community to achieve intelligence community-wide usage, and serve as a liaison and entry point to the private sector, academia, and government research and development organizations alongside the Director of National Intelligence's Office of Engagement created in Section 902 of the bill.

The Committee believes that the leader of the ICIU will be one of the key determinants of its success. An empowered leader, with strong qualifications and an affinity for disruption, will be essential. The Committee also notes that this new organization should develop an acquisition cadre to fully utilize other transaction authorities and other rapid acquisition pathways. The ICIU is authorized to use special hiring and retention authorities with special emphasis placed on technology subject matter experts.

In a world of increasing strategic competition, the Committee believes that the United States must innovate to outpace competitors. Increasingly, it is private industry and others outside of government that are producing game-changing technologies that foster American primacy. The intelligence community must therefore move at speed to capture and incorporate this critical technology, wherever it originated.

OFFICE OF ENGAGEMENT

In Section 902 of this bill, the Committee directs the creation of the Office of Engagement (Office) at the Office of the Director of National Intelligence. The Committee notes the Office should be outward facing to connect people and entities across private sector, academia, and government research and development organizations, and foreign partners and allies, in furtherance of Intelligence Community objectives and requirements. This role has too often shifted throughout various organizational constructs and the Committee believes that its position and responsibility must be solidified.

SECURITY CLEARANCE BACK BENCH ESTABLISHMENT

In Section 904 of this bill, the Committee directs the elements of the Intelligence Community to allow companies, in future contracts with the Intelligence Community, to pay for extra security clearances for their workforce. Currently, contracted companies do not have a sufficient "back bench" of employees ready to fulfill mission needs if a cleared employee unexpectedly departs. The status quo

has follow-on impacts that artificially increase cost to companies that are passed back to the government.

FOREIGN DISCLOSURE OFFICERS

Russia's ongoing invasion of Ukraine has underscored the importance of intelligence sharing between the U.S. and allies and partners. A critical component of such intelligence sharing is a foreign disclosure process that allows the Intelligence Community (IC) and the Defense Intelligence Enterprise to provide timely information, at the appropriate classification level, to partner nations that enhance their decision-making process and advance U.S. national security objectives.

Therefore, no later than January 18, 2024, the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security shall provide a briefing to the Committee describing their management of Foreign Disclosure Officers (FDOs). At a minimum, this briefing shall include an overview of:

1. The current number and distribution of FDOs within the IC and the Defense Intelligence Enterprise, both full-time and as a collateral duty;
2. Any plans to increase the number of full- or part-time FDOs and any identified obstacles or challenges associated with such an increase;
3. Any identified challenges associated with establishing or modifying intelligence sharing agreements regarding Russia's invasion of Ukraine or Russian aggression toward Europe or NATO;
4. Any lessons learned regarding FDOs from the conflict in Ukraine that may apply to other potential conflicts or contingencies; and
5. Any identified challenges related to information technology that have hindered, or might hinder, robust intelligence sharing.

COMPREHENSIVE ASSESSMENT OF WORKFORCE DIVERSITY AT THE FBI

To execute its vital national security mission, the Federal Bureau of Investigation relies on its single greatest advantage: its people. The Committee is aware of the need to improve the workplace culture at the FBI—and, in particular, the Bureau's efforts to promote diversity. To remain mission-ready in a complex and changing threat environment—and to meet the expectations of a younger generation of Americans—the FBI's special agent cadre must draw on as many talented people as it is able to attract. The Committee believes that genuine, mission-driven culture change requires sustained focus from senior leadership informed by outside experts. The Committee directs the FBI, not later than November 30, 2023, to seek to enter into an agreement with a federally funded research and development center or nonprofit entity to conduct an independent and comprehensive review and assessment of the FBI's diversity efforts, including a root cause analysis to identify barriers to recruitment, retention, and promotion.

INTELLIGENCE ASSESSMENT OF OPPORTUNITIES TO DISRUPT FOREIGN COMMERCIAL SPYWARE MARKET

Foreign commercial spyware provides foreign governments with an exquisite end-to-end system for collection of signals intelligence. The development of a commercial market for this product allows for its use by foreign governments to target U.S. intelligence and diplomatic officials for intelligence collection. Moreover, such a market enables use of this product by foreign governments to spy on journalists, dissidents, and human rights defenders—and to suppress those vital activities—in contravention of U.S. values.

Disrupting the foreign commercial spyware market would advance U.S. interests and values. Therefore, the Committee directs that, not later than November 30, 2023, the National Intelligence Council shall submit to the congressional intelligence committees an intelligence assessment of opportunities to (1) degrade the capabilities of foreign commercial spyware companies and prevent them from offering such effective tools, and (2) deter the purchase and use of foreign commercial spyware by countries that lack the capacity to develop those capabilities indigenously.

REPORT ON NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER

Not later than June 30, 2024, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the advisability and impact of designating the National Counterintelligence and Security Center (NCSC) as the agency responsible for the assessment, oversight, and enforcement of Intelligence Community-wide counterintelligence, security, and insider threat detection efforts. The report shall contain the following:

1. A description of any additional authorities NCSC would need in order to assess, monitor, oversee, and enforce compliance with the Intelligence Community-wide policy for minimum insider threat standards, including through the collection of user activity data from the elements of the Intelligence Community.
2. An estimate of the additional number of full-time equivalent positions that would be required at NCSC, and an analysis of whether the creation of full-time equivalent positions at Office of the Director of National Intelligence (excluding NCSC) or other elements of the Intelligence Community would be required.
3. An estimate of the personnel and non-personnel services costs to NCSC that would be incurred, broken out by functional area, and an estimate of any compliance or other costs that would be incurred by ODNI (excluding NCSC) or by other elements of the Intelligence Community were NCSC to be charged with such oversight and compliance enforcement responsibilities.

COMMITTEE CONSIDERATION

The Committee marked up H.R. 3932 on July 13, 2023. Chairman Turner offered an amendment in the nature of a substitute, which the Committee adopted by voice vote. No other amendments

were offered, and the bill as amended was approved and ordered to be reported to the House by voice vote, a quorum being present.

OVERSIGHT FINDINGS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Act and its accompanying classified annex result from open and closed hearings, briefings, and other oversight activities conducted by the Committee pursuant to clause 2(b)(1) of rule X.

GENERAL PERFORMANCE GOALS AND OBJECTIVES

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the general goals and objectives of H.R. 3932 are to authorize the intelligence and intelligence-related activities of the United States Government for Fiscal Year 2024. The Act and its accompanying classified annex reflect in detail the Committee's specific performance goals and objectives.

APPLICABILITY TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this Act to the legislative branch where the Act relates to terms and conditions of employment or access to public services or accommodations. H.R. 3932 does not relate to terms and conditions of employment or access to public services or accommodations.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, no provision of this Act establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

This Act does not direct the completion of any specific rule makings within the meaning of section 551 of title 5, United States Code.

FEDERAL ADVISORY COMMITTEE ACT STATEMENT

The Act does not establish or authorize the establishment of an advisory committee within the definition of section 5(b) of the appendix to title 5, United States Code.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the House of Representatives.

ESTIMATE OF COSTS

On July 14, 2023, the Committee transmitted this bill to the Congressional Budget Office and requested an estimate of the costs incurred in carrying out the unclassified provisions, including any federal mandates, which was not received as of the time of filing this report.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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**SUBPART J—ENHANCED PERSONNEL
SECURITY PROGRAMS**

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**CHAPTER 110—ENHANCED PERSONNEL SECURITY
PROGRAMS**

* * * * *

§ 11001. Enhanced personnel security programs

(a) **ENHANCED PERSONNEL SECURITY PROGRAM.**—The Director of National Intelligence shall direct each agency to implement a program to provide enhanced security review of covered individuals—

- (1) in accordance with this section; and
- (2) not later than the earlier of—

(A) the date that is 5 years after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2016; or

(B) the date on which the backlog of overdue periodic re-investigations of covered individuals is eliminated, as determined by the Director of National Intelligence.

(b) **COMPREHENSIVENESS.**—

(1) **SOURCES OF INFORMATION.**—The enhanced personnel security program of an agency shall integrate relevant and appropriate information from various sources, including government, publicly available, and commercial data sources, consumer reporting agencies, social media, and such other sources as determined by the Director of National Intelligence.

(2) **TYPES OF INFORMATION.**—Information obtained and integrated from sources described in paragraph (1) may include—

(A) information relating to any criminal or civil legal proceeding;

(B) financial information relating to the covered individual, including the credit worthiness of the covered individual;

(C) publicly available information, whether electronic, printed, or other form, including relevant security or counterintelligence information about the covered individual or information that may suggest ill intent, vulnerability to blackmail, compulsive behavior, allegiance to another country, change in ideology, or that the covered individual lacks good judgment, reliability, or trustworthiness; and

(D) data maintained on any terrorist or criminal watch list maintained by any agency, State or local government, or international organization.

(3) **SPECIAL REQUIREMENTS WITH RESPECT TO SOCIAL MEDIA.**—

(A) **IN GENERAL.**—*Information obtained and integrated from sources described in paragraph (1) shall include any publicly available social media information relating to the covered individual.*

(B) **DISCLOSURE BY COVERED INDIVIDUALS.**—*The enhanced personnel security program of an agency shall include a requirement that a covered individual disclose any username or alias used by the covered individual on any social media account, including both private and public social media accounts, but may not require the covered individual to disclose any password for any such account.*

(c) **REVIEWS OF COVERED INDIVIDUALS.**—

(1) **REVIEWS.**—

(A) **IN GENERAL.**—The enhanced personnel security program of an agency shall require that, not less than 2 times every 5 years, the head of the agency shall conduct or request the conduct of automated record checks and checks of information from sources under subsection (b) to ensure the continued eligibility of each covered individual to access classified information and hold a sensitive position unless more frequent reviews of automated record checks and checks of information from sources under subsection (b) are conducted on the covered individual.

(B) **SCOPE OF REVIEWS.**—Except for a covered individual who is subject to more frequent reviews to ensure the continued eligibility of the covered individual to access classified information and hold a sensitive position, the reviews under subparagraph (A) shall consist of random or aperiodic checks of covered individuals, such that each covered individual is subject to at least 2 reviews during the 5-year

period beginning on the date on which the agency implements the enhanced personnel security program of an agency, and during each 5-year period thereafter.

(C) INDIVIDUAL REVIEWS.—A review of the information relating to the continued eligibility of a covered individual to access classified information and hold a sensitive position under subparagraph (A) may not be conducted until after the end of the 120-day period beginning on the date the covered individual receives the notification required under paragraph (3).

(2) RESULTS.—The head of an agency shall take appropriate action if a review under paragraph (1) finds relevant information that may affect the continued eligibility of a covered individual to access classified information and hold a sensitive position.

(3) INFORMATION FOR COVERED INDIVIDUALS.—The head of an agency shall ensure that each covered individual is adequately advised of the types of relevant security or counterintelligence information the covered individual is required to report to the head of the agency.

(4) LIMITATION.—Nothing in this subsection shall be construed to affect the authority of an agency to determine the appropriate weight to be given to information relating to a covered individual in evaluating the continued eligibility of the covered individual.

(5) AUTHORITY OF THE PRESIDENT.—Nothing in this subsection shall be construed as limiting the authority of the President to direct or perpetuate periodic reinvestigations of a more comprehensive nature or to delegate the authority to direct or perpetuate such reinvestigations.

(6) EFFECT ON OTHER REVIEWS.—Reviews conducted under paragraph (1) are in addition to investigations and reinvestigations conducted pursuant to section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341).

(d) REVIEW.—

(1) IN GENERAL.—Beginning 2 years after the date of the implementation of the enhanced personnel security program of an agency under subsection (a), the Inspector General of the agency shall conduct at least 1 review to assess the effectiveness and fairness, which shall be determined in accordance with performance measures and standards established by the Director of National Intelligence, to covered individuals of the enhanced personnel security program of the agency.

(2) SUBMISSIONS TO DNI.—The results of each review conducted under paragraph (1) shall be submitted to the Director of National Intelligence to assess the effectiveness and fairness of the enhanced personnel security programs across the Federal Government.

(e) DEFINITIONS.—In this section—

(1) the term “agency” has the meaning given that term in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341);

(2) the term “consumer reporting agency” has the meaning given that term in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a);

(3) the term “covered individual” means an individual employed by an agency or a contractor of an agency who has been determined eligible for access to classified information or eligible to hold a sensitive position;

(4) the term “enhanced personnel security program” means a program implemented by an agency at the direction of the Director of National Intelligence under subsection (a); and

NATIONAL SECURITY ACT OF 1947

SHORT TITLE

That this Act may be cited as the “National Security Act of 1947”.

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TITLE I—COORDINATION FOR NATIONAL SECURITY

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RESPONSIBILITIES AND AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 102A. (a) PROVISION OF INTELLIGENCE.—(1) The Director of National Intelligence shall be responsible for ensuring that national intelligence is provided—

- (A) to the President;
- (B) to the heads of departments and agencies of the executive branch;
- (C) to the Chairman of the Joint Chiefs of Staff and senior military commanders;
- (D) to the Senate and House of Representatives and the committees thereof; and
- (E) to such other persons as the Director of National Intelligence determines to be appropriate.

(2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community and other appropriate entities.

(b) ACCESS TO INTELLIGENCE.—Unless otherwise directed by the President, the Director of National Intelligence shall have access to all national intelligence and intelligence related to the national security which is collected by any Federal department, agency, or other entity, except as otherwise provided by law or, as appropriate, under guidelines agreed upon by the Attorney General and the Director of National Intelligence.

(c) BUDGET AUTHORITIES.—(1) With respect to budget requests and appropriations for the National Intelligence Program, the Director of National Intelligence shall—

(A) based on intelligence priorities set by the President, provide to the heads of departments containing agencies or organizations within the intelligence community, and to the heads of such agencies and organizations, guidance for developing the National Intelligence Program budget pertaining to such agencies and organizations;

(B) based on budget proposals provided to the Director of National Intelligence by the heads of agencies and organizations within the intelligence community and the heads of their respective departments and, as appropriate, after obtaining the advice of the Joint Intelligence Community Council, develop and determine an annual consolidated National Intelligence Program budget; and

(C) present such consolidated National Intelligence Program budget, together with any comments from the heads of departments containing agencies or organizations within the intelligence community, to the President for approval.

(2) In addition to the information provided under paragraph (1)(B), the heads of agencies and organizations within the intelligence community shall provide the Director of National Intelligence such other information as the Director shall request for the purpose of determining the annual consolidated National Intelligence Program budget under that paragraph.

(3)(A) The Director of National Intelligence shall participate in the development by the Secretary of Defense of the annual budget for the Military Intelligence Program or any successor program or programs.

(B) The Director of National Intelligence shall provide guidance for the development of the annual budget for each element of the intelligence community that is not within the National Intelligence Program.

(4) The Director of National Intelligence shall ensure the effective execution of the annual budget for intelligence and intelligence-related activities.

(5)(A) The Director of National Intelligence shall be responsible for managing appropriations for the National Intelligence Program by directing the allotment or allocation of such appropriations through the heads of the departments containing agencies or organizations within the intelligence community and the Director of the Central Intelligence Agency, with prior notice (including the provision of appropriate supporting information) to the head of the department containing an agency or organization receiving any such allocation or allotment or the Director of the Central Intelligence Agency.

(B) Notwithstanding any other provision of law, pursuant to relevant appropriations Acts for the National Intelligence Program, the Director of the Office of Management and Budget shall exercise the authority of the Director of the Office of Management and Budget to apportion funds, at the exclusive direction of the Director of National Intelligence, for allocation to the elements of the intelligence community through the relevant host executive departments and the Central Intelligence Agency. Department comptrollers or appropriate budget execution officers shall allot, allocate, reprogram, or transfer funds appropriated for the National Intelligence Program in an expeditious manner.

(C) The Director of National Intelligence shall monitor the implementation and execution of the National Intelligence Program by the heads of the elements of the intelligence community that manage programs and activities that are part of the National Intelligence Program, which shall include audits and evaluations.

(D) Consistent with subparagraph (C), the Director of National Intelligence shall ensure that the programs and activities that are part of the National Intelligence Program, including those of the Federal Bureau of Investigation, are structured and executed in a manner that enables budget traceability.

(6) Apportionment and allotment of funds under this subsection shall be subject to chapter 13 and section 1517 of title 31, United States Code, and the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

(7)(A) The Director of National Intelligence shall provide a semi-annual report, beginning April 1, 2005, and ending April 1, 2007, to the President and the Congress regarding implementation of this section.

(B) The Director of National Intelligence shall report to the President and the Congress not later than 15 days after learning of any instance in which a departmental comptroller acts in a manner inconsistent with the law (including permanent statutes, authorization Acts, and appropriations Acts), or the direction of the Director of National Intelligence, in carrying out the National Intelligence Program.

(d) **ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE IN TRANSFER AND REPROGRAMMING OF FUNDS.**—(1)(A) No funds made available under the National Intelligence Program may be transferred or reprogrammed without the prior approval of the Director of National Intelligence, except in accordance with procedures prescribed by the Director of National Intelligence.

(B) The Secretary of Defense shall consult with the Director of National Intelligence before transferring or reprogramming funds made available under the Military Intelligence Program or any successor program or programs.

(2) Subject to the succeeding provisions of this subsection, the Director of National Intelligence may transfer or reprogram funds appropriated for a program within the National Intelligence Program—

(A) to another such program;

(B) to other departments or agencies of the United States Government for the development and fielding of systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; or

(C) to a program funded by appropriations not within the National Intelligence Program to address critical gaps in intelligence information sharing or access capabilities.

(3) The Director of National Intelligence may only transfer or reprogram funds referred to in paragraph (1)(A)—

(A) with the approval of the Director of the Office of Management and Budget; and

(B) after consultation with the heads of departments containing agencies or organizations within the intelligence community to the extent such agencies or organizations are affected, and, in the case of the Central Intelligence Agency, after consultation with the Director of the Central Intelligence Agency.

(4) The amounts available for transfer or reprogramming in the National Intelligence Program in any given fiscal year, and the terms and conditions governing such transfers and reprogrammings, are subject to the provisions of annual appropriations Acts and this subsection.

(5)(A) A transfer or reprogramming of funds may be made under this subsection only if—

(i) the funds are being transferred to an activity that is a higher priority intelligence activity;

(ii) the transfer or reprogramming supports an emergent need, improves program effectiveness, or increases efficiency;

(iii) the transfer or reprogramming does not involve a transfer or reprogramming of funds to a Reserve for Contingencies of the Director of National Intelligence or the Reserve for Contingencies of the Central Intelligence Agency;

(iv) the transfer or reprogramming results in a cumulative transfer or reprogramming of funds out of any department or agency, as appropriate, funded in the National Intelligence Program in a single fiscal year—

(I) that is less than \$150,000,000, and

(II) that is less than 5 percent of amounts available to a department or agency under the National Intelligence Program; and

(v) the transfer or reprogramming does not terminate an acquisition program.

(B) A transfer or reprogramming may be made without regard to a limitation set forth in clause (iv) or (v) of subparagraph (A) if the transfer has the concurrence of the head of the department involved or the Director of the Central Intelligence Agency (in the

case of the Central Intelligence Agency). The authority to provide such concurrence may only be delegated by the head of the department involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency) to the deputy of such officer.

(6) Funds transferred or reprogrammed under this subsection shall remain available for the same period as the appropriations account to which transferred or reprogrammed.

(7) Any transfer or reprogramming of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer or reprogramming for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer or reprogramming and how it satisfies the requirements of this subsection. In addition, the congressional intelligence committees shall be promptly notified of any transfer or reprogramming of funds made pursuant to this subsection in any case in which the transfer or reprogramming would not have otherwise required reprogramming notification under procedures in effect as of the date of the enactment of this subsection.

(e) TRANSFER OF PERSONNEL.—(1)(A) In addition to any other authorities available under law for such purposes, in the first twelve months after establishment of a new national intelligence center, the Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in consultation with the congressional committees of jurisdiction referred to in subparagraph (B), may transfer not more than 100 personnel authorized for elements of the intelligence community to such center.

(B) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—

- (i) the congressional intelligence committees;
- (ii) the Committees on Appropriations of the Senate and the House of Representatives;
- (iii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and
- (iv) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.

(C) The Director shall include in any notice under subparagraph (B) an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

(2)(A) The Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in accordance with procedures to be developed by the Director of National Intelligence and the heads of the departments and agencies concerned, may transfer personnel authorized for an element of the intelligence community to another such element for a period of not more than 2 years.

(B) A transfer of personnel may be made under this paragraph only if—

- (i) the personnel are being transferred to an activity that is a higher priority intelligence activity; and

- (ii) the transfer supports an emergent need, improves program effectiveness, or increases efficiency.
- (C) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—
 - (i) the congressional intelligence committees;
 - (ii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and
 - (iii) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.
- (D) The Director shall include in any notice under subparagraph (C) an explanation of the nature of the transfer and how it satisfies the requirements of this paragraph.
- (3)(A) In addition to the number of full-time equivalent positions authorized for the Office of the Director of National Intelligence for a fiscal year, there is authorized for such Office for each fiscal year an additional 100 full-time equivalent positions that may be used only for the purposes described in subparagraph (B).
- (B) Except as provided in subparagraph (C), the Director of National Intelligence may use a full-time equivalent position authorized under subparagraph (A) only for the purpose of providing a temporary transfer of personnel made in accordance with paragraph (2) to an element of the intelligence community to enable such element to increase the total number of personnel authorized for such element, on a temporary basis—
 - (i) during a period in which a permanent employee of such element is absent to participate in critical language training; or
 - (ii) to accept a permanent employee of another element of the intelligence community to provide language-capable services.
- (C) Paragraph (2)(B) shall not apply with respect to a transfer of personnel made under subparagraph (B).
- (D) For each of the fiscal years 2010, 2011, and 2012, the Director of National Intelligence shall submit to the congressional intelligence committees an annual report on the use of authorities under this paragraph. Each such report shall include a description of—
 - (i) the number of transfers of personnel made by the Director pursuant to subparagraph (B), disaggregated by each element of the intelligence community;
 - (ii) the critical language needs that were fulfilled or partially fulfilled through the use of such transfers; and
 - (iii) the cost to carry out subparagraph (B).
- (4) It is the sense of Congress that—
 - (A) the nature of the national security threats facing the United States will continue to challenge the intelligence community to respond rapidly and flexibly to bring analytic resources to bear against emerging and unforeseen requirements;
 - (B) both the Office of the Director of National Intelligence and any analytic centers determined to be necessary should be fully and properly supported with appropriate levels of per-

sonnel resources and that the President's yearly budget requests adequately support those needs; and

(C) the President should utilize all legal and administrative discretion to ensure that the Director of National Intelligence and all other elements of the intelligence community have the necessary resources and procedures to respond promptly and effectively to emerging and unforeseen national security challenges.

(f) TASKING AND OTHER AUTHORITIES.—(1)(A) The Director of National Intelligence shall—

(i) establish objectives, priorities, and guidance for the intelligence community to ensure timely and effective collection, processing, analysis, and dissemination (including access by users to collected data consistent with applicable law and, as appropriate, the guidelines referred to in subsection (b) and analytic products generated by or within the intelligence community) of national intelligence;

(ii) determine requirements and priorities for, and manage and direct the tasking of, collection, analysis, production, and dissemination of national intelligence by elements of the intelligence community, including—

(I) approving requirements (including those requirements responding to needs provided by consumers) for collection and analysis; and

(II) resolving conflicts in collection requirements and in the tasking of national collection assets of the elements of the intelligence community; and

(iii) provide advisory tasking to intelligence elements of those agencies and departments not within the National Intelligence Program.

(B) The authority of the Director of National Intelligence under subparagraph (A) shall not apply—

(i) insofar as the President so directs;

(ii) with respect to clause (ii) of subparagraph (A), insofar as the Secretary of Defense exercises tasking authority under plans or arrangements agreed upon by the Secretary of Defense and the Director of National Intelligence; or

(iii) to the direct dissemination of information to State government and local government officials and private sector entities pursuant to sections 201 and 892 of the Homeland Security Act of 2002 (6 U.S.C. 121, 482).

[(2) The Director of National Intelligence shall oversee the National Counterterrorism Center, the National Counterproliferation Center, and the National Counterintelligence and Security Center and may establish such other national intelligence centers as the Director determines necessary.]

(2)(A) The Director of National Intelligence shall oversee the National Counterterrorism Center, the National Counterproliferation and Biosecurity Center, the National Counterintelligence and Security Center, the Foreign Malign Influence Center, and the Cyber Threat Intelligence and Integration Center.

(B) The Director of National Intelligence may establish a new national intelligence center, or assign a new function to a national intelligence center, but only if—

(i) *the Director submits to the congressional intelligence committees written notification of such proposed establishment or assignment; and*

(ii) *a period of 90 days has elapsed after the date on which such committees receive such notification.*

(3)(A) The Director of National Intelligence shall prescribe, in consultation with the heads of other agencies or elements of the intelligence community, and the heads of their respective departments, **personnel policies** *binding personnel policies* and programs applicable to the intelligence community that—

[(i) encourage and facilitate assignments and details of personnel to national intelligence centers, and between elements of the intelligence community;]

(i) require and facilitate assignments and details of personnel to national intelligence centers, and between elements of the intelligence community over the course of the careers of such personnel;

(ii) set standards for education, training, and career development of personnel of the intelligence community;

(iii) encourage and facilitate the recruitment and retention by the intelligence community of highly qualified individuals for the effective conduct of intelligence activities;

(iv) ensure that the personnel of the intelligence community are sufficiently diverse for purposes of the collection and analysis of intelligence through the recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;

[(v) make service in more than one element of the intelligence community a condition of promotion to such positions within the intelligence community as the Director shall specify; and]

(v) require service in more than one element of the intelligence community as a condition of promotion to such positions within the intelligence community as the Director shall specify, and take requisite steps to ensure compliance among elements of the intelligence community; and

(vi) ensure the effective management of intelligence community personnel who are responsible for intelligence community-wide matters.

(B) Policies prescribed under subparagraph (A) shall not be inconsistent with the personnel policies otherwise applicable to members of the uniformed services.

(4) The Director of National Intelligence shall ensure compliance with the Constitution and laws of the United States by the Central Intelligence Agency and shall ensure such compliance by other elements of the intelligence community through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.

(5) The Director of National Intelligence shall ensure the elimination of waste and unnecessary duplication within the intelligence community.

(6) The Director of National Intelligence shall establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney Gen-

eral to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for national intelligence purposes, except that the Director shall have no authority to direct or undertake electronic surveillance or physical search operations pursuant to that Act unless authorized by statute or Executive order.

(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director's recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

(D) The requirements of this paragraph shall not be construed to limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.

(8) *The Director of National Intelligence shall—*

(A) conduct assessments and audits of the compliance of each element of the intelligence community with minimum insider threat policy;

(B) receive information from each element of the intelligence community regarding the collection, sharing, and use by such element of audit and monitoring data for insider threat detection across all classified and unclassified information technology systems within such element;

(C) provide guidance and oversight to Federal departments and agencies to fully implement automated records checks, consistent with personnel vetting reforms and the Trusted Workforce 2.0 initiative, or successor initiative, and ensure that information collected pursuant to such records checks is appropriately shared in support of intelligence community-wide insider threat initiatives;

(D) carry out evaluations of the effectiveness of counterintelligence, security, and insider threat program activities of each element of the intelligence community, including with respect to the lowest organizational unit of each such element, that include an identification of any gaps, shortfalls, or resource needs of each such element;

(E) identify gaps, shortfalls, resources needs, and recommendations for adjustments in allocations and additional re-

sources and other remedies to strengthen counterintelligence, security, and insider threat detection programs;

(F) pursuant to final damage assessments facilitated by the National Counterintelligence and Security Center that have been undertaken as a result of an unauthorized disclosure, determine whether the heads of the elements of the intelligence community implement recommended mitigation, and notify the congressional intelligence committees of such determinations; and

(G) study the data collected during the course of background investigations and adjudications for security clearances granted to individuals who subsequently commit unauthorized disclosures, and issue findings regarding the quality of such data as a predictor for insider threat activity, delineated by the severity of the unauthorized disclosure.

[(8)] (9) The Director of National Intelligence shall ensure there is established a policy for minimum insider threat standards for the intelligence community and ensure compliance by the elements of the intelligence community with that policy.

[(9)] (10) The Director of National Intelligence shall perform such other intelligence-related functions as the President may direct.

[(10)] (11) Nothing in this title shall be construed as affecting the role of the Department of Justice or the Attorney General under the Foreign Intelligence Surveillance Act of 1978.

(g) INTELLIGENCE INFORMATION SHARING.—(1) The Director of National Intelligence shall have principal authority to ensure maximum availability of and access to intelligence information within the intelligence community consistent with national security requirements. The Director of National Intelligence shall—

(A) establish uniform security standards and procedures;

(B) establish common information technology standards, protocols, and interfaces;

(C) ensure development of information technology systems that include multi-level security and intelligence integration capabilities;

(D) establish policies and procedures to resolve conflicts between the need to share intelligence information and the need to protect intelligence sources and methods;

(E) develop an enterprise architecture for the intelligence community and ensure that elements of the intelligence community comply with such architecture;

(F) have procurement approval authority over all enterprise architecture-related information technology items funded in the National Intelligence Program; and

(G) in accordance with Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) (or any subsequent corresponding executive order), and part 2001 of title 32, Code of Federal Regulations (or any subsequent corresponding regulation), establish—

(i) guidance to standardize, in appropriate cases, the formats for classified and unclassified intelligence products created by elements of the intelligence community for purposes of promoting the sharing of intelligence products; and

(ii) policies and procedures requiring the increased use, in appropriate cases, and including portion markings, of the classification of portions of information within one intelligence product.

(2) The President shall ensure that the Director of National Intelligence has all necessary support and authorities to fully and effectively implement paragraph (1).

(3) Except as otherwise directed by the President or with the specific written agreement of the head of the department or agency in question, a Federal agency or official shall not be considered to have met any obligation to provide any information, report, assessment, or other material (including unevaluated intelligence information) to that department or agency solely by virtue of having provided that information, report, assessment, or other material to the Director of National Intelligence or the National Counterterrorism Center.

(4) The Director of National Intelligence shall, in a timely manner, report to Congress any statute, regulation, policy, or practice that the Director believes impedes the ability of the Director to fully and effectively ensure maximum availability of access to intelligence information within the intelligence community consistent with the protection of the national security of the United States.

(h) ANALYSIS.—To ensure the most accurate analysis of intelligence is derived from all sources to support national security needs, the Director of National Intelligence shall—

(1) implement policies and procedures—

(A) to require sound analytic methods and tradecraft, independent of political considerations, throughout the elements of the intelligence community;

(B) to ensure that analysis is based upon all sources available; and

(C) to ensure that the elements of the intelligence community regularly conduct competitive analysis of analytic products, whether such products are produced by or disseminated to such elements;

(2) ensure that resource allocation for intelligence analysis is appropriately proportional to resource allocation for intelligence collection systems and operations in order to maximize analysis of all collected data;

(3) ensure that substantial differences in analytic judgment are fully considered, brought to the attention of policymakers, and documented in analytic products; and

(4) ensure that sufficient relationships are established between intelligence collectors and analysts to facilitate greater understanding of the needs of analysts.

(i) PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—(1) The Director of National Intelligence shall protect, and shall establish and enforce policies to protect, intelligence sources and methods from unauthorized disclosure.

(2) Consistent with paragraph (1), in order to maximize the dissemination of intelligence, the Director of National Intelligence shall establish and implement requirements for the intelligence community for the following purposes:

(A) Classification of information under applicable law, Executive orders, or other Presidential directives.

(B) Access to and dissemination of intelligence, both in final form and in the form when initially gathered.

(C) Preparation of intelligence products in such a way that source information is removed to allow for dissemination at the lowest level of classification possible or in unclassified form to the extent practicable.

(3) The Director may only delegate a duty or authority given the Director under this subsection to the Principal Deputy Director of National Intelligence.

(4)(A) Each head of an element of the intelligence community shall ensure that any congressionally mandated report submitted to Congress by the head, other than such a report submitted solely to the congressional intelligence committees, shall be consistent with the protection of intelligence sources and methods in accordance with the policies established by the Director under paragraph (1), regardless of whether the provision of law mandating the report explicitly requires such protection.

(B) Nothing in this paragraph shall be construed to alter any congressional leadership's or congressional committee's jurisdiction or access to information from any element of the intelligence community under the rules of either chamber of Congress.

(j) UNIFORM PROCEDURES FOR CLASSIFIED INFORMATION.—The Director of National Intelligence, subject to the direction of the President, shall—

(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any agency or department of the United States and to employees of contractors of those agencies or departments;

(2) ensure the consistent implementation of those standards and procedures throughout such agencies and departments;

(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by those agencies;

(4) ensure that the process for investigation and adjudication of an application for access to sensitive compartmented information is performed in the most expeditious manner possible consistent with applicable standards for national security;

(5) ensure that the background of each employee or officer of an element of the intelligence community, each contractor to an element of the intelligence community, and each individual employee of such a contractor who has been determined to be eligible for access to classified information is monitored on a continual basis under standards developed by the Director, including with respect to the frequency of evaluation, during the period of eligibility of such employee or officer of an element of the intelligence community, such contractor, or such individual employee to such a contractor to determine whether such employee or officer of an element of the intelligence community, such contractor, and such individual employee of such a contractor continues to meet the requirements for eligibility for access to classified information; and

(6) develop procedures to require information sharing between elements of the intelligence community concerning po-

tentially derogatory security information regarding an employee or officer of an element of the intelligence community, a contractor to an element of the intelligence community, or an individual employee of such a contractor that may impact the eligibility of such employee or officer of an element of the intelligence community, such contractor, or such individual employee of such a contractor for a security clearance.

(k) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the President and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director of National Intelligence shall oversee the coordination of the relationships between elements of the intelligence community and the intelligence or security services of foreign governments or international organizations on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

(l) ENHANCED PERSONNEL MANAGEMENT.—(1)(A) The Director of National Intelligence shall, under regulations prescribed by the Director, provide incentives for personnel of elements of the intelligence community to serve—

- (i) on the staff of the Director of National Intelligence;
 - (ii) on the staff of the national intelligence centers;
 - (iii) on the staff of the National Counterterrorism Center;
- and
- (iv) in other positions in support of the intelligence community management functions of the Director.

(B) Incentives under subparagraph (A) may include financial incentives, bonuses, and such other awards and incentives as the Director considers appropriate.

(2)(A) Notwithstanding any other provision of law, the personnel of an element of the intelligence community who are assigned or detailed under paragraph (1)(A) to service under the Director of National Intelligence shall be promoted at rates equivalent to or better than personnel of such element who are not so assigned or detailed.

(B) The Director may prescribe regulations to carry out this paragraph.

(3)(A) The Director of National Intelligence shall prescribe mechanisms to facilitate the rotation of personnel of the intelligence community through various elements of the intelligence community in the course of their careers in order to facilitate the widest possible understanding by such personnel of the variety of intelligence requirements, methods, users, and capabilities.

(B) The mechanisms prescribed under subparagraph (A) may include the following:

- (i) The establishment of special occupational categories involving service, over the course of a career, in more than one element of the intelligence community.
- (ii) The provision of rewards for service in positions undertaking analysis and planning of operations involving two or more elements of the intelligence community.
- (iii) The establishment of requirements for education, training, service, and evaluation for service involving more than one element of the intelligence community.

(C) It is the sense of Congress that the mechanisms prescribed under this subsection should, to the extent practical, seek to duplicate for civilian personnel within the intelligence community the joint officer management policies established by chapter 38 of title 10, United States Code, and the other amendments made by title IV of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433).

(D) The mechanisms prescribed under subparagraph (A) and any other policies of the Director—

(i) may not require an employee of an office of inspector general for an element of the intelligence community, including the Office of the Inspector General of the Intelligence Community, to rotate to a position in an office or organization of such an element over which such office of inspector general exercises jurisdiction; and

(ii) shall be implemented in a manner that exempts employees of an office of inspector general from a rotation that may impact the independence of such office.

(4)(A) Except as provided in subparagraph (B) and subparagraph (D), this subsection shall not apply with respect to personnel of the elements of the intelligence community who are members of the uniformed services.

(B) Mechanisms that establish requirements for education and training pursuant to paragraph (3)(B)(iii) may apply with respect to members of the uniformed services who are assigned to an element of the intelligence community funded through the National Intelligence Program, but such mechanisms shall not be inconsistent with personnel policies and education and training requirements otherwise applicable to members of the uniformed services.

(C) The personnel policies and programs developed and implemented under this subsection with respect to law enforcement officers (as that term is defined in section 5541(3) of title 5, United States Code) shall not affect the ability of law enforcement entities to conduct operations or, through the applicable chain of command, to control the activities of such law enforcement officers.

(D) Assignment to the Office of the Director of National Intelligence of commissioned officers of the Armed Forces shall be considered a joint-duty assignment for purposes of the joint officer management policies prescribed by chapter 38 of title 10, United States Code, and other provisions of that title.

(m) ADDITIONAL AUTHORITY WITH RESPECT TO PERSONNEL.—(1) In addition to the authorities under subsection (f)(3), the Director of National Intelligence may exercise with respect to the personnel of the Office of the Director of National Intelligence any authority of the Director of the Central Intelligence Agency with respect to the personnel of the Central Intelligence Agency under the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and other applicable provisions of law, as of the date of the enactment of this subsection to the same extent, and subject to the same conditions and limitations, that the Director of the Central Intelligence Agency may exercise such authority with respect to personnel of the Central Intelligence Agency, including with respect to the notification requirement under section 8(c) of such Act (50 U.S.C. 3510(c)).

(2) Employees and applicants for employment of the Office of the Director of National Intelligence shall have the same rights and

protections under the Office of the Director of National Intelligence as employees of the Central Intelligence Agency have under the Central Intelligence Agency Act of 1949, and other applicable provisions of law, as of the date of the enactment of this subsection.

(n) ACQUISITION AND OTHER AUTHORITIES.—(1) In carrying out the responsibilities and authorities under this section, the Director of National Intelligence may exercise the acquisition and appropriations authorities referred to in the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) other than the authorities referred to in section 8(b) of that Act (50 U.S.C. 403j(b)).

(2) For the purpose of the exercise of any authority referred to in paragraph (1), a reference to the head of an agency shall be deemed to be a reference to the Director of National Intelligence or the Principal Deputy Director of National Intelligence.

(3)(A) Any determination or decision to be made under an authority referred to in paragraph (1) by the head of an agency may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final.

(B) Except as provided in subparagraph (C), the Director of National Intelligence or the Principal Deputy Director of National Intelligence may, in such official's discretion, delegate to any officer or other official of the Office of the Director of National Intelligence any authority to make a determination or decision as the head of the agency under an authority referred to in paragraph (1).

(C) The limitations and conditions set forth in section 3(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(d)) shall apply to the exercise by the Director of National Intelligence of an authority referred to in paragraph (1).

(D) Each determination or decision required by an authority referred to in the second sentence of section 3(d) of the Central Intelligence Agency Act of 1949 shall be based upon written findings made by the official making such determination or decision, which findings shall be final and shall be available within the Office of the Director of National Intelligence for a period of at least six years following the date of such determination or decision.

(4)(A) In addition to the authority referred to in paragraph (1), the Director of National Intelligence may authorize the head of an element of the intelligence community to exercise an acquisition authority referred to in section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)) for an acquisition by such element that is more than 50 percent funded under the National Intelligence Program.

(B) The head of an element of the intelligence community may not exercise an authority referred to in subparagraph (A) until—

(i) the head of such element (without delegation) submits to the Director of National Intelligence a written request that includes—

(I) a description of such authority requested to be exercised;

(II) an explanation of the need for such authority, including an explanation of the reasons that other authorities are insufficient; and

(III) a certification that the mission of such element would be—

(aa) impaired if such authority is not exercised; or

- (bb) significantly and measurably enhanced if such authority is exercised; and
- (ii) the Director of National Intelligence issues a written authorization that includes—
 - (I) a description of the authority referred to in subparagraph (A) that is authorized to be exercised; and
 - (II) a justification to support the exercise of such authority.
- (C) A request and authorization to exercise an authority referred to in subparagraph (A) may be made with respect to an individual acquisition or with respect to a specific class of acquisitions described in the request and authorization referred to in subparagraph (B).
- (D)(i) A request from a head of an element of the intelligence community located within one of the departments described in clause (ii) to exercise an authority referred to in subparagraph (A) shall be submitted to the Director of National Intelligence in accordance with any procedures established by the head of such department.
- (ii) The departments described in this clause are the Department of Defense, the Department of Energy, the Department of Homeland Security, the Department of Justice, the Department of State, and the Department of the Treasury.
- (E)(i) The head of an element of the intelligence community may not be authorized to utilize an authority referred to in subparagraph (A) for a class of acquisitions for a period of more than 3 years, except that the Director of National Intelligence (without delegation) may authorize the use of such an authority for not more than 6 years.
- (ii) Each authorization to utilize an authority referred to in subparagraph (A) may be extended in accordance with the requirements of subparagraph (B) for successive periods of not more than 3 years, except that the Director of National Intelligence (without delegation) may authorize an extension period of not more than 6 years.
- (F) Subject to clauses (i) and (ii) of subparagraph (E), the Director of National Intelligence may only delegate the authority of the Director under subparagraphs (A) through (E) to the Principal Deputy Director of National Intelligence or a Deputy Director of National Intelligence.
- (G) The Director of National Intelligence shall submit—
 - (i) to the congressional intelligence committees a notification of an authorization to exercise an authority referred to in subparagraph (A) or an extension of such authorization that includes the written authorization referred to in subparagraph (B)(ii); and
 - (ii) to the Director of the Office of Management and Budget a notification of an authorization to exercise an authority referred to in subparagraph (A) for an acquisition or class of acquisitions that will exceed \$50,000,000 annually.
- (H) Requests and authorizations to exercise an authority referred to in subparagraph (A) shall remain available within the Office of the Director of National Intelligence for a period of at least 6 years following the date of such request or authorization.

(I) Nothing in this paragraph may be construed to alter or otherwise limit the authority of the Central Intelligence Agency to independently exercise an authority under section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)).

(5) Any authority provided to the Director of National Intelligence or the head of an element of the intelligence community pursuant to this subsection to make an expenditure referred to in subsection (a) of section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3510) is subject to the notification requirement under subsection (c) of such section. If the Director of National Intelligence is required to make a notification for a specific expenditure pursuant to both this paragraph and paragraph (4)(G), the Director may make a single notification.

[(5)] (6) OTHER TRANSACTION AUTHORITY.—

(A) IN GENERAL.—In addition to other acquisition authorities, the Director of National Intelligence may exercise the acquisition authorities referred to in sections 4021 and 4022 of title 10, United States Code, subject to the provisions of this paragraph.

(B) DELEGATION.—(i) The Director shall delegate the authorities provided by subparagraph (A) to the heads of elements of the intelligence community.

(ii) The heads of elements of the intelligence community shall, to the maximum extent practicable, delegate the authority delegated under clause (i) to the official of the respective element of the intelligence community responsible for decisions with respect to basic, applied, or advanced research activities or the adoption of such activities within such element.

(C) INTELLIGENCE COMMUNITY AUTHORITY.—(i) For purposes of this paragraph, the limitation in section 4022(a)(1) of title 10, United States Code, shall not apply to elements of the intelligence community.

(ii) Subject to section 4022(a)(2) of such title, the Director may enter into transactions and agreements (other than contracts, cooperative agreements, and grants) of amounts not to exceed \$75,000,000 under this paragraph to carry out basic, applied, and advanced research projects and prototype projects in support of intelligence activities.

(iii) For purposes of this paragraph, the limitations specified in section 4022(a)(2) of such title shall apply to the intelligence community in lieu of the Department of Defense, and the Director shall—

(I) identify appropriate officials who can make the determinations required in subparagraph (B)(i) of such section for the intelligence community; and

(II) brief the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives in lieu of the congressional defense committees, as specified in subparagraph (B)(ii) of such section.

(iv) For purposes of this paragraph, the limitation in section 4022(a)(3) of such title shall not apply to elements of the intelligence community.

(v) In carrying out this paragraph, section 4022(d)(1) of such title shall be applied by substituting “Director of National Intelligence” for “Secretary of Defense”.

(vi) For purposes of this paragraph, the limitations in section 4022(d)(2) of such title shall not apply to elements of the intelligence community.

(vii) In addition to the follow-on production contract criteria in section 4022(f)(2) of such title, the following additional criteria shall apply:

(I) The authorizing official of the relevant element of the intelligence community determines that Government users of the proposed production product or production service have been consulted.

(II) In the case of a proposed production product that is software, there are mechanisms in place for Government users to provide ongoing feedback to participants to the follow-on production contract.

(III) In the case of a proposed production product that is software, there are mechanisms in place to promote the interoperability and accessibility with and between Government and commercial software providers, including by the promotion of open application programming interfaces and requirement of appropriate software documentation.

(IV) The award follows a documented market analysis as mandated by the Federal Acquisition Regulations surveying available and comparable products.

(V) In the case of a proposed production product that is software, the follow-on production contract includes a requirement that, for the duration of such contract (or such other period of time as may be agreed to as a term of such contract)—

(aa) the participants provide the most up-to-date version of the product that is available in the commercial marketplace and is consistent with security requirements;

(bb) there are mechanisms in place for the participants to provide timely updates to the production product; and

(cc) the authority specified in section 4022(f)(5) of such title shall be exercised by the Director in lieu of the Secretary of Defense.

(D) IMPLEMENTATION POLICY.—The Director, in consultation with the heads of the elements of the intelligence community, shall—

(i) not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, establish and implement an intelligence community-wide policy prescribing the use and limitations of the authority under this paragraph, particularly with respect to the application of subparagraphs (B) and (C);

(ii) periodically review and update the policy established under clause (i); and

(iii) submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representa-

tives the policy when established under clause (i) or updated under clause (ii).

(E) ANNUAL REPORT.—

(i) IN GENERAL.—Not less frequently than annually, the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report detailing the use by the intelligence community of the authority provided by this paragraph.

(ii) ELEMENTS.—

(I) REQUIRED ELEMENTS.—Each report required by clause (i) shall detail the following:

- (aa) The number of transactions.
- (bb) The participants to such transactions.
- (cc) The purpose of the transaction.
- (dd) The amount of each transaction.
- (ee) Concerns with the efficiency of the policy.
- (ff) Any recommendations for how to improve the process.

(II) OTHER ELEMENTS.—Each report required by clause (i) may describe such transactions which have been awarded follow-on production contracts either pursuant to the authority provided by this paragraph or another acquisition authority available to the intelligence community.

(o) CONSIDERATION OF VIEWS OF ELEMENTS OF INTELLIGENCE COMMUNITY.—In carrying out the duties and responsibilities under this section, the Director of National Intelligence shall take into account the views of a head of a department containing an element of the intelligence community and of the Director of the Central Intelligence Agency.

(p) CERTAIN RESPONSIBILITIES OF DIRECTOR OF NATIONAL INTELLIGENCE RELATING TO NATIONAL INTELLIGENCE PROGRAM.—(1) Subject to the direction of the President, the Director of National Intelligence shall, after consultation with the Secretary of Defense, ensure that the National Intelligence Program budgets for the elements of the intelligence community that are within the Department of Defense are adequate to satisfy the national intelligence needs of the Department of Defense, including the needs of the Chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands, and wherever such elements are performing Government-wide functions, the needs of other Federal departments and agencies.

(2) Consistent with subsection (c)(5)(C), the Director of National Intelligence shall, after consultation with the Director of the Federal Bureau of Investigation, ensure that the programs and activities of the Federal Bureau of Investigation that are part of the National Intelligence Program are executed in a manner that conforms with the requirements of the national intelligence strategy under section 108A of this Act and the National Intelligence Priorities Framework of the Office of the Director of National Intelligence (or any successor mechanism established for the prioritization of such programs and activities).

(3) Not later than **October 1** *March 1* of each year, the President, acting through the Director of National Intelligence, shall

submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a copy of the most recently updated National Intelligence Priorities Framework of the Office of the Director of National Intelligence (or any such successor mechanism).

(q) ACQUISITIONS OF MAJOR SYSTEMS.—(1) For each intelligence program within the National Intelligence Program for the acquisition of a major system, the Director of National Intelligence shall—

(A) require the development and implementation of a program management plan that includes cost, schedule, security risks, and performance goals and program milestone criteria, except that with respect to Department of Defense programs the Director shall consult with the Secretary of Defense;

(B) serve as exclusive milestone decision authority, except that with respect to Department of Defense programs the Director shall serve as milestone decision authority jointly with the Secretary of Defense or the designee of the Secretary; and

(C) periodically—

(i) review and assess the progress made toward the achievement of the goals and milestones established in such plan; and

(ii) submit to Congress a report on the results of such review and assessment.

(2) If the Director of National Intelligence and the Secretary of Defense are unable to reach an agreement on a milestone decision under paragraph (1)(B), the President shall resolve the conflict.

(3) Nothing in this subsection may be construed to limit the authority of the Director of National Intelligence to delegate to any other official any authority to perform the responsibilities of the Director under this subsection.

(4) In this subsection:

(A) The term “intelligence program”, with respect to the acquisition of a major system, means a program that—

(i) is carried out to acquire such major system for an element of the intelligence community; and

(ii) is funded in whole out of amounts available for the National Intelligence Program.

(B) The term “major system” has the meaning given such term in section 4(9) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 403(9)).

(r) PERFORMANCE OF COMMON SERVICES.—The Director of National Intelligence shall, in consultation with the heads of departments and agencies of the United States Government containing elements within the intelligence community and with the Director of the Central Intelligence Agency, coordinate the performance by the elements of the intelligence community within the National Intelligence Program of such services as are of common concern to the intelligence community, which services the Director of National Intelligence determines can be more efficiently accomplished in a consolidated manner.

(s) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence com-

munity, the Director of National Intelligence may, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to the head of a department or agency to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

(2) Authority under this subsection may be granted or exercised only—

(A) with respect to a position that requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

(B) to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

(3) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

(4) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

(6)(A) The Director of National Intelligence shall notify the congressional intelligence committees not later than 30 days after the date on which the Director grants authority to the head of a department or agency under this subsection.

(B) The head of a department or agency to which the Director of National Intelligence grants authority under this subsection shall notify the congressional intelligence committees and the Director of the exercise of such authority not later than 30 days after the date on which such head exercises such authority.

(t) AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.—(1) The President, based on the recommendation of the Director of National Intelligence, may award a rank to a member of the Senior National Intelligence Service or other intelligence community senior civilian officer not already covered by such a rank award program in the same manner in which a career appointee of an agency may be awarded a rank under section 4507 of title 5, United States Code.

(2) The President may establish procedures to award a rank under paragraph (1) to a member of the Senior National Intelligence Service or a senior civilian officer of the intelligence community whose identity as such a member or officer is classified information (as defined in section 606(1)).

(u) **CONFLICT OF INTEREST REGULATIONS.**—The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

(v) **AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.**—

(1) The Director of National Intelligence, with the concurrence of the head of the covered department concerned and in consultation with the Director of the Office of Personnel Management, may—

(A) convert competitive service positions, and the incumbents of such positions, within an element of the intelligence community in such department, to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

(B) establish new positions in the excepted service within an element of the intelligence community in such department, if the Director of National Intelligence determines such positions are necessary to carry out the intelligence functions of such element.

(2) An incumbent occupying a position on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 selected to be converted to the excepted service under this section shall have the right to refuse such conversion. Once such individual no longer occupies the position, the position may be converted to the excepted service.

(3) A covered department may appoint an individual to a position converted or established pursuant to this subsection without regard to the civil-service laws, including parts II and III of title 5, United States Code.

(4) In this subsection, the term “covered department” means the Department of Energy, the Department of Homeland Security, the Department of State, or the Department of the Treasury.

(w) **NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS INTELLIGENCE COMMUNITY ADDENDUM.**—The Director of National Intelligence, in consultation with the heads of the appropriate elements of the intelligence community and the Secretary of State, shall provide to the President, the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate an addendum to each Nuclear Proliferation Assessment Statement accompanying a civilian nuclear cooperation agreement, containing a comprehensive analysis of the country’s export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries.

(x) **REQUIREMENTS FOR INTELLIGENCE COMMUNITY CONTRACTORS.**—The Director of National Intelligence, in consultation with the heads of the elements of the intelligence community, shall—

(1) ensure that—

(A) any contractor to an element of the intelligence community with access to a classified network or classified information develops and operates a security plan that is consistent with standards established by the Director of

National Intelligence for intelligence community networks;
and

(B) each contract awarded by an element of the intelligence community includes provisions requiring the contractor comply with such plan and such standards;

(2) conduct periodic assessments of each security plan required under paragraph (1)(A) to ensure such security plan complies with the requirements of such paragraph; and

(3) ensure that the insider threat detection capabilities and insider threat policies of the intelligence community, including the policy under subsection (f)(8), apply to facilities of contractors with access to a classified network.

(y) FUNDRAISING.—(1) The Director of National Intelligence may engage in fundraising in an official capacity for the benefit of non-profit organizations that—

(A) provide support to surviving family members of a deceased employee of an element of the intelligence community; or

(B) otherwise provide support for the welfare, education, or recreation of employees of an element of the intelligence community, former employees of an element of the intelligence community, or family members of such employees.

(2) In this subsection, the term “fundraising” means the raising of funds through the active participation in the promotion, production, or presentation of an event designed to raise funds and does not include the direct solicitation of money by any other means.

(3) Not later than 7 days after the date the Director engages in fundraising authorized by this subsection or at the time the decision is made to participate in such fundraising, the Director shall notify the congressional intelligence committees of such fundraising.

(4) The Director, in consultation with the Director of the Office of Government Ethics, shall issue regulations to carry out the authority provided in this subsection. Such regulations shall ensure that such authority is exercised in a manner that is consistent with all relevant ethical constraints and principles, including the avoidance of any prohibited conflict of interest or appearance of impropriety.

(z) ANALYSES AND IMPACT STATEMENTS REGARDING PROPOSED INVESTMENT INTO THE UNITED STATES.—(1) Not later than 20 days after the completion of a review or an investigation of any proposed investment into the United States for which the Director has prepared analytic materials, the Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representative copies of such analytic materials, including any supplements or amendments to such analysis made by the Director.

(2) Not later than 60 days after the completion of consideration by the United States Government of any investment described in paragraph (1), the Director shall determine whether such investment will have an operational impact on the intelligence community, and, if so, shall submit a report on such impact to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives. Each such report shall—

- (A) describe the operational impact of the investment on the intelligence community; and
- (B) describe any actions that have been or will be taken to mitigate such impact.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 103. (a) OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—There is an Office of the Director of National Intelligence.

(b) FUNCTION.—The function of the Office of the Director of National Intelligence is to assist the Director of National Intelligence in carrying out the duties and responsibilities of the Director under this Act and other applicable provisions of law, and to carry out such other duties as may be prescribed by the President or by law.

(c) COMPOSITION.—The Office of the Director of National Intelligence is composed of the following:

- (1) The Director of National Intelligence.
- (2) The Principal Deputy Director of National Intelligence.
- (3) Any Deputy Director of National Intelligence appointed under section 103A.
- (4) The National Intelligence Council.
- (5) The General Counsel.
- (6) The Civil Liberties Protection Officer.
- (7) The Director of Science and Technology.
- (8) The Director of the National Counterintelligence and Security Center.
- (9) The Chief Information Officer of the Intelligence Community.
- (10) The Inspector General of the Intelligence Community.
- (11) The Director of the National Counterterrorism Center.
- (12) The Director of the National Counter Proliferation Center.
- (13) The Chief Financial Officer of the Intelligence Community.
- [(14) Such other offices and officials as may be established by law or the Director may establish or designate in the Office, including national intelligence centers.]

(14) Such other offices and officials as may be established by law or the Director may establish or designate in the Office, including national intelligence centers (consistent with the notification requirement under section 102A(f)(2)(B)).

(d) STAFF.—(1) To assist the Director of National Intelligence in fulfilling the duties and responsibilities of the Director, the Director shall employ and utilize in the Office of the Director of National Intelligence a professional staff having an expertise in matters relating to such duties and responsibilities, and may establish permanent positions and appropriate rates of pay with respect to that staff.

(2) The staff of the Office of the Director of National Intelligence under paragraph (1) shall include the staff of the Office of the Deputy Director of Central Intelligence for Community Management that is transferred to the Office of the Director of National Intelligence under section 1091 of the National Security Intelligence Reform Act of 2004.

(e) TEMPORARY FILLING OF VACANCIES.—With respect to filling temporarily a vacancy in an office within the Office of the Director

of National Intelligence (other than that of the Director of National Intelligence), section 3345(a)(3) of title 5, United States Code, may be applied—

(1) in the matter preceding subparagraph (A), by substituting “an element of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)),” for “such Executive agency”; and

(2) in subparagraph (A), by substituting “the intelligence community” for “such agency”.

(f) LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region, as that term is defined in section 8301 of title 40, United States Code.

* * * * *

CHIEF INFORMATION OFFICER

SEC. 103G. (a) CHIEF INFORMATION OFFICER.—To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this Act and other applicable provisions of law, there shall be within the Office of the Director of National Intelligence a Chief Information Officer of the Intelligence Community who shall be appointed by the Director. The Chief Information Officer shall report directly to the Director of National Intelligence.

(b) DUTIES AND RESPONSIBILITIES.—Subject to the direction of the Director of National Intelligence, the Chief Information Officer of the Intelligence Community shall—

(1) manage activities relating to the information technology infrastructure and enterprise architecture requirements of the intelligence community;

(2) have procurement approval authority over all information technology items related to the enterprise architectures of all intelligence community components;

(3) direct and manage all information technology-related procurement for the intelligence community; and

(4) ensure that all expenditures for information technology and research and development activities are consistent with the intelligence community enterprise architecture and the strategy of the Director for such architecture.

(c) PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER CHIEF INFORMATION OFFICER.—An individual serving in the position of Chief Information Officer of the Intelligence Community may not, while so serving, serve as the chief information officer of any other department or agency, or component thereof, of the United States Government.

(d) PROHIBITION ON SIMULTANEOUS SERVICE AS CHIEF DATA OFFICER AND CHIEF INFORMATION OFFICER.—An individual serving in the position of Chief Information Officer of the Intelligence Community or chief information officer of any other element of the intelligence community, as the case may be, may not, while so serving, serve as the Intelligence Community Chief Data Officer under section 103K or as the chief data officer of any other element of the intelligence community.

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SEC. 103K. Intelligence Community Chief Data Officer.

(a) INTELLIGENCE COMMUNITY CHIEF DATA OFFICER.—There is an Intelligence Community Chief Data Officer within the Office of the Director of National Intelligence who shall be appointed by the Director of National Intelligence.

(b) REQUIREMENT RELATING TO APPOINTMENT.—An individual appointed as the Intelligence Community Chief Data Officer shall have a professional background and experience appropriate for the duties of the Intelligence Community Chief Data Officer. In making such appointment, the Director of National Intelligence may give preference to an individual with experience outside of the United States Government.

(c) DUTIES.—The Intelligence Community Chief Data Officer shall—

(1) act as the chief representative of the Director of National Intelligence for data issues within the intelligence community;

(2) coordinate, to the extent practicable and advisable, with the Chief Data Officer of the Department of Defense to ensure consistent data policies, standards, and procedures between the intelligence community and the Department of Defense;

(3) assist the Director of National Intelligence regarding data elements of the budget of the Office of the Director of National Intelligence; and

(4) perform other such duties *relating to data* as may be prescribed by the Director of National Intelligence or specified in law.

SEC. 103L. Intelligence Community Innovation Unit.

(a) ESTABLISHMENT.—*The Director of National Intelligence shall establish within the Office of the Director of National Intelligence a unit to be known as the “Intelligence Community Innovation Unit” (in this section referred to as the “Unit”).*

(b) DUTIES.—*The duties of the Unit shall be as follows:*

(1) To identify and evaluate commercial emerging technologies for potential adoption by the intelligence community to fulfill critical mission needs.

(2) To assist the heads of the elements of the intelligence community in identifying commercial emerging technologies and associated capabilities to address critical mission needs of that element.

(3) To provide to the heads of the elements of the intelligence community seeking to field commercial emerging technologies technical expertise with respect to such technologies.

(4) To manage the prototyping program under subsection (e).

(5) To facilitate the transition of potential solutions to critical mission needs of the intelligence community from research and prototype projects to production.

(6) To serve as a liaison between the intelligence community and the private sector (with a focus on small- and medium-sized companies and other organizations that do not have significant experience engaging with the intelligence community) to fulfill the duties listed in paragraphs (1) through (5), in coordination with the head of the Office of Engagement established under section 122.

(c) DIRECTOR OF UNIT.—

(1) *APPOINTMENT; REPORTING.*—The head of the Unit is the Director of the Intelligence Community Innovation Unit, who shall be appointed by the Director of National Intelligence and shall report directly to the Director of National Intelligence.

(2) *QUALIFICATIONS.*—In selecting an individual for appointment as the Director of the Intelligence Community Innovation Unit, the Director of National Intelligence shall give preference to individuals who the Director of National Intelligence determines have—

(A) significant relevant experience involving commercial emerging technology within the private sector; and

(B) a demonstrated history of fostering the adoption of commercial emerging technologies by the United States Government or the private sector.

(d) *STAFF.*—

(1) *IN GENERAL.*—In addition to the Director of the Intelligence Community Innovation Unit, the Unit shall be composed of not more than 50 full-time equivalent positions.

(2) *STAFF WITH CERTAIN EXPERTISE.*—The Director of National Intelligence shall ensure that there is a sufficient number of staff of the Unit, as determined by the Director, with expertise in—

(A) other transaction authorities and nontraditional and rapid acquisition pathways for emerging technology;

(B) engaging and evaluating small- and medium-sized emerging technology companies;

(C) the mission needs of the intelligence community; and

(D) any other skills or experiences the Director determines necessary.

(3) *SPECIAL HIRING AND RETENTION AUTHORITIES.*—

(A) *IN GENERAL.*—The Director of National Intelligence shall take such steps as may be necessary to incentivize the hiring and retention of staff of the Unit.

(B) *SPECIAL PAY.*—In establishing the rates of pay for the positions specified in paragraph (1), and to the extent practicable, the Director of National Intelligence may use the special pay authority under section 113B.

(4) *AUTHORITY RELATING TO DETAILEES.*—Upon request of the Unit, each head of an element of the intelligence community may detail to the Unit any of the personnel of that element to assist in carrying out the duties under subsection (b) on a reimbursable or a nonreimbursable basis.

(e) *PROTOTYPING PROGRAM.*—The Director of the Intelligence Community Innovation Unit shall establish a program to transition research and prototype projects to products in a production stage for the purpose of fulfilling critical mission needs of the intelligence community (in this subsection referred to as the “program”), including by designating projects as Emerging Technology Transition Projects under section 6713 of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263; 50 U.S.C. 3024 note; 136 Stat. 3568).

(f) *ENCOURAGEMENT OF USE BY ELEMENTS.*—The Director of National Intelligence shall take such steps as may be necessary to encourage the use of the Unit by the heads of the other elements of the intelligence community.

(g) *EMERGING TECHNOLOGY DEFINED.*—In this section, the term “emerging technology” has the meaning given that term in section 6701 of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263; 50 U.S.C. 3024 note; 136 Stat. 3561).

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SEC. 113B. SPECIAL PAY AUTHORITY FOR SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS POSITIONS AND POSITIONS REQUIRING BANKING OR FINANCIAL SERVICES EXPERTISE.

(a) **SPECIAL RATES OF PAY FOR POSITIONS REQUIRING EXPERTISE IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS OR IN BANKING OR FINANCIAL SERVICES.**—

(1) **IN GENERAL.**—Notwithstanding part III of title 5, United States Code, the head of each element of the intelligence community may, for one or more categories of positions in such element that require expertise in science, technology, engineering, or mathematics *or in banking or financial services (including expertise relating to critical financial infrastructure operations, capital markets, banking compliance programs, or international investments)*—

(A) establish higher minimum rates of pay; and

(B) make corresponding increases in all rates of pay of the pay range for each grade or level, subject to subsection (b) or (c), as applicable.

(2) **LIMITATION ON NUMBER OF RECIPIENTS.**—*For each element of the intelligence community, the number of individuals serving in a position in such element who receive a higher rate of pay established or increased under paragraph (1) may not, at any time during a given fiscal year, exceed 50 individuals or 5 percent of the total number of full-time equivalent positions authorized for such element for the preceding fiscal year, whichever is greater.*

[(2)] (3) **TREATMENT.**—The special rate supplements resulting from the establishment of higher rates under paragraph (1) shall be basic pay for the same or similar purposes as those specified in section 5305(j) of title 5, United States Code.

(b) **SPECIAL RATES OF PAY FOR CYBER POSITIONS.**—

(1) **IN GENERAL.**—Notwithstanding subsection (c), the Director of the National Security Agency may establish a special rate of pay—

(A) not to exceed the rate of basic pay payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, if the Director certifies to the Under Secretary of Defense for Intelligence and Security, in consultation with the Under Secretary of Defense for Personnel and Readiness, that the rate of pay is for positions that perform functions that execute the cyber mission of the Agency; or

(B) not to exceed the rate of basic pay payable for the Vice President of the United States under section 104 of title 3, United States Code, if the Director certifies to the Secretary of Defense, by name, individuals that have advanced skills and competencies and that perform critical functions that execute the cyber mission of the Agency.

(2) PAY LIMITATION.—Employees receiving a special rate under paragraph (1) shall be subject to an aggregate pay limitation that parallels the limitation established in section 5307 of title 5, United States Code, except that—

(A) any allowance, differential, bonus, award, or other similar cash payment in addition to basic pay that is authorized under title 10, United States Code, (or any other applicable law in addition to title 5 of such Code, excluding the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.)) shall also be counted as part of aggregate compensation; and

(B) aggregate compensation may not exceed the rate established for the Vice President of the United States under section 104 of title 3, United States Code.

(3) LIMITATION ON NUMBER OF RECIPIENTS.—The number of individuals who receive basic pay established under paragraph (1)(B) may not exceed 100 at any time.

(4) LIMITATION ON USE AS COMPARATIVE REFERENCE.—Notwithstanding any other provision of law, special rates of pay and the limitation established under paragraph (1)(B) may not be used as comparative references for the purpose of fixing the rates of basic pay or maximum pay limitations of qualified positions under section 1599f of title 10, United States Code, or section 2208 of the Homeland Security Act of 2002 (6 U.S.C. 658).

(c) MAXIMUM SPECIAL RATE OF PAY.—Except as provided in subsection (b), a minimum rate of pay established for a category of positions under subsection (a) may not exceed the maximum rate of basic pay (excluding any locality-based comparability payment under section 5304 of title 5, United States Code, or similar provision of law) for the position in that category of positions without the authority of subsection (a) by more than 30 percent, and no rate may be established under this section in excess of the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) NOTIFICATION OF REMOVAL FROM SPECIAL RATE OF PAY.—If the head of an element of the intelligence community removes a category of positions from coverage under a rate of pay authorized by subsection (a) or (b) after that rate of pay takes effect—

(1) the head of such element shall provide notice of the loss of coverage of the special rate of pay to each individual in such category; and

(2) the loss of coverage will take effect on the first day of the first pay period after the date of the notice.

(e) REVISION OF SPECIAL RATES OF PAY.—Subject to the limitations in this section, rates of pay established under this section by the head of **the element** *an element* of the intelligence community may be revised from time to time by the head of such element and the revisions have the force and effect of statute.

(f) REGULATIONS.—The head of each element of the intelligence community shall promulgate regulations to carry out this section with respect to such element, which shall, to the extent practicable, be comparable to the regulations promulgated to carry out section 5305 of title 5, United States Code.

(g) REPORTS.—

(1) REQUIREMENT FOR REPORTS.—Not later than 90 days after the date of the enactment of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019, the head of each element of the intelligence community shall submit to the congressional intelligence committees a report on any rates of pay established for such element under this section.

(2) CONTENTS.—Each report required by paragraph (1) shall contain for each element of the intelligence community—

(A) a description of any rates of pay established under subsection (a) or (b); and

(B) the number of positions in such element that will be subject to such rates of pay.

* * * * *

NATIONAL INTELLIGENCE CENTERS

SEC. 119B. [(a) AUTHORITY TO ESTABLISH.—The Director of National Intelligence may establish one or more national intelligence centers to address intelligence priorities, including, but not limited to, regional issues.]

(a) AUTHORITY TO ESTABLISH.—The Director of National Intelligence may establish, consistent with the notification requirement under section 102A(f)(2)(B), one or more national intelligence centers to address intelligence priorities, including regional issues.

(b) RESOURCES OF DIRECTORS OF CENTERS.—(1) The Director of National Intelligence shall ensure that the head of each national intelligence center under subsection (a) has appropriate authority, direction, and control of such center, and of the personnel assigned to such center, to carry out the assigned mission of such center.

(2) The Director of National Intelligence shall ensure that each national intelligence center has appropriate personnel to accomplish effectively the mission of such center.

(c) INFORMATION SHARING.—The Director of National Intelligence shall, to the extent appropriate and practicable, ensure that each national intelligence center under subsection (a) and the other elements of the intelligence community share information in order to facilitate the mission of such center.

(d) MISSION OF CENTERS.—Pursuant to the direction of the Director of National Intelligence, each national intelligence center under subsection (a) may, in the area of intelligence responsibility assigned to such center—

(1) have primary responsibility for providing all-source analysis of intelligence based upon intelligence gathered both domestically and abroad;

(2) have primary responsibility for identifying and proposing to the Director of National Intelligence intelligence collection and analysis and production requirements; and

(3) perform such other duties as the Director of National Intelligence shall specify.

(e) REVIEW AND MODIFICATION OF CENTERS.—The Director of National Intelligence shall determine on a regular basis whether—

(1) the area of intelligence responsibility assigned to each national intelligence center under subsection (a) continues to meet appropriate intelligence priorities; and

- (2) the staffing and management of such center remains appropriate for the accomplishment of the mission of such center.
- (f) **TERMINATION.**—The Director of National Intelligence may terminate any national intelligence center under subsection (a).
- (g) **SEPARATE BUDGET ACCOUNT.**—The Director of National Intelligence shall, as appropriate, include in the National Intelligence Program budget a separate line item for each national intelligence center under subsection (a).

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[SEC. 120. CLIMATE SECURITY ADVISORY COUNCIL.

[(a) ESTABLISHMENT.—The Director of National Intelligence shall establish a Climate Security Advisory Council for the purpose of—

[(1) assisting intelligence analysts of various elements of the intelligence community with respect to analysis of climate security and its impact on the areas of focus of such analysts;

[(2) facilitating coordination between the elements of the intelligence community and elements of the Federal Government that are not elements of the intelligence community in collecting data on, and conducting analysis of, climate change and climate security; and

[(3) ensuring that the intelligence community is adequately prioritizing climate change in carrying out its activities.

[(b) COMPOSITION OF COUNCIL.—

[(1) MEMBERS.—The Council shall be composed of the following individuals appointed by the Director of National Intelligence:

[(A) An appropriate official from the National Intelligence Council, who shall chair the Council.

[(B) The lead official with respect to climate and environmental security analysis from—

[(i) the Central Intelligence Agency;

[(ii) the Bureau of Intelligence and Research of the Department of State;

[(iii) the National Geospatial-Intelligence Agency;

[(iv) the Office of Intelligence and Counterintelligence of the Department of Energy;

[(v) the Office of the Under Secretary of Defense for Intelligence and Security; and

[(vi) the Defense Intelligence Agency.

[(C) Three appropriate officials from elements of the Federal Government that are not elements of the intelligence community that are responsible for—

[(i) providing decision makers with a predictive understanding of the climate;

[(ii) making observations of our Earth system that can be used by the public, policymakers, and to support strategic decisions; or

[(iii) coordinating Federal research and investments in understanding the forces shaping the global environment, both human and natural, and their impacts on society.

[(D) Any other officials as the Director of National Intelligence or the chair of the Council may determine appropriate.

[(2) RESPONSIBILITIES OF CHAIR.—The chair of the Council shall have responsibility for—

[(A) identifying agencies to supply individuals from elements of the Federal Government that are not elements of the intelligence community;

[(B) securing the permission of the relevant agency heads for the participation of such individuals on the Council; and

[(C) any other duties that the Director of National Intelligence may direct.

[(c) DUTIES AND RESPONSIBILITIES OF COUNCIL.—The Council shall carry out the following duties and responsibilities:

[(1) To meet at least quarterly to—

[(A) exchange appropriate data between elements of the intelligence community and elements of the Federal Government that are not elements of the intelligence community;

[(B) discuss processes for the routine exchange of such data and implementation of such processes; and

[(C) prepare summaries of the business conducted at each meeting.

[(2) To assess and determine best practices with respect to the analysis of climate security, including identifying publicly available information and intelligence acquired through clandestine means that enables such analysis.

[(3) To assess and identify best practices with respect to prior efforts of the intelligence community to analyze climate security.

[(4) To assess and describe best practices for identifying and disseminating climate intelligence indications and warnings.

[(5) To recommend methods of incorporating analysis of climate security and the best practices identified under paragraphs (2) through (4) into existing analytic training programs.

[(6) To consult, as appropriate, with other elements of the intelligence community that conduct analysis of climate change or climate security and elements of the Federal Government that are not elements of the intelligence community that conduct analysis of climate change or climate security, for the purpose of sharing information about ongoing efforts and avoiding duplication of existing efforts.

[(7) To work with elements of the intelligence community that conduct analysis of climate change or climate security and elements of the Federal Government that are not elements of the intelligence community that conduct analysis of climate change or climate security—

[(A) to exchange appropriate data between such elements, establish processes, procedures and practices for the routine exchange of such data, discuss the implementation of such processes; and

[(B) to enable and facilitate the sharing of findings and analysis between such elements.

[(8) To assess whether the elements of the intelligence community that conduct analysis of climate change or climate security may inform the research direction of academic work and the sponsored work of the United States Government.

[(9) At the discretion of the chair of the Council, to convene conferences of analysts and nonintelligence community personnel working on climate change or climate security on subjects that the chair shall direct.

[(d) ANNUAL REPORT.—

[(1) REQUIREMENT.—Not later than January 31, 2021, and not less frequently than annually thereafter, the chair of the Council shall submit, on behalf of the Council, to the congressional intelligence committees a report describing the activities of the Council as described in subsection (c) during the year preceding the year during which the report is submitted.

[(2) MATTERS INCLUDED.—Each report under paragraph (1) shall include a description of any obstacles or gaps relating to—

[(A) the Council fulfilling its duties and responsibilities under subsection (c); or

[(B) the responsiveness of the intelligence community to the climate security needs and priorities of the policy-making elements of the Federal Government.

[(e) SUNSET.—The Council shall terminate on December 31, 2025.

[(f) DEFINITIONS.—In this section:

[(1) CLIMATE SECURITY.—The term “climate security” means the effects of climate change on the following:

[(A) The national security of the United States, including national security infrastructure.

[(B) Subnational, national, and regional political stability.

[(C) The security of allies and partners of the United States.

[(D) Ongoing or potential political violence, including unrest, rioting, guerrilla warfare, insurgency, terrorism, rebellion, revolution, civil war, and interstate war.

[(2) CLIMATE INTELLIGENCE INDICATIONS AND WARNINGS.—The term “climate intelligence indications and warnings” means developments relating to climate security with the potential to—

[(A) imminently and substantially alter the political stability or degree of human security in a country or region; or

[(B) imminently and substantially threaten—

[(i) the national security of the United States;

[(ii) the military, political, or economic interests of allies and partners of the United States; or

[(iii) citizens of the United States abroad.]

* * * * *

SEC. 122. OFFICE OF ENGAGEMENT.

(a) *ESTABLISHMENT.*—*There is within the Office of the Director of National Intelligence an Office of Engagement (in this section referred to as the “Office”).*

(b) *HEAD; STAFF.*—

(1) *HEAD.*—*The Director of National Intelligence shall appoint as head of the Office an individual with requisite experience in matters relating to the duties of the Office, as deter-*

mined by the Director of National Intelligence. Such head of the Office shall report directly to the Director of National Intelligence.

(2) STAFF.—To assist the head of the Office in fulfilling the duties of the Office, the head shall employ full-time equivalent staff in such number, and with such requisite expertise in matters relating to such duties, as may be determined by the head.

(c) DUTIES.—The duties of the Office shall be as follows:

(1) To coordinate and facilitate across the elements of the intelligence community efforts regarding outreach, relationship development, and associated knowledge and relationship management, with covered entities.

(2) To assist in sharing best practices regarding such efforts among the elements of the intelligence community.

(3) To establish and implement metrics to assess the effectiveness of such efforts.

(d) COVERED ENTITY DEFINED.—In this section, the term “covered entity” means an entity that is not an entity of the United States Government, including private sector companies, institutions of higher education, trade associations, think tanks, laboratories, international organizations, and foreign partners and allies.

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TITLE V—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

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PRESIDENTIAL APPROVAL AND REPORTING OF COVERT ACTIONS

SEC. 503. (a) The President may not authorize the conduct of a covert action by departments, agencies, or entities of the United States Government unless the President determines such an action is necessary to support identifiable foreign policy objectives of the United States and is important to the national security of the United States, which determination shall be set forth in a finding that shall meet each of the following conditions:

(1) Each finding shall be in writing, unless immediate action by the United States is required and time does not permit the preparation of a written finding, in which case a written record of the President's decision shall be contemporaneously made and shall be reduced to a written finding as soon as possible but in no event more than 48 hours after the decision is made.

(2) Except as permitted by paragraph (1), a finding may not authorize or sanction a covert action, or any aspect of any such action, which already has occurred.

(3) Each finding shall specify each department, agency, or entity of the United States Government authorized to fund or otherwise participate in any significant way in such action. Any employee, contractor, or contract agent of a department, agency, or entity of the United States Government other than the Central Intelligence Agency directed to participate in any way in a covert action shall be subject either to the policies and regulations of the Central Intelligence Agency, or to written policies or regulations adopted by such department, agency, or entity, to govern such participation.

(4) Each finding shall specify whether it is contemplated that any third party which is not an element of, or a contractor or contract agent of, the United States Government, or is not otherwise subject to United States Government policies and regulations, will be used to fund or otherwise participate in any significant way in the covert action concerned, or be used to undertake the covert action concerned on behalf of the United States.

(5) A finding may not authorize any action that would violate the Constitution or any statute of the United States.

(b) To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the Director of National Intelligence and the heads of all departments, agencies, and entities of the United States Government involved in a covert action—

(1) shall keep the congressional intelligence committees fully and currently informed of all covert actions which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including significant failures; and

(2) shall furnish to the congressional intelligence committees any information or material concerning covert actions (including the legal basis under which the covert action is being or was conducted) which is in the possession, custody, or control of any department, agency, or entity of the United States Government and which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.

(c)(1) The President shall ensure that any finding approved pursuant to subsection (a) shall be reported in writing to the congressional intelligence committees as soon as possible after such approval and before the initiation of the covert action authorized by the finding, except as otherwise provided in paragraph (2) and paragraph (3).

(2) If the President determines that it is essential to limit access to the finding to meet extraordinary circumstances affecting vital interests of the United States, the finding may be reported to the chairmen and ranking minority members of the congressional intelligence committees, the Speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, and such other member or members of the congressional leadership as may be included by the President.

(3) Whenever a finding is not reported pursuant to paragraph (1) or (2) of this [section] subsection, the President shall fully inform the congressional intelligence committees in a timely fashion and shall provide a statement of the reasons for not giving prior notice.

(4) In a case under paragraph (1), (2), or (3), a copy of the finding, signed by the President, shall be provided to the chairman of each congressional intelligence committee.

(5)(A) When access to a finding, or a notification provided under subsection (d)(1), is limited to the Members of Congress specified in paragraph (2), a written statement of the reasons for limiting such access shall also be provided.

(B) Not later than 180 days after a statement of reasons is submitted in accordance with subparagraph (A) or this subparagraph, the President shall ensure that—

(i) all members of the congressional intelligence committees are provided access to the finding or notification; or

(ii) a statement of reasons that it is essential to continue to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States is submitted to the Members of Congress specified in paragraph (2).

(d)(1) The President shall ensure that the congressional intelligence committees, or, if applicable, the Members of Congress specified in subsection (c)(2), are notified in writing of any significant change in a previously approved covert action, or any significant undertaking pursuant to a previously approved finding, in the same manner as findings are reported pursuant to subsection (c).

(2) In determining whether an activity constitutes a significant undertaking for purposes of paragraph (1), the President shall consider whether the activity—

(A) involves significant risk of loss of life;

(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

(C) results in the expenditure of significant funds or other resources;

(D) requires notification under section 504;

(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

(F) presents a reasonably foreseeable risk of serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.

(e) As used in this title, the term “covert action” means an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly, but does not include—

(1) activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security of United States Government programs, or administrative activities;

(2) traditional diplomatic or military activities or routine support to such activities;

(3) traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities; or

(4) activities to provide routine support to the overt activities (other than activities described in paragraph (1), (2), or (3)) of other United States Government agencies abroad.

(f) No covert action may be conducted which is intended to influence United States political processes, public opinion, policies, or media.

(g)(1) In any case where access to a finding reported under subsection (c) or notification provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall no-

tify all members of such committee that such finding or such notification has been provided only to the members specified in subsection (c)(2).

(2) In any case where access to a finding reported under subsection (c) or notification provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall provide to all members of such committee a general description regarding the finding or notification, as applicable, consistent with the reasons for not yet fully informing all members of such committee.

(3) The President shall maintain—

(A) a record of the members of Congress to whom a finding is reported under subsection (c) or notification is provided under subsection (d)(1) and the date on which each member of Congress receives such finding or notification; and

(B) each written statement provided under subsection (c)(5).

(h) For each type of activity undertaken as part of a covert action, the President shall establish in writing a plan to respond to the unauthorized public disclosure of that type of activity.

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SEC. 514. UNFUNDED PRIORITIES OF THE INTELLIGENCE COMMUNITY: ANNUAL REPORT.

(a) **ANNUAL REPORT.**—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code, the head of each element of the intelligence community shall *prepare and* submit to the Director of National Intelligence, the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on the unfunded priorities of the programs under the jurisdiction of such head.

(b) **ELEMENTS.**—

(1) **IN GENERAL.**—Each report under subsection (a) shall specify, for each unfunded priority covered by such report, the following:

(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).

(B) Whether such priority will satisfy a covert action or support collection against requirements identified in the National Intelligence Priorities Framework of the Office of the Director of National Intelligence (or any successor mechanism established for the prioritization of programs and activities), including a description of such requirements and the related prioritization level.

(C) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

(D) Budget information with respect to the unfunded priority, including—

- (i) the appropriation account;
- (ii) the expenditure center; and
- (iii) the project and, if applicable, subproject.

(2) **PRIORITIZATION OF PRIORITIES.**—Each report shall present the unfunded priorities covered by such report in overall order of urgency of priority among unfunded priorities.

(c) **UNFUNDED PRIORITY DEFINED.**—In this section, the term “unfunded priority”, in the case of a fiscal year, means a program, activity, or mission requirement of an element of the intelligence community that—

(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31, United States Code;

(2) is necessary to fulfill a covert action or to satisfy an information requirement associated with the collection, analysis, or dissemination of intelligence that has been documented within the National Intelligence Priorities Framework; and

(3) would have been recommended for funding by the head of the element of the intelligence community if—

(A) additional resources had been available for the budget to fund the program, activity, or mission requirement; or

(B) the program, activity, or mission requirement has emerged since the budget was formulated.

* * * * *

SEC. 516. NOTICE TO CONGRESS OF COUNTERINTELLIGENCE THREATS TO LEGISLATIVE BRANCH AND LEGISLATIVE BRANCH OFFICIALS.

(a) **NOTIFICATION, BRIEFINGS, AND PREPARATION OF REPORTS.**—*Consistent with the protection of intelligence sources and methods, the Director of National Intelligence and the Director of the Federal Bureau of Investigation shall jointly—*

(1) *notify, in a timely manner, congressional leadership of any counterintelligence threat to the legislative branch or a legislative branch official;*

(2) *provide to legislative branch officials determined appropriate by the Directors, including any such official targeted or compromised by such a threat, briefings on the defense against such threats; and*

(3) *prepare reports that include specific information concerning such threats to the legislative branch or legislative branch officials but exclude the intelligence sources or methods by which such information has been obtained, to facilitate the increased distribution of specific information concerning such threats.*

(b) **DEFENSIVE PRIORITY.**—*In determining the appropriateness of disseminating information on counterintelligence threats (including information associated with a sensitive intelligence matter or ongoing criminal investigation) or of providing a briefing on the defense against such threats under subsection (a), the Director of National Intelligence and the Director of the Federal Bureau of Investigation shall seek to resolve such determination in favor of the action most compatible with enhancing the defense of the legislative branch against such threats.*

(c) **QUARTERLY REPORTS.**—

(1) **REQUIREMENT.**—*On a quarterly basis, the Director of National Intelligence shall submit to congressional leadership a re-*

port on counterintelligence threats to the legislative branch or legislative branch officials.

(2) **MATTERS.**—Each report under paragraph (1) shall include, with respect to the quarterly period covered by the report, the following:

(A) A description of any counterintelligence threat to the legislative branch or a legislative branch official (including the identity of any such official) identified during such period.

(B) An identification of each date on which the intelligence community became aware of such a threat.

(C) An identification of the number of briefings provided under subsection (a)(2) during such period, including an identification of each date on which such a briefing occurred.

(D) An identification of the number of reports prepared under subsection (a)(3) during such period.

(d) **DEFINITIONS.**—In this section:

(1) **CONGRESSIONAL LEADERSHIP.**—The term “congressional leadership” means—

(A) the Speaker of the House of Representatives;

(B) the minority leader of the House of Representatives;

(C) the majority leader of the Senate;

(D) the minority leader of the Senate;

(E) the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives; and

(F) the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate.

(2) **LEGISLATIVE BRANCH.**—The term “legislative branch” has the meaning given that term in section 202 of title 18, United States Code.

(3) **LEGISLATIVE BRANCH OFFICIAL.**—The term “legislative branch official” includes—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; or

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 13101(13) of title 5, United States Code.

SEC. 517. CONGRESSIONAL NOTICE OF COUNTERINTELLIGENCE INVESTIGATIONS INTO FEDERAL ELECTED OFFICIALS AND CANDIDATES IN ELECTIONS FOR FEDERAL OFFICE.

(a) **NOTICE REQUIREMENT.**—Notwithstanding section 533 of title 28, United States Code, the delegation of the authorities of the Attorney General, or any other delegation of authority, direction, or

policy of the executive branch, the Director of Federal Bureau of Investigation shall notify congressional leadership not later than 48 hours after the commencement of a counterintelligence investigation into a person who holds an elected Federal office or a candidate in an election for such an office. Such notification shall include a summary of the relevant facts associated with the counterintelligence investigation and the identity of the person subject to such investigation.

(b) **CONGRESSIONAL LEADERSHIP.**—The term “congressional leadership” means—

- (1) the Speaker of the House of Representatives;
- (2) the minority leader of the House of Representatives;
- (3) the majority leader of the Senate;
- (4) the minority leader of the Senate;
- (5) the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives; and
- (6) the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate.

SEC. 518. SUBMISSION OF LEGISLATIVE PROPOSALS.

Not later than 45 days after the date on which the President submits to Congress the budget for each fiscal year pursuant to section 1105(a) of title 31, United States Code, the Director of National Intelligence shall submit to the congressional intelligence committees any legislative provisions that are proposed by the Director to be enacted as part of the annual intelligence authorization bill for that fiscal year.

SEC. 519. TERMINATION OF CERTAIN REPORTING REQUIREMENTS.

(a) **SUNSET.**—Effective on December 31, 2025, each report described in subsection (b) that is still required to be submitted to Congress as of such date shall no longer be required to be submitted to Congress.

(b) **REPORTS DESCRIBED.**—Except as provided in subsection (c), a report described in this subsection is a recurring report that is required to be submitted to Congress by the Director of National Intelligence, or by any officer, official, component, or element of the Office of the Director of National Intelligence, pursuant to—

- (1) a provision of an annual intelligence authorization Act for fiscal year 2021 or any prior fiscal year;
- (2) any amendment made by such an Act; or
- (3) any committee report, classified annex, or explanatory statement accompanying such an Act.

(c) **EXCEPTIONS.**—Subsection (a) shall not apply with respect to any of the following:

- (1) A reporting requirement imposed on all departments and agencies of the Federal Government.
- (2) A report required in conjunction with a provision of law that requires a certification, determination or comparable finding, or authorizing waiver with respect to a condition, limitation, or comparable restriction.
- (3) A recurring report required by a provision of law that specifies when the requirement to submit the report terminates.
- (4) An annual report required by section 108B of the National Security Act of 1947 (50 U.S.C. 3043b).

(5) *A report required to be submitted by an individual or entity other than an individual referred to in subsection (b) that requires consultation or coordination with an individual described in subsection (b).*

(d) *REPORT TO CONGRESS.—Not later than February 1, 2024, the Director of National Intelligence shall submit to the congressional intelligence committees a report that includes—*

(1) a list of all reports that the Director determines are described in subsection (b) and not subject to an exception under subsection (c); and

(2) for each report included on such list, a citation to the provision of law under which the report is required to be submitted.

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TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

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DEFINITIONS

SEC. 805. For purposes of this title—

(1) the term “authorized investigative agency” means an agency authorized by law or regulation to conduct a counter-intelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information;

(2) the term “classified information” means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated;

(3) the term “consumer reporting agency” has the meaning given such term in section 603 of the Consumer Credit Protection Act (15 U.S.C. 1681a);

(4) the term “employee” includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government or an employee thereof, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government, except as otherwise determined by the President;

(5) the terms “financial agency” and “financial institution” have the meanings given to such terms in section 5312(a) of title 31, United States Code, and the term “holding company” has the meaning given to such term in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401);

(6) the terms “foreign power” and “agent of a foreign power” have the same meanings as set forth in [sections 101 (a) and (b)] *subsections (a) and (b) of section 101*, respectively, of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(7) the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American

Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and any other possession of the United States; and

(8) the term “computer” means any electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device and any data or other information stored or contained in such device.

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TITLE XI—ADDITIONAL MISCELLANEOUS PROVISIONS

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SEC. 1102A. MEASURES TO MITIGATE COUNTERINTELLIGENCE THREATS FROM PROLIFERATION AND USE OF FOREIGN COMMERCIAL SPYWARE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Select Committee on Intelligence, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Financial Services, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Oversight and Reform of the House of Representatives.

(2) COVERED ENTITY.—The term “covered entity” means any foreign company that either directly or indirectly develops, maintains, owns, operates, brokers, markets, sells, leases, licenses, or otherwise makes available spyware.

(3) FOREIGN COMMERCIAL SPYWARE.—The term “foreign commercial spyware” means spyware that is developed (solely or in partnership with a foreign company), maintained, sold, leased, licensed, marketed, sourced (in whole or in part), or otherwise provided, either directly or indirectly, by a foreign company.

(4) FOREIGN COMPANY.—The term “foreign company” means a company that is incorporated or domiciled outside of the United States, including any subsidiaries or affiliates wherever such subsidiaries or affiliates are domiciled or incorporated.

(5) SPYWARE.—The term “spyware” means a tool or set of tools that operate as an end-to-end system of software to provide an unauthorized user remote access to information stored on or transiting through an electronic device connected to the Internet and not owned or operated by the unauthorized user, including end-to-end systems that—

(A) allow an unauthorized user to remotely infect electronic devices with malicious software, including without any action required by the user of the device;

(B) can record telecommunications or other audio captured on a device not owned by the unauthorized user;

(C) undertake geolocation, collect cell site location information, or otherwise track the location of a device or person using the internal sensors of an electronic device not owned by the unauthorized user;

(D) allow an unauthorized user access to and the ability to retrieve information on the electronic device, including text messages, files, e-mails, transcripts of chats, contacts, photos, and browsing history; or

(E) any additional criteria described in publicly available documents published by the Director of National Intelligence, such as whether the end-to-end system is used outside the context of a codified lawful intercept system.

(b) ANNUAL ASSESSMENTS OF COUNTERINTELLIGENCE THREATS.—

(1) REQUIREMENT.—Not later than 90 days after the enactment of the Intelligence Authorization Act for Fiscal Year 2023, and annually thereafter, the Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency, the Director of the National Security Agency, and the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report with an accompanying classified annex containing an assessment of the counterintelligence threats and other risks to the national security of the United States posed by the proliferation of foreign commercial spyware. The assessment shall incorporate all credible data, including open-source information.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following, if known:

(A) A list of the most significant covered entities.

(B) A description of the foreign commercial spyware marketed by the covered entities identified under subparagraph (A) and an assessment by the intelligence community of the foreign commercial spyware.

(C) An assessment of the counterintelligence risk to the intelligence community or personnel of the intelligence community posed by foreign commercial spyware.

(D) For each covered entity identified in subparagraph (A), details of any subsidiaries, resellers, or other agents acting on behalf of the covered entity.

(E) Details of where each covered entity identified under subparagraphs (A) and (D) is domiciled.

(F) A description of how each covered entity identified under subparagraphs (A) and (D) is financed, where the covered entity acquired its capital, and the organizations and individuals having substantial investments or other equities in the covered entity.

(G) An assessment by the intelligence community of any relationship between each covered entity identified in subparagraphs (A) and (D) and any foreign government, including any export controls and processes to which the covered entity is subject.

(H) A list of the foreign customers of each covered entity identified in subparagraphs (A) and (D), including the un-

derstanding by the intelligence community of the organizations and end-users within any foreign government.

(I) With respect to each foreign customer identified under subparagraph (H), an assessment by the intelligence community regarding how the foreign customer is using the spyware, including whether the foreign customer has targeted personnel of the intelligence community.

(J) With respect to the first report required under paragraph (1), a mitigation plan to reduce the exposure of personnel of the intelligence community to foreign commercial spyware.

(K) With respect to each report following the first report required under paragraph (1), details of steps taken by the intelligence community since the previous report to implement measures to reduce the exposure of personnel of the intelligence community to foreign commercial spyware.

(3) CLASSIFIED ANNEX.—In submitting the report under [subsection (2)] *paragraph (1)*, the Director shall also include an accompanying but separate classified annex, providing a watchlist of companies selling, leasing, or otherwise providing foreign commercial spyware that the Director determines are engaged in activities that pose a counterintelligence risk to personnel of the intelligence community.

(4) FORM.—Each report under paragraph (1) shall be submitted in classified form.

(5) DISSEMINATION.—The Director of National Intelligence shall separately distribute each report under paragraph (1) and each annex under paragraph (3) to the President, the heads of all elements of the intelligence community, the Secretary of State, the Attorney General, the Secretary of Commerce, the Secretary of Homeland Security, the National Cyber Director, and the heads of any other departments or agencies the Director of National Intelligence determines appropriate.

(c) AUTHORITY TO PROHIBIT PURCHASE OR USE BY INTELLIGENCE COMMUNITY.—

(1) FOREIGN COMMERCIAL SPYWARE.—

(A) IN GENERAL.—The Director of National Intelligence may prohibit any element of the intelligence community from procuring, leasing, or otherwise acquiring on the commercial market, or extending or renewing a contract to procure, lease, or otherwise acquire, foreign commercial spyware.

(B) CONSIDERATIONS.—In determining whether and how to exercise the authority under subparagraph (A), the Director of National Intelligence shall consider—

(i) the assessment of the intelligence community of the counterintelligence threats or other risks to the United States posed by foreign commercial spyware;

(ii) the assessment of the intelligence community of whether the foreign commercial spyware has been used to target United States Government personnel.

(iii) whether the original owner or developer retains any of the physical property or intellectual property associated with the foreign commercial spyware;

(iv) whether the original owner or developer has verifiably destroyed all copies of the data collected by or associated with the foreign commercial spyware;

(v) whether the personnel of the original owner or developer retain any access to data collected by or associated with the foreign commercial spyware;

(vi) whether the use of the foreign commercial spyware requires the user to connect to an information system of the original owner or developer or information system of a foreign government; and

(vii) whether the foreign commercial spyware poses a counterintelligence risk to the United States or any other threat to the national security of the United States.

(2) COMPANY THAT HAS ACQUIRED FOREIGN COMMERCIAL SPYWARE.—

(A) AUTHORITY.—The Director of National Intelligence may prohibit any element of the intelligence community from entering into any contract or other agreement for any purpose with a company that has acquired, in whole or in part, any foreign commercial spyware.

(B) CONSIDERATIONS.—In considering whether and how to exercise the authority under subparagraph (A), the Director of National Intelligence shall consider—

(i) whether the original owner or developer of the foreign commercial spyware retains any of the physical property or intellectual property associated with the spyware;

(ii) whether the original owner or developer of the foreign commercial spyware has verifiably destroyed all data, and any copies thereof, collected by or associated with the spyware;

(iii) whether the personnel of the original owner or developer of the foreign commercial spyware retain any access to data collected by or associated with the foreign commercial spyware;

(iv) whether the use of the foreign commercial spyware requires the user to connect to an information system of the original owner or developer or information system of a foreign government; and

(v) whether the foreign commercial spyware poses a counterintelligence risk to the United States or any other threat to the national security of the United States.

(3) NOTIFICATIONS OF PROHIBITION.—Not later than 30 days after the date on which the Director of National Intelligence exercises the authority to issue a prohibition under subsection (c), the Director of National Intelligence shall notify the congressional intelligence committees of such exercise of authority. Such notice shall include—

(A) a description of the circumstances under which the prohibition was issued;

(B) an identification of the company or product covered by the prohibition;

(C) any information that contributed to the decision of the Director of National Intelligence to exercise the authority, including any information relating to counterintelligence or other risks to the national security of the United States posed by the company or product, as assessed by the intelligence community; and

(D) an identification of each element of the intelligence community to which the prohibition has been applied.

(4) WAIVER AUTHORITY.—

(A) IN GENERAL.—The head of an element of the intelligence community may request from the Director of National Intelligence the waiver of a prohibition made under paragraph (1) or (2).

(B) DIRECTOR OF NATIONAL INTELLIGENCE DETERMINATION.—The Director of National Intelligence, upon receiving the waiver request in subparagraph (A), may issue a waiver for a period not to exceed one year in response to the request from the head of an element of the intelligence community if such waiver is in the national security interest of the United States.

(C) NOTICE.—Not later than 30 days after approving a waiver request pursuant to subparagraph (B), the Director of National Intelligence shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a written notification. The notification shall include—

(i) an identification of the head of the element of the intelligence community that requested the waiver;

(ii) the details of the waiver request, including the national security interests of the United States;

(iii) the rationale and basis for the determination that the waiver is in the national security interests of the United States;

(iv) the considerations that informed the ultimate determination of the Director of National Intelligence to issue the **waiver** *waiver*; and

(v) and any other considerations contributing to the determination, made by the Director of National Intelligence.

(D) WAIVER TERMINATION.—The Director of National Intelligence may revoke a previously granted waiver at any time. Upon revocation of a waiver, the Director of National Intelligence shall submit a written notification to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives not later than 30 days after making a revocation determination.

(5) TERMINATION OF PROHIBITION.—The Director of National Intelligence may terminate a prohibition made under paragraph (1) or (2) at any time. Upon termination of a prohibition, the Director of National Intelligence shall submit a notification of the termination to the congressional intelligence committees,

the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives not later than 30 days after terminating a prohibition, detailing the basis for the termination, including any United States national security interests that may be affected by such termination.

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SEC. 1105A. NOTICE AND DAMAGE ASSESSMENT WITH RESPECT TO SIGNIFICANT UNAUTHORIZED DISCLOSURE OF CLASSIFIED NATIONAL INTELLIGENCE.

(a) NOTIFICATION AND DAMAGE ASSESSMENT REQUIREMENTS.—

(1) REQUIREMENTS.—*If the Director of National Intelligence becomes aware of an actual or potential significant unauthorized disclosure of classified national intelligence—*

(A) as soon as practicable, but not later than 7 days after the date on which the Director becomes so aware, the Director shall notify the congressional intelligence committees of such actual or potential disclosure; and

(B) in the case of an actual disclosure, not later than 7 days after the date on which the Director becomes so aware, the Director or the head of any element of the intelligence community from which the significant unauthorized disclosure originated shall initiate a damage assessment consistent with the procedures set forth in Intelligence Community Directive 732 (relating to the conduct of damage assessments), or successor directive, with respect to such disclosure.

(2) CONTENTS OF NOTIFICATION.—*A notification submitted to the congressional intelligence committees under paragraph (1)(A) with respect to an actual or potential significant unauthorized disclosure of classified national intelligence shall include—*

(A) a summary of the facts and circumstances of such disclosure;

(B) a summary of the contents of the national intelligence revealed or potentially revealed, as the case may be, by such disclosure;

(C) an initial appraisal of the level of actual or potential damage, as the case may be, to the national security of the United States as a result of such disclosure; and

(D) in the case of an actual disclosure, which elements of the intelligence community will be involved in the damage assessment conducted with respect to such disclosure pursuant to paragraph (1)(B).

(b) DAMAGE ASSESSMENT REPORTING REQUIREMENTS.—

(1) RECURRING REPORTING REQUIREMENT.—*Not later than 30 days after the date of the initiation of a damage assessment pursuant to subsection (a)(1)(B), and every 90 days thereafter until the completion of the damage assessment or upon the request of the congressional intelligence committees, the Director of National Intelligence shall—*

(A) submit to the congressional intelligence committees copies of any documents or materials disclosed as a result of the significant unauthorized disclosure of the classified

national intelligence that is the subject of the damage assessment; and

(B) provide to the congressional intelligence committees a briefing on such documents and materials and a status of the damage assessment.

(2) FINAL DAMAGE ASSESSMENT.—As soon as practicable after completing a damage assessment pursuant to subsection (a)(1)(B), the Director of National Intelligence shall submit the final damage assessment to the congressional intelligence committees.

(c) NOTIFICATION OF REFERRAL TO DEPARTMENT OF JUSTICE.—If a referral is made to the Department of Justice from any element of the intelligence community regarding a significant unauthorized disclosure of classified national intelligence under this section, the Director of National Intelligence shall notify the congressional intelligence committees of the referral on the date such referral is made.

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HIGHER EDUCATION ACT OF 1965

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TITLE I—GENERAL PROVISIONS

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PART C—COST OF HIGHER EDUCATION

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SEC. 135. IN-STATE TUITION RATES FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY, SPOUSES, AND DEPENDENT CHILDREN.

(a) REQUIREMENT.—In the case of a member of the armed forces who is on active duty for a period of more than 30 days and whose domicile or permanent duty station is in a State that receives assistance under this Act, such State shall not charge such member (or the spouse or dependent child of such member) tuition for attendance at a public institution of higher education in the State at a rate that is greater than the rate charged for residents of the State.

(b) CONTINUATION.—If a member of the armed forces (or the spouse or dependent child of a member) pays tuition at a public institution of higher education in a State at a rate determined by subsection (a), the provisions of subsection (a) shall continue to apply to such member, spouse, or dependent while continuously enrolled at that institution, notwithstanding a subsequent change in the permanent duty station of the member to a location outside the State.

(c) EFFECTIVE DATE.—This section shall take effect at each public institution of higher education in a State that receives assistance under this Act for the first period of enrollment at such institution that begins after July 1, 2009.

[Note: Section 414(a) of H.R. 3932 (as reported) provides for amendments to section 135(d) of the Higher Education Act of 1965, as amended by section 6206(a)(4) of division F of Public Law 117–81, which are subject to a delayed effective date. Subsection (b) of such section 414 of H.R. 3932 (as reported) states: “The amendments made by subsection (a) shall take effect at each public institution of higher education in a State that receives assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for the first period of enrollment at such institution that begins after July 1, 2024.” Subsection (d) that follows reflects current law as of the first period of enrollment after July 1, 2024 in order to represent the proposed changes made by this bill (as reported).]

(d) DEFINITIONS.—In this section, the term “member of a qualifying Federal service” means—

(1) a member of the armed forces (as defined in section 101 of title 10, United States Code) who is on active duty for a period of more than 30 days (as defined in section 101 of title 10, United States Code); **[or]**

(2) a member of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903)) who is on active duty for a period of more than 30 days**[.]**; *or*

(3) *an officer or employee of an element of the intelligence community (as such term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) who serves in a position of employment in such element for a period of more than 30 days.*

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INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2023

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DIVISION F—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2023

SEC. 6001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Intelligence Authorization Act for Fiscal Year 2023”.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION F—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2023

Sec. 6001. Short title; table of contents.

Sec. 6002. Definitions.

Sec. 6003. Explanatory statement.

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TITLE LXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

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Subtitle D—Other Elements

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【Sec. 6435. Study on personnel under Strategic Intelligence Partnership Program.】

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TITLE LXIII—GENERAL INTELLIGENCE COMMUNITY MATTERS

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SEC. 6309. ENFORCEMENT OF CYBERSECURITY REQUIREMENTS FOR NATIONAL SECURITY SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) CYBERSECURITY REQUIREMENTS FOR NATIONAL SECURITY SYSTEMS.—The term “cybersecurity requirements for national security systems” means the minimum cybersecurity requirements established by the National Manager, consistent with the direction of the President and in consultation with the Director of National Intelligence, that applies to all national security systems operated by, on the behalf of, or administered by the head of an element of the intelligence community.

(2) NATIONAL MANAGER.—The term “National Manager” means the National Manager for National Security Systems designated by the President.

(3) NATIONAL SECURITY SYSTEMS.—The term “national security systems” includes—

(A) national security systems (as defined in section 3552(b) of title 44, United States Code); and

(B) information systems described in paragraph (2) or (3) of section 3553(e) of such title.

(b) IMPLEMENTATION DEADLINE.—The cybersecurity requirements for national security systems shall include appropriate deadlines by which all elements of the intelligence community shall have fully implemented the requirements.

(c) REEVALUATION AND UPDATES.—Not less frequently than once every 2 years, the National Manager shall reevaluate and update the cybersecurity requirements for national security systems.

(d) RESOURCES.—Each head of an element of the intelligence community that owns or operates a national security system shall update plans of the element to prioritize resources in such a manner as to fully implement the cybersecurity requirements for national security systems by the deadline established pursuant to subsection (b) for the next 10 fiscal years.

(e) IMPLEMENTATION REPORT.—*Each head of an element of the intelligence community that owns or operates a national security system shall submit to the congressional intelligence committees not later than 90 days after the date of the enactment of this subsection a plan detailing the cost and schedule requirements necessary to meet all of the cybersecurity requirements for national security systems by the end of fiscal year 2026.*

【(e)】 (f) EXEMPTIONS.—

(1) IN GENERAL.—The head of an element of the intelligence community may exempt a national security system owned or operated by the element from the cybersecurity requirements

for national security systems if done so in accordance with the procedures established under paragraph (2).

(2) EXEMPTION PROCEDURES.—The National Manager shall, consistent with the direction of the President, establish procedures that govern—

(A) the circumstances under which the head of an element of the intelligence community may exempt a national security system under paragraph (1); and

(B) the process for implementing the exemption.

(3) ANNUAL REPORTS ON EXEMPTIONS.—

(A) IN GENERAL.—Each year, the National Manager and the Director of National Intelligence shall—

(i) submit to the congressional intelligence committees an annual report documenting all exemptions made under paragraph (1) during the period covered by the report, along with the justifications for the exemptions; and

(ii) in the case of an exemption made by the Assistant Secretary of State for Intelligence and Research under such paragraph, submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a separate report describing the exemption and the justification for it.

(B) MANNER.—Each report submitted under subparagraph (A) shall be submitted with such classification as the Director considers appropriate and with due regard for the protection of sensitive intelligence sources and methods.

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TITLE LXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

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Subtitle C—Elements of the Defense Intelligence Enterprise

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SEC. 6422. OVERSIGHT OF DEFENSE INTELLIGENCE AGENCY CULTURE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services of the Senate;

(C) the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(D) the Committee on Armed Services of the House of Representatives; and

- (E) the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.
- (2) **WORKFORCE CLIMATE SURVEY.**—The term “workforce climate survey”—
- (A) means a workforce engagement or climate survey conducted at the agency, directorate, career field, or integrated intelligence center level, without regard to whether the survey is conducted on an annual or ad-hoc basis; and
- (B) does not include an exit survey specified in subsection (c).
- (b) **FINDINGS.**—Congress finds that the Defense Intelligence Agency has committed to improving Agency culture and leadership; however, actions taken by the Agency as of the date of the enactment of this Act have not enabled a full assessment of the extent of workforce culture issues and potential management abuses, and require additional **【Congressional】** *congressional* oversight to ensure concerns are both understood and addressed.
- (c) **MANDATORY PROVISION OF EXIT SURVEY OR INTERVIEW.**—
- (1) **IN GENERAL.**—The Director of the Defense Intelligence Agency shall ensure that each employee of such Agency who leaves employment with such Agency (but not including any detail assignment) completes an exit survey or exit interview prior to such departure, to the extent practicable.
- (2) **ANNUAL SUBMISSIONS TO CONGRESS.**—On an annual basis during the 3-year period beginning on the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall submit to the appropriate committees of Congress a written analysis of the results of the exit surveys or exit interviews completed pursuant to paragraph (1) during the year covered by the report together with a plan of the Director to address any issues identified pursuant to such results to improve retention and culture.
- (d) **CONGRESSIONAL OVERSIGHT RELATING TO WORKFORCE CLIMATE SURVEYS.**—
- (1) **NOTIFICATIONS OF AD-HOC WORKFORCE CLIMATE SURVEYS.**—Not later than 14 days after the date on which the Director of the Defense Intelligence Agency conducts an ad-hoc workforce climate survey (including in response to a specific incident or concern), the Director shall notify the appropriate committees of Congress.
- (2) **REPORTS ON FINAL RESULTS.**—Not later than 90 days after the date on which the Director of the Defense Intelligence Agency concludes the conduct of any workforce climate survey, the Director shall submit to the appropriate committees of Congress a report containing the final results of such workforce climate survey. Such report shall include the following:
- (A) The topic of the workforce climate survey, and the workforce level surveyed.
- (B) The rationale for conducting the workforce climate survey.
- (C) The measures in place to ensure the accessibility of the workforce climate survey.
- (D) The lead official or entity conducting the workforce climate survey.

(E) Any actions the Director intends to take, or is considering, in response to the results of the workforce climate survey.

(3) **ACCESSIBILITY OF WORKFORCE CLIMATE SURVEYS.**—The Director of the Defense Intelligence Agency shall ensure that, to the extent practicable, and consistent with the protection of intelligence sources and methods, workforce climate surveys are accessible to employees of such Agency on classified and unclassified systems.

(e) **FEASIBILITY REPORT.**—Not later than 270 days after the date of enactment of this Act, the Director of the Defense Intelligence Agency shall submit to the appropriate committees of Congress a report containing an analysis of the feasibility (including the anticipated cost, personnel requirements, necessary authorities, and such other matters as may be determined appropriate by the Director for purposes of analyzing feasibility) of—

(1) conducting 360-degree performance reviews among employees of the Defense Intelligence Agency; and

(2) including leadership suitability assessments (including personality evaluations, communication style assessments, and emotional intelligence aptitude assessments) for promotions of such employees to a position within grade GS-14 or above of the General Schedule.

Subtitle D—Other Elements

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[SEC. 6435. STUDY ON PERSONNEL UNDER STRATEGIC INTELLIGENCE PARTNERSHIP PROGRAM.

[(a) **STUDY.**—The Director of National Intelligence and the Director of the Office of Intelligence and Counterintelligence of the Department of Energy, in consultation with the National Laboratories Directors' Council and in coordination with such other entities, agencies, and departments as the Directors consider appropriate, shall jointly conduct a study of the skills, recruitment, and retention of the personnel at the national laboratories who carry out projects under the Strategic Intelligence Partnership Program.

[(b) **ELEMENTS.**—The study under subsection (a) shall address the following:

[(1) The degree to which the personnel at the national laboratories who carry out projects under the Strategic Intelligence Partnership Program have the requisite training, skillsets, or expertise in critical science, technology, and engineering areas to support ongoing and anticipated projects under such Program, and the sufficiency of such personnel.

[(2) Whether such personnel have compensation, benefits, and pay scales that are competitive with comparable roles in the private sector in the geographic market in which the relevant national laboratory is located.

[(3) Any challenges associated with the retention of such personnel.

[(4) The talent composition of such personnel, broken down by career phase and degree status, to include any relevant exit survey data.

[(5) A description of current or previous programs to enabling such personnel to rotate between elements of the intelligence community and the national laboratories, including the number of personnel on nonreimbursable or reimbursable assignment to an element of the intelligence community.

[(6) The degree to which such projects and personnel support or augment other ongoing mission areas and capacities at the national laboratories.

[(c) RECOMMENDATIONS.—Upon completing the study under subsection (a), the Directors shall jointly develop findings and recommendations based on the results of the study regarding the recruitment and retention of personnel at the national laboratories who carry out projects under the Strategic Intelligence Partnership Program, including with respect to the following:

[(1) New or alternative business models, sponsorship arrangements, or work scope agreements.

[(2) Extending eligibility for existing, or establishing new, recruitment, retention, or other career incentive programs, including student loan repayment and forgiveness programs, to such personnel.

[(3) Initiating geographically flexible or remote work arrangements for such personnel.

[(4) Enabling such personnel to participate in training at elements of the intelligence community, or obtain academic training at the National Intelligence University.

[(5) Establishing new, or enhancing existing, opportunities for detailee or rotational programs among the intelligence community and the national laboratories.

[(6) Using a compensation system modeled on the Cyber Talent Management System of the Department of Homeland Security for such personnel.

[(7) Any other recommendations the Directors determine relevant.

[(d) REPORT.—

[(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Directors shall jointly submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report containing the study under subsection (a) and the recommendations under subsection (c).

[(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

[(e) NATIONAL LABORATORIES DEFINED.—In this section, the term “national laboratories” means—

[(1) each national security laboratory (as defined in section 3281(1) of the National Nuclear Security Administration Act (50 U.S.C. 2471(1))); and

[(2) each national laboratory of the Department of Energy.]

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TITLE LXVII—MATTERS RELATING TO EMERGING TECHNOLOGIES

Subtitle A—General Matters

SEC. 6701. DEFINITIONS.

In this title:

(1) **ARTIFICIAL INTELLIGENCE.**—The term “artificial intelligence” has the meaning given that term in section 5002 of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9401).

(2) **AUTHORIZATION TO OPERATE.**—The term “authorization to operate” has the meaning given that term in Circular Number A-130 of the Office of Management and Budget, “Managing Information as a Strategic Resource”, or any successor document.

(3) **CODE-FREE ARTIFICIAL INTELLIGENCE ENABLEMENT TOOLS.**—The term “code-free artificial intelligence enablement tools” means software that provides an environment in which visual drag-and-drop applications, or similar tools, allow one or more individuals to program applications without linear coding.

(4) **COMMERCIAL PRODUCT.**—The term “commercial product” has the meaning given that term in section 103 of title 41, United States Code.

(5) **COMMERCIAL SERVICE.**—The term “commercial service” has the meaning given that term in section 103a of title 41, United States Code.

(6) **COVERED ITEM OR SERVICE.**—The term “covered item or service” means a product, system, or service that is not a commercially available off-the-shelf item, a commercial service, or a nondevelopmental item, as those terms are defined in title 41, United States Code.

(7) **COVERED PRODUCT.**—The term “covered product” means a commercial software product that involves emerging technologies or artificial intelligence.

(8) **EMERGING TECHNOLOGY.**—The term “emerging technology” means—

(A) technology that is in a developmental stage or that may be developed **[during the 10-year period beginning on January 1, 2022]** *during the subsequent 10-year period*; or

(B) any technology included in the Critical and Emerging Technologies List published by the White House in February 2022, or any successor document.

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Subtitle D—Talent, Education, and Training

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SEC. 6732. EMERGING TECHNOLOGY EDUCATION AND TRAINING.

(a) **TRAINING CURRICULUM.**—

(1) REQUIREMENT.—No later than 270 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense, in consultation with the President of the Defense Acquisition University and the heads of the elements of the intelligence community that the Director and Secretary determine appropriate, shall jointly establish a training curriculum for members of the acquisition workforce in the Department of Defense (as defined in section 101 of title 10, United States Code) and the acquisition officials within the intelligence community focused on improving the understanding and awareness of contracting authorities and procedures for the acquisition of emerging technologies.

(2) PROVISION OF TRAINING.—The Director shall ensure that the training curriculum under paragraph (1) is made available to each element of the intelligence community not later than 60 days after the completion of the curriculum.

(3) REPORT.—Not later than January 1, 2024, the Director and Secretary shall jointly submit to the congressional intelligence committees, the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report containing an update on the status of the curriculum under paragraph (1).

(b) AGREEMENTS OFFICERS.—Not later than October 1, 2024, the Director of National Intelligence shall ensure that at least 75 percent of the contracting staff within the intelligence community whose primary responsibilities include the acquisition of emerging technologies shall have received the appropriate training to become warranted as agreements officers who are given authority to execute and administer the transactions authorized by [paragraph (5)] *paragraph (6)* of section 102A(n) of the National Security Act of 1947 (50 U.S.C. 3024(n)), as added by section 6711. The training shall include—

(1) the appropriate courses offered by the Defense Acquisition University;

(2) the training curriculum established under subsection (a); and

(3) best practices for monitoring, identifying, and procuring emerging technologies with potential benefit to the intelligence community, including commercial services and products.

(c) ESTABLISHMENT OF EMERGING TECHNOLOGY TRAINING ACTIVITIES.—

(1) REQUIREMENT.—Not later than January 1, 2024, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community that the Director determines relevant, shall establish and implement training activities designed for appropriate mid-career and senior managers across the intelligence community to train the managers on how to identify, acquire, implement, and manage emerging technologies as such technologies may be applied to the intelligence community.

(2) CERTIFICATION.—Not later than 2 years after the date on which the Director establishes the training activities under paragraph (1), each head of an element of the intelligence com-

munity shall certify to the Director whether the managers of the element described in paragraph (1) have successfully completed the education activities.

(3) BRIEFING.—Not later than January 1, 2024, the Director of National Intelligence shall provide to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a briefing regarding the training activities established under paragraph (1), including—

(A) an overview of—

(i) the managers described in paragraph (1) who participated in the training activities; and

(ii) what technologies were included in the training activities; and

(B) an identification of other incentives, activities, resources, or programs the Director determines may be necessary to ensure the managers are generally trained in the most emerging technologies and able to retain and incorporate such technologies across the intelligence community.

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DAVID L. BOREN NATIONAL SECURITY EDUCATION ACT OF 1991

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TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

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SEC. 802. SCHOLARSHIP, FELLOWSHIP, AND GRANT PROGRAM.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a program for—

(A) awarding scholarships to undergraduate students who—

(i) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 803(d)(4)(A)) in those languages and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d)); and

(ii) pursuant to subsection (b)(2)(A), enter into an agreement to work in a national security position or work in the field of higher education in the area of study for which the scholarship was awarded;

(B) awarding fellowships to graduate students who—

(i) are United States citizens to enable such students to pursue education as part of a graduate degree program of a United States institution of higher education in the disciplines of foreign languages, area

studies, counterproliferation studies, and other international fields relating to the national security interests of the United States that are critical areas of those disciplines (as determined under section 803(d)(4)(B)) and in which deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d)); and

(ii) pursuant to subsection (b)(2)(B), enter into an agreement to work in a national security position or work in the field of education in the area of study for which the fellowship was awarded;

(C) awarding grants to institutions of higher education to enable such institutions to establish, operate, or improve programs in foreign languages, area studies, counterproliferation studies, and other international fields that are critical areas of those disciplines (as determined under section 803(d)(4)(C));

(D) awarding grants to institutions of higher education to carry out activities under the National Flagship Language Initiative (described in subsection (i)); and

(E) awarding scholarships to students who—

(i) are United States citizens who—

(I) are native speakers (referred to as “heritage community citizens”) of a foreign language that is identified as critical to the national security interests of the United States who should be actively recruited for employment by Federal security agencies with a need for linguists; and

(II) are not proficient at a professional level in the English language with respect to reading, writing, and other skills required to carry out the national security interests of the United States, as determined by the Secretary,

to enable such students to pursue English language studies at an institution of higher education of the United States to attain proficiency in those skills; and

(ii) enter into an agreement to work in a position in a similar manner (as determined by the Secretary) as agreements entered into pursuant to subsection (b)(2)(A).

(2) FUNDING ALLOCATIONS.—Of the amount available for obligation out of the National Security Education Trust Fund or from a transfer under section 810(c) for any fiscal year for the purposes stated in paragraph (1), the Secretary shall have a goal of allocating—

(A) $\frac{1}{3}$ of such amount for the awarding of scholarships pursuant to paragraph (1)(A);

(B) $\frac{1}{3}$ of such amount for the awarding of fellowships pursuant to paragraph (1)(B); and

(C) $\frac{1}{3}$ of such amount for the awarding of grants pursuant to paragraph (1)(C).

The funding allocation under this paragraph shall not apply to grants under paragraph (1)(D) for the National Flagship Language Initiative described in subsection (i) or for the scholarship program under paragraph (1)(E). For the authorization of

appropriations for the National Flagship Language Initiative, see section 811. For the authorization of appropriations for the scholarship program under paragraph (1)(E), see section 812.

(3) CONSULTATION WITH NATIONAL SECURITY EDUCATION BOARD.—The program required under this title shall be carried out in consultation with the National Security Education Board established under section 803.

(4) CONTRACT AUTHORITY.—The Secretary may enter into one or more contracts, with private national organizations having an expertise in foreign languages, area studies, counterproliferation studies, and other international fields, for the awarding of the scholarships, fellowships, and grants described in paragraph (1) in accordance with the provisions of this title. The Secretary may enter into such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law that requires the use of competitive procedures. In addition, the Secretary may enter into personal service contracts for periods up to one year for program administration, except that not more than 10 such contracts may be in effect at any one time.

(b) SERVICE AGREEMENT.—In awarding a scholarship or fellowship under the program, the Secretary or contract organization referred to in subsection (a)(4), as the case may be, shall require a recipient of any fellowship, or any scholarship to enter into an agreement that, in return for such assistance, the recipient—

(1) will maintain satisfactory academic progress, as determined in accordance with regulations issued by the Secretary, and agrees that failure to maintain such progress shall constitute grounds upon which the Secretary or contract organization referred to in subsection (a)(4) may terminate such assistance;

(2)(A) will (in accordance with regulations prescribed by the Secretary of Defense in coordination with the heads of the other Federal departments and agencies concerned) begin work not later than three years after the recipient's completion of degree study during which scholarship assistance was provided under the program—

(i) for not less than one year in a position certified by the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of State (as appropriate), as contributing to the national security of the United States in the Department of Defense, any element of the intelligence community, the Department of Homeland Security, or the Department of State;

(ii) for not less than one year in a position in a Federal agency or office that is identified by the Secretary of Defense under subsection (g) as having national security responsibilities if the recipient demonstrates to the Secretary that no position is available in the departments and agencies covered by clause (i); or

(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient dem-

onstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); or

(B) will (in accordance with such regulations) begin work not later than two years after the recipient's completion or termination of study for which fellowship assistance was provided under the program—

(i) for not less than one year in a position certified by the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of State (as appropriate), as contributing to the national security of the United States in the Department of Defense, any element of the intelligence community, the Department of Homeland Security, or the Department of State;

(ii) for not less than one year in a position in a Federal agency or office that is identified by the Secretary of Defense under subsection (g) as having national security responsibilities if the recipient demonstrates to the Secretary that no position is available in the departments and agencies covered by clause (i); or

(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); and

(3) if the recipient fails to meet either of the obligations set forth in paragraph (1) or (2), will reimburse the United States Government for the amount of the assistance provided the recipient under the program, together with interest at a rate determined in accordance with regulations issued by the Secretary.

(c) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—The Secretary shall, through the National Security Education Program office, administer a test of the foreign language skills of each recipient of a scholarship or fellowship under this title before the commencement of the study or education for which the scholarship or fellowship is awarded and after the completion of such study or education. The purpose of these tests is to evaluate the progress made by recipients of scholarships and fellowships in developing foreign language skills as a result of assistance under this title.

(d) DISTRIBUTION OF ASSISTANCE.—In selecting the recipients for awards of scholarships, fellowships, or grants pursuant to this title, the Secretary or a contract organization referred to in subsection (a)(4), as the case may be, shall take into consideration (1) the extent to which the selections will result in there being an equitable geographic distribution of such scholarships, fellowships, or grants (as the case may be) among the various regions of the United States, and (2) the extent to which the distribution of scholarships and fellowships to individuals reflects the cultural, racial, and ethnic diversity of the population of the United States.

(e) MERIT REVIEW.—The Secretary shall award scholarships, fellowships, and grants under the program based upon a merit review process.

(f) LIMITATION ON USE OF PROGRAM PARTICIPANTS.—No person who receives a grant, scholarship, or fellowship or any other type of assistance under this title shall, as a condition of receiving such assistance or under any other circumstances, be used by any department, agency, or entity of the United States Government engaged in intelligence activities to undertake any activity on its behalf during the period such person is pursuing a program of education for which funds are provided under the program carried out under this title.

(g) DETERMINATION OF AGENCIES AND OFFICES OF THE FEDERAL GOVERNMENT HAVING NATIONAL SECURITY RESPONSIBILITIES.—(1) The Secretary, in consultation with the Board, shall annually determine and develop a list identifying each agency or office of the Federal Government having national security responsibilities at which a recipient of a fellowship or scholarship under this title will be able to make the recipient's foreign area and language skills available to such agency or office. The Secretary shall submit the first such list to the Congress and include each subsequent list in the annual report to the Congress, as required by section 806(b)(6).

(2) Notwithstanding section 804, funds may not be made available from the Fund to carry out this title for fiscal year 1997 until 30 days after the date on which the Secretary of Defense submits to the Congress the first such list required by paragraph (1).

(h) TEMPORARY EMPLOYMENT AND RETENTION OF CERTAIN PARTICIPANTS.—

(1) IN GENERAL.—The Secretary of Defense may—

(A) appoint or retain a person provided scholarship or fellowship assistance under the program in a position in the Department of Defense on an interim basis during the period of the person's pursuit of a degree under the program and for a period not to exceed two years after completion of the degree, but only if, in the case of the period after completion of the degree, there is an active investigation to provide security clearance to the person for an appropriate permanent position in the Department of Defense under subsection (b)(2); and

(B) if there is no appropriate permanent position available for the person after the end of the periods described in subparagraph (A), separate the person from employment with the Department without regard to any other provision of law, in which event the service agreement of the person under subsection (b) shall terminate.

(2) TREATMENT OF CERTAIN SERVICE.—The period of service of a person covered by paragraph (1) in a position on an interim basis under that paragraph shall, after completion of the degree, be treated as a period of service for purposes of satisfying the obligated service requirements of the person under the service agreement of the person under subsection (b).

(i) USE OF AWARDS TO ATTEND THE FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.—(1) The Secretary shall provide for the admission of award recipients to the Foreign Language Center of the Defense Language Institute (hereinafter in this

subsection referred to as the “Center”). An award recipient may apply a portion of the applicable scholarship or fellowship award for instruction at the Center on a space-available basis as a Department of Defense sponsored program to defray the additive instructional costs.

(2) Except as the Secretary determines necessary, an award recipient who receives instruction at the Center shall be subject to the same regulations with respect to attendance, discipline, discharge, and dismissal as apply to other persons attending the Center.

(3) In this subsection, the term “award recipient” means an undergraduate student who has been awarded a scholarship under subsection (a)(1)(A) or a graduate student who has been awarded a fellowship under subsection (a)(1)(B) who—

(A) is in good standing;

(B) has completed all academic study in a foreign country, as provided for under the scholarship or fellowship; and

(C) would benefit from instruction provided at the Center.

(j) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—(1) Under the National Flagship Language Initiative, institutions of higher education shall establish, operate, or improve activities designed to train students in programs in a range of disciplines to achieve advanced levels of proficiency in those foreign languages that the Secretary identifies as being the most critical in the interests of the national security of the United States.

(2) An undergraduate student who has been awarded a scholarship under subsection (a)(1)(A) or a graduate student who has been awarded a fellowship under subsection (a)(1)(B) may participate in the activities carried out under the National Flagship Language Initiative.

(3) An institution of higher education that receives a grant pursuant to subsection (a)(1)(D) shall give special consideration to applicants who are employees of the Federal Government.

(4) For purposes of this subsection, the Foreign Language Center of the Defense Language Institute and any other educational institution that provides training in foreign languages operated by the Department of Defense or an agency in the intelligence community is deemed to be an institution of higher education, and may carry out the types of activities permitted under the National Flagship Language Initiative.

(5) An undergraduate or graduate student who participates in training in a program under paragraph (1) and has not already entered into a service agreement under subsection (b) shall enter into a service agreement under subsection (b) applicable to an undergraduate or graduate student, as the case may be, with respect to participation in such training in a program under paragraph (1).

(6)(A) An employee of a department or agency of the Federal Government who participates in training in a program under paragraph (1) shall agree in writing—

(i) to continue in the service of the department or agency of the Federal Government employing the employee for the period of such training;

(ii) to continue in the service of such department or agency, following completion by the employee of such training, for a pe-

riod of two years for each year, or part of the year, of such training;

(iii) if, before the completion by the employee of such training, the employment of the employee is terminated by such department or agency due to misconduct by the employee, or by the employee voluntarily, to reimburse the United States for the total cost of such training (excluding the employee's pay and allowances) provided to the employee; and

(iv) if, after the completion by the employee of such training but before the completion by the employee of the period of service required by clause (ii), the employment of the employee by such department or agency is terminated either by such department or agency due to misconduct by the employee, or by the employee voluntarily, to reimburse the United States in an amount that bears the same ratio to the total cost of such training (excluding the employee's pay and allowances) provided to the employee as the unserved portion of such period of service bears to the total period of service required by clause (ii).

[(C)] (B) Subject to [subparagraph (D)] *subparagraph (C)*, the obligation to reimburse the United States under an agreement under subparagraph (A) is for all purposes a debt owing the United States.

[(D)] (C) The head of the element of the intelligence community concerned may release an employee, in whole or in part, from the obligation to reimburse the United States under an agreement under subparagraph (A) when, in the discretion of the head of the element, the head of the element determines that equity or the interests of the United States so require.

(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

(1) APPOINTMENT AUTHORITY.—The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

(A) may, without regard to any provision of title 5, United States Code, governing appointments in the competitive service, appoint an eligible program participant—

(i) to a position in the excepted service that is certified by the Secretary of Defense under clause (i) of subsection (b)(2)(A) as contributing to the national security of the United States; or

(ii) subject to clause (ii) of such subsection, to a position in the excepted service in such Federal agency or office identified by the Secretary; and

(B) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of subparagraph (A), convert the appointment of such individual, without competition, to a career or career-conditional appointment.

(2) TREATMENT OF CERTAIN SERVICE.—In the case of an eligible program participant described in clause (ii) or (iii) of paragraph (4)(C) who receives an appointment under paragraph (1)(A), the head of a Department or Federal agency or office re-

ferred to in paragraph (1) may count any period that the individual served in a position with the Federal Government toward satisfaction of the service requirement under paragraph (1)(B) if that service—

(A) in the case of an appointment under clause (i) of paragraph (1)(A), was in a position that is identified under clause (i) of subsection (b)(2)(A) as contributing to the national security of the United States; or

(B) in the case of an appointment under clause (ii) of paragraph (1)(A), was in the Federal agency or office in which the appointment under that clause is made.

(3) CAREER TENURE.—In the case of an individual whose appointment to a position in the excepted service is converted to a career or career-conditional appointment under paragraph (1)(B), the period of service described in such paragraph shall be treated, for purposes of the service requirements for career tenure under title 5, United States Code, as if it were service in a position under a career or career-conditional appointment.

(4) ELIGIBLE PROGRAM PARTICIPANT DEFINED.—In this subsection, the term “eligible program participant” means an individual who—

(A) has successfully completed an academic program for which a scholarship or fellowship under this section was awarded;

(B) has not previously been appointed to the excepted service position under paragraph (1)(A); and

(C) at the time of the appointment of the individual to an excepted service position under paragraph (1)(A)—

(i) under the terms of the agreement for such scholarship or fellowship, owes a service commitment to a Department or Federal agency or office referred to in paragraph (1);

(ii) is employed by the Federal Government under a non-permanent appointment to a position in the excepted service that has national security responsibilities; or

(iii) is a former civilian employee of the Federal Government who has less than a one-year break in service from the last period of Federal employment of such individual in a non-permanent appointment in the excepted service with national security responsibilities.

SEC. 803. NATIONAL SECURITY EDUCATION BOARD.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a National Security Education Board.

(b) COMPOSITION.—The Board shall be composed of the following individuals or the representatives of such individuals:

(1) The Secretary of Defense, who shall serve as the chairman of the Board.

(2) The Secretary of Education.

(3) The Secretary of State.

(4) The Secretary of Commerce.

(5) The Secretary of Homeland Security.

(6) The Secretary of Energy.

(7) The Director of National Intelligence.

(8) The Chairperson of the National Endowment for the Humanities.

(9) Six individuals appointed by the President, who shall be experts in the fields of international, language, area, and counterproliferation studies education and who may not be officers or employees of the Federal Government.

(c) TERM OF APPOINTEES.—Each individual appointed to the Board pursuant to subsection (b)(7) shall be appointed for a period specified by the President at the time of the appointment, but not to exceed four years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

(d) FUNCTIONS.—The Board shall perform the following functions:

(1) Develop criteria for awarding scholarships, fellowships, and grants under this title, including an order of priority in such awards that favors individuals expressing an interest in national security issues or pursuing a career in a national security position.

(2) Provide for wide dissemination of information regarding the activities assisted under this title.

(3) Establish qualifications for students desiring scholarships or fellowships, and institutions of higher education desiring grants, under this title, including, in the case of students desiring a scholarship or fellowship, a requirement that the student have a demonstrated commitment to the study of the discipline for which the scholarship or fellowship is to be awarded.

(4) After taking into account the annual analyses of trends in language, international, area, and counterproliferation studies under section 806(b)(1), make recommendations to the Secretary regarding—

(A) which countries are not emphasized in other United States study abroad programs, such as countries in which few United States students are studying and countries which are of importance to the national security interests of the United States, and are, therefore, critical countries for the purposes of section 802(a)(1)(A);

(B) which areas within the disciplines described in section 802(a)(1)(B) relating to the national security interests of the United States are areas of study in which United States students are deficient in learning and are, therefore, critical areas within those disciplines for the purposes of that section;

(C) which areas within the disciplines described in section 802(a)(1)(C) are areas in which United States students, educators, and Government employees are deficient in learning and in which insubstantial numbers of United States institutions of higher education provide training and are, therefore, critical areas within those disciplines for the purposes of that section;

(D) how students desiring scholarships or fellowships can be encouraged to work for an agency or office of the Federal Government involved in national security affairs or national security policy upon completion of their education; and

(E) which foreign languages are critical to the national security interests of the United States for purposes of section 802(a)(1)(D) (relating to grants for the National Flagship Language Initiative) and section 802(a)(1)(E) (relating to the scholarship program for advanced English language studies by heritage community citizens).

(5) Encourage applications for fellowships under this title from graduate students having an educational background in any academic discipline, particularly in the areas of science or technology.

(6) Provide the Secretary biennially with a list of scholarship recipients and fellowship recipients, including an assessment of their foreign area and language skills, who are available to work in a national security position.

(7) Not later than 30 days after a scholarship or fellowship recipient completes the study or education for which assistance was provided under the program, provide the Secretary with a report fully describing the foreign area and language skills obtained by the recipient as a result of the assistance.

(8) Review the administration of the program required under this title.

(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including—

(A) assessing on a periodic basis whether the Corps is addressing the needs identified by the heads of departments and agencies of the Federal Government for personnel with skills in various foreign languages;

(B) recommending plans for the Corps to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government;

(C) recommending effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal Government that use those skills; and

(D) overseeing the Corps efforts to work with Executive agencies and State and **Local** *local* governments to respond to interagency plans and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types of crises that warrant foreign language skills.

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SEC. 808. DEFINITIONS.

For the purpose of this title:

(1) The term “Board” means the National Security Education Board established pursuant to section 803.

(2) The term “Fund” means the National Security Education Trust Fund established pursuant to section 804.

(3) The term “institution of higher education” has the meaning given that term by section 101 of the Higher Education Act of 1965.

(4) The term “national security position” means a position—

(A) having national security responsibilities in **a agency** *an agency* or office of the Federal Government that has

national security responsibilities, as determined under section 802(g); and

(B) in which the individual in such position makes their foreign language skills available to such agency or office.

(5) The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

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CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT

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TITLE II—THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

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Part B—Contributions

SEC. 211. CONTRIBUTIONS TO FUND.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term “revised annuity participant” means an individual who—

(A) on December 31, 2012—

(i) is not a participant;

(ii) is not performing qualifying service; and

(iii) has less than 5 years of qualifying service; and

(B) after December 31, 2012, becomes a participant performing qualifying service.

(2) CONTRIBUTIONS.—

(A) IN GENERAL.—Except as provided in subsection (d), 7 percent of the basic pay received by a participant other than a revised annuity participant for any pay period shall be deducted and withheld from the pay of that participant and contributed to the fund.

(B) REVISED ANNUITY PARTICIPANTS.—Except as provided in subsection (d), 9.3 percent of the basic pay received by a revised annuity participant for any pay period shall be deducted and withheld from the pay of that revised annuity participant and contributed to the fund.

(3) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—An amount equal to 7 percent of the basic pay received by a participant other than a revised annuity participant shall be contributed to the fund for a pay period for the participant from the appropriation or fund which is used for payment of the participant's basic pay.

(B) REVISED ANNUITY PARTICIPANTS.—An amount equal to 4.7 percent of the basic pay received by a revised annuity participant shall be contributed to the fund for a pay period for the revised annuity participant from the appropriation or fund which is used for payment of the revised annuity participant's basic pay.

(4) DEPOSITS TO THE FUND.—The amounts deducted and withheld from basic pay, together with the amounts so contributed from the appropriation or fund, shall be deposited by the Director to the credit of the fund.

(b) CONSENT OF PARTICIPANT TO DEDUCTIONS FROM PAY.—Each participant shall be deemed to consent and agree to such deductions from basic pay, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services during the period covered by such payment, except the right to the benefits to which the participant is entitled under this title, notwithstanding any law, rule, or regulation affecting the individual's pay.

(c) TREATMENT OF CONTRIBUTIONS AFTER 35 YEARS OF SERVICE.—

(1) ACCRUAL OF INTEREST.—Amounts deducted and withheld from the basic pay of a participant under this section for pay periods after the first day of the first pay period beginning after the day on which the participant completes 35 years of creditable service computed under sections 251 and 252 (excluding service credit for unused sick leave under section 221(a)(2)) shall accrue interest. Such interest shall accrue at the rate of 3 percent a year through December 31, 1984, and thereafter at the rate computed under section 8334(e) of title 5, United States Code, and shall be compounded annually from the date on which the amount is so deducted and withheld until the date of the participant's retirement or death.

(2) USE OF AMOUNTS WITHHELD AFTER 35 YEARS OF SERVICE.—

(A) USE FOR DEPOSITS DUE UNDER SECTION 252(b).—Amounts described in paragraph (1), including interest accrued on such amounts, shall be applied upon the participant's retirement or death toward any deposit due under section 252(b).

(B) LUMP-SUM PAYMENT.—Any balance of such amounts not so required for such a deposit shall be refunded to the participant in a lump sum after the participant's separation (or, in the event of a death in service, to a beneficiary in order of precedence specified in [subsection 241(c)] *section 241(c)*), subject to prior notification of a current spouse, if any, unless the participant establishes to the satisfaction of the Director, in accordance with regulations which the Director may prescribe, that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the current spouse.

(C) PURCHASES OF ADDITIONAL ELECTIVE BENEFITS.—In lieu of such a lump-sum payment, the participant may use such amounts—

(i) to purchase an additional annuity in accordance with section 281; or

- (ii) provide any additional survivor benefit for a current or former spouse or spouses.
- (d) OFFSET FOR SOCIAL SECURITY TAXES.—

(1) PERSONS COVERED.—In the case of a participant who was a participant subject to this title before January 1, 1984, and whose service—

(A) is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, and

(B) is not creditable service for any purpose under title III of this Act or chapter 84 of title 5, United States Code, there shall be deducted and withheld from the basic pay of the participant under this section during any pay period only the amount computed under paragraph (2).

(2) REDUCTION IN CONTRIBUTION.—The amount deducted and withheld from the basic pay of a participant during any pay period pursuant to paragraph (1) shall be the excess of—

(A) the amount determined by multiplying the percent applicable to the participant under subsection (a) by the basic pay payable to the participant for that pay period, over

(B) the amount of the taxes deducted and withheld from such basic pay under section 3101(a) of the Internal Revenue Code of 1954 (relating to old-age, survivors, and disability insurance) for that pay period.

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SEC. 263. PAYMENT OF BENEFITS.

(a) ANNUITIES STATED AS ANNUAL AMOUNTS.—Each annuity is stated as an annual amount, $\frac{1}{12}$ of which, rounded to the next lowest dollar, constitutes the monthly rate payable on the first business day of the month after the month or other period for which it has accrued.

(b) COMMENCEMENT OF ANNUITY.—

(1) COMMENCEMENT OF ANNUITY FOR PARTICIPANTS GENERALLY.—Except as otherwise provided in paragraph (2), the annuity of a participant who has met the eligibility requirements for an annuity shall commence on the first day of the month after separation from the Agency or after pay ceases and the service and age requirements for title to an annuity are met.

(2) EXCEPTIONS.—The annuity of—

(A) a participant involuntarily separated from the Agency;

(B) a participant retiring under section 231 due to a disability; and

(C) a participant who serves 3 days or less in the month of retirement;

shall commence on the day after separation from the Agency or the day after pay ceases and the service and age or disability requirements for title to annuity are met.

(3) OTHER ANNUITIES.—Any other annuity payable from the fund commences on the first day of the month after the occurrence of the event on which payment thereof is based.

(c) TERMINATION OF ANNUITY.—An annuity payable from the fund shall terminate—

(1) in the case of a retired participant, on the day death or any other terminating event provided by this title occurs; or

(2) in the case of a former spouse or a survivor, on the last day of the month before death or any other terminating event occurs.

(d) APPLICATION FOR SURVIVOR ANNUITIES.—The annuity to a survivor shall become effective as otherwise specified but shall not be paid until the survivor submits an application for such annuity, supported by such proof of eligibility as the Director may require. If such application or proof of eligibility is not submitted during the lifetime of an otherwise eligible individual, no annuity shall be due or payable to the individual's estate.

(e) WAIVER OF ANNUITY.—An individual entitled to an annuity from the fund may decline to accept all or any part of the annuity by submitting a signed waiver to the Director. The waiver may be revoked in writing at any time. Payment of the annuity waived may not be made for the period during which the waiver is in effect.

(f) LIMITATIONS.—

(1) APPLICATION BEFORE 115TH ANNIVERSARY.—No payment shall be made from the fund unless an application for benefits based on the service of the participant is received by the Director before the 115th anniversary of the participant's birth.

(2) APPLICATION WITHIN 30 YEARS.—Notwithstanding paragraph (1), after the death of a participant or retired participant, no benefit based on that participant's service may be paid from the fund unless an application for the benefit is received by the Director within 30 years after the death or other event which gives rise to eligibility for the benefit.

(g) WITHHOLDING OF STATE INCOME TAX FROM ANNUITIES.—

(1) AGREEMENTS WITH STATES.—The Director shall, in accordance with this subsection, enter into an agreement with any State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Director shall withhold State income tax in the case of the monthly annuity of any annuitant who voluntarily requests, in writing, such withholding. The amounts withheld during any calendar quarter shall be held in the [Fund] *fund* and disbursed to the States during the month following that calendar quarter.

(2) LIMITATION ON MULTIPLE REQUESTS.—An annuitant may have in effect at any time only one request for withholding under this subsection, and an annuitant may not have more than two such requests during any one calendar year.

(3) CHANGE IN STATE DESIGNATION.—Subject to paragraph (2), an annuitant may change the State designated by that annuitant for purposes of having withholdings made, and may request that the withholdings be remitted in accordance with such change. An annuitant also may revoke any request of that annuitant for withholding. Any change in the State designated

or revocation is effective on the first day of the month after the month in which the request or the revocation is processed by the Director, but in no event later than on the first day of the second month beginning after the day on which such request or revocation is received by the Director.

(4) GENERAL PROVISIONS.—This subsection does not give the consent of the United States to the application of a statute which imposes more burdensome requirements of the United States than on employers generally, or which subjects the United States or any annuitant to a penalty or liability because of this subsection. The Director may not accept pay from a State for services performed in withholding State income taxes from annuities. Any amount erroneously withheld from an annuity and paid to a State by the Director shall be repaid by the State in accordance with regulations prescribed by the Director.

(5) DEFINITION.—For the purpose of this subsection, the term “State” includes the District of Columbia and any territory or possession of the United States.

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Part H—Retired Participants Recalled, Reinstated, or Reappointed in the Agency or Reemployed in the Government

SEC. 271. RECALL.

(a) AUTHORITY TO RECALL.—The Director may, with the consent of a retired participant, recall that participant to service in the Agency whenever the Director determines that such recall is in the public interest.

(b) PAY OF RETIRED PARTICIPANT WHILE SERVING.—A retired participant recalled to duty in the Agency under subsection (a) or reinstated or reappointed in accordance with [section 231(b)] *section 231(c)* shall, while so serving, be entitled, in lieu of the retired participant’s annuity, to the full basic pay of the grade in which the retired participant is serving. During such service, the retired participant shall make contributions to the fund in accordance with section 211.

(c) RECOMPUTATION OF ANNUITY.—When the retired participant reverts to retired status, the annuity of the retired participant shall be redetermined in accordance with section 221.

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TITLE III—PARTICIPATION IN THE FEDERAL EMPLOYEES’ RETIREMENT SYSTEM

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SEC. 304. SPECIAL RULES FOR FORMER SPOUSES.

(a) GENERAL RULE.—Except as otherwise specifically provided in this section, the provisions of chapter 84 of title 5, United States

Code, shall apply in the case of an employee of the Agency who is subject to chapter 84 of title 5, United States Code, and who has a former spouse (as defined in section 8401(12) of title 5, United States Code) or a qualified former spouse.

(b) DEFINITIONS.—For purposes of this section:

(1) EMPLOYEE.—The term “employee” means an employee of the Agency who is subject to chapter 84 of title 5, United States Code, including an employee referred to in section 302(a).

(2) QUALIFIED FORMER SPOUSE.—The term “qualified former spouse” means a former spouse of an employee or retired employee who—

(A) in the case of a former spouse whose divorce from such employee became final on or before December 4, 1991, was married to such employee for not less than 10 years during periods of the employee’s service which are creditable under section 8411 of title 5, United States Code, at least 5 years of which were spent outside the United States by both the employee and the former spouse during the employee’s service with the Agency; and

(B) in the case of a former spouse whose divorce from such employee becomes final after December 4, 1991, was married to such employee for not less than 10 years during periods of the employee’s service which are creditable under section 8411 of title 5, United States Code, at least 5 years of which were spent by the employee outside the United States during the employee’s service with the Agency or otherwise in a position the duties of which qualified the employee for designation by the Director under the criteria prescribed in section 203.

(3) PRO RATA SHARE.—The term “pro rata share” means the percentage that is equal to (A) the number of days of the marriage of the qualified former spouse to the employee during the employee’s periods of creditable service under chapter 84 of title 5, United States Code, divided by (B) the total number of days of the employee’s creditable service.

(4) SPOUSAL AGREEMENT.—The term “spousal agreement” means an agreement between an employee, former employee, or retired employee and such employee’s spouse or qualified former spouse that—

(A) is in writing, is signed by the parties, and is notarized;

(B) has not been modified by court order; and

(C) has been authenticated by the Director.

(5) COURT ORDER.—The term “court order” means any court decree of divorce, annulment or legal separation, or any court order or court-approved property settlement agreement incident to such court decree of divorce, annulment, or legal separation.

(c) ENTITLEMENT OF QUALIFIED FORMER SPOUSE TO RETIREMENT BENEFITS.—

(1) ENTITLEMENT.—

(A) IN GENERAL.—Unless otherwise expressly provided by a spousal agreement or court order governing disposition of benefits payable under subchapter II or V of chap-

ter 84 of title 5, United States Code, a qualified former spouse of an employee is entitled to a share (determined under subparagraph (B)) of all benefits otherwise payable to such employee under subchapter II or V of chapter 84 of title 5, United States Code.

(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals—

- (i) 50 percent, if the qualified former spouse was married to the employee throughout the entire period of the employee's service which is creditable under chapter 84 of ~~title 50~~ *title 5*, United States Code; or
- (ii) a pro rata share of 50 percent, if the qualified former spouse was not married to the employee throughout such creditable service.

(2) ANNUITY SUPPLEMENT.—The benefits payable to an employee under subchapter II of chapter 84 of title 5, United States Code, shall include, for purposes of this subsection, any annuity supplement payable to such employee under sections 8421 and 8421a of such title.

(3) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A qualified former spouse shall not be entitled to any benefit under this subsection if, before the commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

(4) COMMENCEMENT AND TERMINATION.—

(A) COMMENCEMENT.—The benefits of a qualified former spouse under this subsection commence on the later of—

- (i) the day on which the employee upon whose service the benefits are based becomes entitled to the benefits; or
- (ii) the first day of the second month beginning after the date on which the Director receives written notice of the court order or spousal agreement, together with such additional information or documentation as the Director may prescribe.

(B) TERMINATION.—The benefits of the qualified former spouse and the right thereto terminate on—

- (i) the last day of the month before the qualified former spouse remarries before 55 years of age or dies; or
- (ii) the date on which the retired employee's benefits terminate (except in the case of benefits subject to paragraph (5)(B)).

(5) PAYMENTS TO RETIRED EMPLOYEES.—

(A) CALCULATION OF SURVIVOR ANNUITY.—Any reduction in payments to a retired employee as a result of payments to a qualified former spouse under this subsection shall be disregarded in calculating—

- (i) the survivor annuity for any spouse, former spouse (qualified or otherwise), or other survivor under chapter 84 of title 5, United States Code, and
- (ii) any reduction in the annuity of the retired employee to provide survivor benefits under subsection (d) of this section or under ~~sections~~ *section 8442* or 8445 of title 5, United States Code.

(B) REDUCTION IN BASIC PAY UPON RECALL TO SERVICE.—If a retired employee whose annuity is reduced under paragraph (1) is recalled to service under section 302(c), the basic pay of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

(6) SPECIAL RULES FOR DISABILITY ANNUITANTS.—Notwithstanding paragraphs (1) and (4), in the case of any qualified former spouse of a disability annuitant—

(A) the annuity of such former spouse shall commence on the date on which the employee would qualify, on the basis of the employee's creditable service, for benefits under subchapter II of chapter 84 of title 5, United States Code, or on the date on which the disability annuity begins, whichever is later; and

(B) the amount of the annuity of the qualified former spouse shall be calculated on the basis of the benefits for which the employee would otherwise qualify under subchapter II of chapter 84 of such title.

(7) PRO RATA SHARE IN CASE OF EMPLOYEES TRANSFERRED TO FERS.—Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse shall equal the sum of—

(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

(B) if applicable, 50 percent of the employee's benefits under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

(8) TREATMENT OF PRO RATA SHARE UNDER INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, payments to a qualified former spouse under this subsection shall be treated as income to the qualified former spouse and not to the employee.

(d) QUALIFIED FORMER SPOUSE SURVIVOR BENEFITS.—

(1) ENTITLEMENT.—

(A) IN GENERAL.—Subject to an election under section 8416(a) of title 5, United States Code, and unless otherwise expressly provided by any spousal agreement or court

order governing survivor benefits payable under this subsection to a qualified former spouse, such former spouse is entitled to a share, determined under subparagraph (B), of all survivor benefits that would otherwise be payable under subchapter IV of chapter 84 of title 5, United States Code, to an eligible surviving spouse of the employee.

(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals—

- (i) 100 percent, if the qualified former spouse was married to the employee throughout the entire period of the employee's service which is creditable under chapter 84 of title 5, United States Code; or
- (ii) a pro rata share of 100 percent, if the qualified former spouse was not married to the employee throughout such creditable service.

(2) SURVIVOR BENEFITS.—

(A) The survivor benefits payable under this subsection to a qualified former spouse shall include the amount payable under section 8442(b)(1)(A) of title 5, United States Code, and any supplementary annuity under section 8442(f) of such title that would be payable if such former spouse were a widow or widower entitled to an annuity under such section.

(B) Any calculation under section 8442(f) of title 5, United States Code, of the supplementary annuity payable to a widow or widower of an employee referred to in section 302(a) shall be based on an “assumed CIARDS annuity” rather than an “assumed CSRS annuity” as stated in section 8442(f) of such title. For the purpose of this subparagraph, the term “assumed CIARDS annuity” means the amount of the survivor annuity to which the widow or widower would be entitled under title II of this Act based on the service of the deceased annuitant determined under section 8442(f)(5) of such title.

(3) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A qualified former spouse shall not be entitled to any benefit under this subsection if, before commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

(4) RESTORATION.—If the survivor annuity payable under this subsection to a surviving qualified former spouse is terminated because of remarriage before becoming age 55, the annuity shall be restored at the same rate commencing on the date such remarriage is dissolved by death, divorce, or annulment, if—

(A) such former spouse elects to receive this survivor annuity instead of any other survivor benefit to which such former spouse may be entitled under subchapter IV of chapter 84 of title 5, United States Code, or under another retirement system for Government employees by reason of the remarriage; and

(B) any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund.

(5) MODIFICATION OF COURT ORDER OR SPOUSAL AGREEMENT.—A modification in a court order or spousal agreement to adjust a qualified former spouse's share of the survivor benefits shall not be effective if issued after the retirement or death of the employee, former employee, or annuitant, whichever occurs first.

(6) EFFECT OF TERMINATION OF QUALIFIED FORMER SPOUSE'S ENTITLEMENT.—After a qualified former spouse of a retired employee remarries before becoming age 55 or dies, the reduction in the retired employee's annuity for the purpose of providing a survivor annuity for such former spouse shall be terminated. The annuitant may elect, in a signed writing received by the Director within 2 years after the qualified former spouse's remarriage or death, to continue the reduction in order to provide or increase the survivor annuity for such annuitant's spouse. The annuitant making such election shall pay a deposit in accordance with the provisions of section 8418 of title 5, United States Code.

(7) PRO RATA SHARE IN CASE OF EMPLOYEES TRANSFERRED TO FERS.—Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse to survivor benefits shall equal the sum of—

(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

(B) if applicable—

(i) 50 percent of the employee's annuity under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), plus

(ii) the survivor benefits referred to in subsection (d)(2)(A),

multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

(e) QUALIFIED FORMER SPOUSE THRIFT SAVINGS PLAN BENEFIT.—
(1) ENTITLEMENT.—

(A) IN GENERAL.—Unless otherwise expressly provided by a spousal agreement or court order governing disposition of the balance of an account in the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, a qualified former spouse of an employee is entitled to a share (determined under subparagraph (B)) of the balance in the employee's account in the Thrift Sav-

ings Fund on the date the divorce of the qualified former spouse and employee becomes final.

(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals 50 percent of the employee's account balance in the Thrift Savings Fund that accrued during the period of marriage. For purposes of this subsection, the employee's account balance shall not include the amount of any outstanding loan.

(2) PAYMENT OF BENEFIT.—

(A) TIME OF PAYMENT.—The entitlement of a qualified former spouse under paragraph (1) shall be effective on the date the divorce of the qualified former spouse and employee becomes final. The qualified former spouse's benefit shall be payable after the date on which the Director receives the divorce decree or any applicable court order or spousal agreement, together with such additional information or documentation as the Director may require.

(B) METHOD OF PAYMENT.—The qualified former spouse's benefit under this subsection shall be paid in a lump sum.

(C) LIMITATION.—A spousal agreement or court order may not provide for payment to a qualified former spouse under this subsection of an amount that exceeds the employee's account balance in the Thrift Savings Fund.

(D) DEATH OF QUALIFIED FORMER SPOUSE.—If the qualified former spouse dies before payment of the benefit provided under this subsection, such payment shall be made to the estate of the qualified former spouse.

(E) BAR TO RECOVERY.—Any payment under this subsection to an individual bars recovery by any other individual.

(3) CLOSED ACCOUNT.—No payment under this subsection may be made by the Director if the date on which the divorce becomes final is after the date on which the total amount of the employee's account balance has been withdrawn or transferred, or the date on which an annuity contract has been purchased, in accordance with section 8433 of title 5, United States Code.

(f) PRESERVATION OF RIGHTS OF QUALIFIED FORMER SPOUSES.—An employee may not make an election or modification of election under section 8417 or 8418 of title 5, United States Code, or other section relating to the employee's annuity under subchapter II of chapter 84 of title 5, United States Code, that would diminish the entitlement of a qualified former spouse to any benefit granted to such former spouse by this section or by court order or spousal agreement.

(g) PAYMENT OF SHARE OF LUMP-SUM CREDIT.—Whenever an employee or former employee becomes entitled to receive the lump-sum credit under section 8424(a) of title 5, United States Code, a share (determined under subsection (c)(1)(B) of this section) of that lump-sum credit shall be paid to any qualified former spouse of such employee, unless otherwise expressly provided by any spousal agreement or court order governing disposition of the lump-sum credit involved.

(h) PAYMENT TO QUALIFIED FORMER SPOUSES UNDER COURT ORDER OR SPOUSAL AGREEMENT.—In the case of any employee or

retired employee who has a qualified former spouse who is covered by a court order or who is a party to a spousal agreement—

(1) any right of the qualified former spouse to any retirement benefits under subsection (c) and to any survivor benefits under subsection (d), and the amount of any such benefits;

(2) any right of the qualified former spouse to any Thrift Savings Plan benefit under subsection (e), and the amount of any such benefit; and

(3) any right of the qualified former spouse to any payment of a lump-sum credit under subsection (g), and the amount of any such payment;

shall be determined in accordance with that spousal agreement or court order, if and to the extent expressly provided for in the terms of the spousal agreement or court order that are not inconsistent with the requirements of this section.

(i) **APPLICABILITY OF CIARDS FORMER SPOUSE BENEFITS.**—

(1) Except as provided in paragraph (2), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the provisions of sections 224 and 225 shall apply to such employee's former spouse (as defined in section 102(a)(4)) who would otherwise be eligible for benefits under sections 224 and 225 but for the employee having elected to become subject to such chapter.

(2) For the purposes of computing such former spouse's benefits under sections 224 and 225—

(A) the retirement benefits shall be equal to the amount determined under subsection (c)(7)(A); and

(B) the survivor benefits shall be equal to 55 percent of the full amount of the employee's annuity computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or regulations prescribed under section 307 of this Act.

(3) Benefits provided pursuant to this subsection shall be payable from the Central Intelligence Agency Retirement and Disability Fund.

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INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

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TITLE III—SECURITY CLEARANCES

SEC. 3001. SECURITY CLEARANCES.

(a) **DEFINITIONS.**—In this section:

(1) The term “agency” means—

(A) an executive agency (as that term is defined in section 105 of title 5, United States Code);

(B) a military department (as that term is defined in section 102 of title 5, United States Code); or

(C) an element of the intelligence community.

(2) The term “authorized investigative agency” means an agency designated by the head of the agency selected pursuant to subsection (b) to conduct a counterintelligence investigation or investigation of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

(3) The term “authorized adjudicative agency” means an agency authorized by law, regulation, or direction of the Director of National Intelligence to determine eligibility for access to classified information in accordance with Executive Order 12968.

(4) The term “highly sensitive program” means—

(A) a government program designated as a Special Access Program (as that term is defined in section 4.1(h) of Executive Order 12958 or any successor Executive order); or

(B) a government program that applies restrictions required for—

(i) restricted data (as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y))~~];~~); or

(ii) other information commonly referred to as “sensitive compartmented information”.

(5) The term “current investigation file” means, with respect to a security clearance, a file on an investigation or adjudication that has been conducted during—

(A) the 5-year period beginning on the date the security clearance was granted, in the case of a Top Secret Clearance, or the date access was granted to a highly sensitive program;

(B) the 10-year period beginning on the date the security clearance was granted in the case of a Secret Clearance; and

(C) the 15-year period beginning on the date the security clearance was granted in the case of a Confidential Clearance.

(6) The term “personnel security investigation” means any investigation required for the purpose of determining the eligibility of any military, civilian, or government contractor personnel to access classified information.

(7) The term “periodic reinvestigations” means investigations conducted for the purpose of updating a previously completed background investigation—

(A) every 5 years in the case of a top secret clearance or access to a highly sensitive program;

(B) every 10 years in the case of a secret clearance; or

(C) every 15 years in the case of a Confidential Clearance.

(8) The term “appropriate committees of Congress” means—

(A) the Permanent Select Committee on Intelligence and the Committees on Armed Services, Homeland Security, Government Reform, and the Judiciary of the House of Representatives; and

(B) the Select Committee on Intelligence and the Committees on Armed Services, Homeland Security and Governmental Affairs, and the Judiciary of the Senate.

(9) ACCESS DETERMINATION.—The term “access determination” means the determination regarding whether an employee—

(A) is eligible for access to classified information in accordance with Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information [with industry] *within industry*), or any successor thereto; and

(B) possesses a need to know under such an Order.

(b) SELECTION OF ENTITY.—Except as otherwise provided, not later than 90 days after the date of the enactment of this Act, the President shall select a single department, agency, or element of the executive branch to be responsible for—

(1) directing day-to-day oversight of investigations and adjudications for personnel security clearances, including for highly sensitive programs, throughout the United States Government;

(2) developing and implementing uniform and consistent policies and procedures to ensure the effective, efficient, and timely completion of security clearances and determinations for access to highly sensitive programs, including the standardization of security questionnaires, financial disclosure requirements for security clearance applicants, and polygraph policies and procedures;

(3) serving as the final authority to designate an authorized investigative agency or authorized adjudicative agency;

(4) ensuring reciprocal recognition of access to classified information among the agencies of the United States Government, including acting as the final authority to arbitrate and resolve disputes involving the reciprocity of security clearances and access to highly sensitive programs pursuant to subsection (d);

(5) ensuring, to the maximum extent practicable, that sufficient resources are available in each agency to achieve clearance and investigative program goals;

(6) reviewing and coordinating the development of tools and techniques for enhancing the conduct of investigations and granting of clearances; and

(7) not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2014, and consistent with subsection (j)—

(A) developing policies and procedures that permit, to the extent practicable, individuals alleging reprisal for having made a protected disclosure (provided the individual does not disclose classified information or other information contrary to law) to appeal any action affecting an employee’s access to classified information and to retain their government employment status while such challenge is pending; and

(B) developing and implementing uniform and consistent policies and procedures to ensure proper protections during the process for denying, suspending, or revoking a se-

curity clearance or access to classified information following a protected disclosure, including the ability to appeal such a denial, suspension, or revocation, except that there shall be no appeal of an agency's suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts no longer than 1 year or the head of the agency or a designee of the head of the agency certifies that a longer suspension is needed before a final decision on denial or revocation to prevent imminent harm to the national security.

(c) PERFORMANCE OF SECURITY CLEARANCE INVESTIGATIONS.—(1) Notwithstanding any other provision of law, not later than 180 days after the date of the enactment of this Act, the President shall, in consultation with the head of the entity selected pursuant to subsection (b), select a single agency of the executive branch to conduct, to the maximum extent practicable, security clearance investigations of employees and contractor personnel of the United States Government who require access to classified information and to provide and maintain all security clearances of such employees and contractor personnel. The head of the entity selected pursuant to subsection (b) may designate other agencies to conduct such investigations if the head of the entity selected pursuant to subsection (b) considers it appropriate for national security and efficiency purposes.

(2) The agency selected under paragraph (1) shall—

(A) take all necessary actions to carry out the requirements of this section, including entering into a memorandum of understanding with any agency carrying out responsibilities relating to security clearances or security clearance investigations before the date of the enactment of this Act;

(B) as soon as practicable, integrate reporting of security clearance applications, security clearance investigations, and determinations of eligibility for security clearances, with the database required by subsection (e); and

(C) ensure that security clearance investigations are conducted in accordance with uniform standards and requirements established under subsection (b), including uniform security questionnaires and financial disclosure requirements.

(d) RECIPROCITY OF SECURITY CLEARANCE AND ACCESS DETERMINATIONS.—(1) All security clearance background investigations and determinations completed by an authorized investigative agency or authorized adjudicative agency shall be accepted by all agencies.

(2) All security clearance background investigations initiated by an authorized investigative agency shall be transferable to any other authorized investigative agency.

(3)(A) An authorized investigative agency or authorized adjudicative agency may not establish additional investigative or adjudicative requirements (other than requirements for the conduct of a polygraph examination) that exceed requirements specified in Executive Orders establishing security requirements for access to classified information without the approval of the head of the entity selected pursuant to subsection (b).

(B) Notwithstanding subparagraph (A), the head of the entity selected pursuant to subsection (b) may establish such additional re-

quirements as the head of such entity considers necessary for national security purposes.

(4) An authorized investigative agency or authorized adjudicative agency may not conduct an investigation for purposes of determining whether to grant a security clearance to an individual where a current investigation or clearance of equal level already exists or has been granted by another authorized adjudicative agency.

(5) The head of the entity selected pursuant to subsection (b) may disallow the reciprocal recognition of an individual security clearance by an agency under this section on a case-by-case basis if the head of the entity selected pursuant to subsection (b) determines that such action is necessary for national security purposes.

(6) The head of the entity selected pursuant to subsection (b) shall establish a review procedure by which agencies can seek review of actions required under this section.

(e) DATABASE ON SECURITY CLEARANCES.—(1) Not later than 12 months after the date of the enactment of this Act, the Director of the Office of Personnel Management shall, in cooperation with the heads of the entities selected pursuant to subsections (b) and (c), establish and commence operating and maintaining an integrated, secure, database into which appropriate data relevant to the granting, denial, or revocation of a security clearance or access pertaining to military, civilian, or government contractor personnel shall be entered from all authorized investigative and adjudicative agencies.

(2) The database under this subsection shall function to integrate information from existing Federal clearance tracking systems from other authorized investigative and adjudicative agencies into a single consolidated database.

(3) Each authorized investigative or adjudicative agency shall check the database under this subsection to determine whether an individual the agency has identified as requiring a security clearance has already been granted or denied a security clearance, or has had a security clearance revoked, by any other authorized investigative or adjudicative agency.

(4) The head of the entity selected pursuant to subsection (b) shall evaluate the extent to which an agency is submitting information to, and requesting information from, the database under this subsection as part of a determination of whether to certify the agency as an authorized investigative agency or authorized adjudicative agency.

(5) The head of the entity selected pursuant to subsection (b) may authorize an agency to withhold information about certain individuals from the database under this subsection if the head of the entity considers it necessary for national security purposes.

(f) EVALUATION OF USE OF AVAILABLE TECHNOLOGY IN CLEARANCE INVESTIGATIONS AND ADJUDICATIONS.—(1) The head of the entity selected pursuant to subsection (b) shall evaluate the use of available information technology and databases to expedite investigative and adjudicative processes for all and to verify standard information submitted as part of an application for a security clearance.

(2) The evaluation shall assess the application of the technologies described in paragraph (1) for—

(A) granting interim clearances to applicants at the secret, top secret, and special access program levels before the completion of the appropriate full investigation;

(B) expediting investigations and adjudications of security clearances, including verification of information submitted by the applicant;

(C) ongoing verification of suitability of personnel with security clearances in effect for continued access to classified information;

(D) use of such technologies to augment periodic reinvestigations;

(E) assessing the impact of the use of such technologies on the rights of applicants to verify, correct, or challenge information obtained through such technologies; and

(F) such other purposes as the head of the entity selected pursuant to subsection (b) considers appropriate.

(3) An individual subject to verification utilizing the technology described in paragraph (1) shall be notified of such verification, shall provide consent to such use, and shall have access to data being verified in order to correct errors or challenge information the individual believes is incorrect.

(4) Not later than one year after the date of the enactment of this Act, the head of the entity selected pursuant to subsection (b) shall submit to the President and the appropriate committees of Congress a report on the results of the evaluation, including recommendations on the use of technologies described in paragraph (1).

(g) **REDUCTION IN LENGTH OF PERSONNEL SECURITY CLEARANCE PROCESS.**—(1) The head of the entity selected pursuant to subsection (b) shall, within 90 days of selection under that subsection, develop, in consultation with the appropriate committees of Congress and each authorized adjudicative agency, a plan to reduce the length of the personnel security clearance process.

(2)(A) To the extent practical the plan under paragraph (1) shall require that each authorized adjudicative agency make a determination on at least 90 percent of all applications for a personnel security clearance within an average of 60 days after the date of receipt of the completed application for a security clearance by an authorized investigative agency. Such 60-day average period shall include—

(i) a period of not longer than 40 days to complete the investigative phase of the clearance review; and

(ii) a period of not longer than 20 days to complete the adjudicative phase of the clearance review.

(B) Determinations on clearances not made within 60 days shall be made without delay.

(3)(A) The plan under paragraph (1) shall take effect 5 years after the date of the enactment of this Act.

(B) During the period beginning on a date not later than 2 years after the date after the enactment of this Act and ending on the date on which the plan under paragraph (1) takes effect, each authorized adjudicative agency shall make a determination on at least 80 percent of all applications for a personnel security clearance pursuant to this section within an average of 120 days after the date of receipt of the application for a security clearance by an

authorized investigative agency. Such 120-day average period shall include—

- (i) a period of not longer than 90 days to complete the investigative phase of the clearance review; and
- (ii) a period of not longer than 30 days to complete the adjudicative phase of the clearance review.

(h) REPORTS.—(1) Not later than February 15, 2006, and annually thereafter through 2011, the head of the entity selected pursuant to subsection (b) shall submit to the appropriate committees of Congress a report on the progress made during the preceding year toward meeting the requirements of this section.

(2) Each report shall include, for the period covered by such report—

(A) the periods of time required by the authorized investigative agencies and authorized adjudicative agencies for conducting investigations, adjudicating cases, and granting clearances, from date of submission to ultimate disposition and notification to the subject and the subject's employer;

(B) a discussion of any impediments to the smooth and timely functioning of the requirements of this section; and

(C) such other information or recommendations as the head of the entity selected pursuant to subsection (b) considers appropriate.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2005 and each fiscal year thereafter for the implementation, maintenance, and operation of the database required by subsection (e).

(j) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—

(1) IN GENERAL.—Agency personnel with authority to take, direct others to take, recommend, or approve personnel security clearance or access determinations shall not take or fail to take, or threaten to take or fail to take, any action with respect to any employee's security clearance or access determination in retaliation for—

(A) any lawful disclosure of information to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose) or a supervisor in the employee's direct chain of command, or a supervisor of the employing agency with responsibility for the subject matter of the disclosure, up to and including the head of the employing agency (or employee designated by the head of that agency for such purpose) by an employee that the employee reasonably believes evidences—

(i) a violation of any Federal law, rule, or regulation;

or

(ii) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

(B) any lawful disclosure to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee reasonably believes evidences—

(i) a violation of any Federal law, rule, or regulation;

or

(ii) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

(C) any lawful disclosure that complies with—

(i) subsections (a)(1), [(d), and (g) of section 8H] (*d*), and (*h*) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

(ii) subparagraphs (A), (D), and (H) of section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)); or

(iii) subparagraphs (A), (D), and (I) of section 103H(k)(5) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)); and

(D) if the actions do not result in the employee or applicant unlawfully disclosing information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, any lawful disclosure in conjunction with—

(i) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

(ii) testimony for or otherwise lawfully assisting any individual in the exercise of any right referred to in clause (i); or

(iii) cooperation with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General.

(2) RULE OF CONSTRUCTION.—Consistent with the protection of sources and methods, nothing in paragraph (1) shall be construed to authorize the withholding of information from Congress or the taking of any personnel action or clearance action against an employee who lawfully discloses information to Congress.

(3) DISCLOSURES.—A disclosure shall not be excluded from paragraph (1) because—

(A) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee reasonably believed to be covered by paragraph (1)(A)(ii);

(B) the disclosure revealed information that had been previously disclosed;

(C) the disclosure was not made in writing;

(D) the disclosure was made while the employee was off duty;

(E) of the amount of time which has passed since the occurrence of the events described in the disclosure; or

(F) the disclosure was made during the normal course of duties of an employee.

(4) AGENCY ADJUDICATION.—

(A) REMEDIAL PROCEDURE.—An employee or former employee who believes that he or she has been subjected to a reprisal prohibited by paragraph (1) may, within 90 days (except as provided by subparagraph (D)) after the issuance of notice of such decision, appeal that decision within the agency of that employee or former employee

through proceedings authorized by subsection (b)(7), except that there shall be no appeal of an agency's suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts not longer than 1 year (or a longer period in accordance with a certification made under subsection (b)(7)).

(B) CORRECTIVE ACTION.—If, in the course of proceedings authorized under subparagraph (A), it is determined that the adverse security clearance or access determination violated paragraph (1), the agency shall take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action may include back pay and related benefits, travel expenses, and compensatory damages not to exceed \$300,000.

(C) CONTRIBUTING FACTOR.—In determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual, unless the agency demonstrates by a preponderance of the evidence that it would have taken the same action in the absence of such disclosure, giving the utmost deference to the agency's assessment of the particular threat to the national security interests of the United States in the instant matter.

(D) TOLLING.—The time requirement established by subparagraph (A) for an employee or former employee to appeal the decision of an agency may be tolled if the employee or former employee presents substantial credible evidence showing why the employee or former employee did not timely initiate the appeal and why the enforcement of the time requirement would be unfair, such as evidence showing that the employee or former employee—

- (i) did not receive notice of the decision; or
- (ii) could not timely initiate the appeal because of factors beyond the control of the employee or former employee.

(5) APPELLATE REVIEW OF SECURITY CLEARANCE ACCESS DETERMINATIONS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

(A) APPEAL.—Within 60 days after receiving notice of an adverse final agency determination under a proceeding under paragraph (4), an employee or former employee may appeal that determination in accordance with the procedures established under subparagraph (B).

(B) POLICIES AND PROCEDURES.—The Director of National Intelligence, in consultation with the Attorney General and the Secretary of Defense, shall develop and implement policies and procedures for adjudicating the appeals authorized by subparagraph (A).

(C) CONGRESSIONAL NOTIFICATION.—Consistent with the protection of sources and methods, at the time the Director of National Intelligence issues an order regarding an ap-

peal pursuant to the policies and procedures established by this paragraph, the Director of National Intelligence shall notify the congressional intelligence committees.

(6) JUDICIAL REVIEW.—Nothing in this section shall be construed to permit or require judicial review of any—

(A) agency action under this section; or

(B) action of the appellate review procedures established under paragraph (5).

(7) PRIVATE CAUSE OF ACTION.—Nothing in this section shall be construed to permit, authorize, or require a private cause of action to challenge the merits of a security clearance determination.

(8) ENFORCEMENT.—Except as otherwise provided in this subsection, the President shall provide for the enforcement of this section consistent, to the fullest extent possible, with the policies and procedures used to adjudicate alleged violations of section 2302(b)(8) of title 5, United States Code.

(9) INCLUSION OF CONTRACTOR EMPLOYEES.—In this subsection, the term “employee” includes an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of an agency. With respect to such employees, the term “employing agency” shall be deemed to be the contracting agency.

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INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

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TITLE III—GENERAL PROVISIONS

* * * * *

Subtitle B—Intelligence

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SEC. 313. NATIONAL VIRTUAL TRANSLATION CENTER.

(a) ESTABLISHMENT.—The Director of National Intelligence shall establish in the intelligence community an element with the function of connecting the elements of the intelligence community engaged in the acquisition, storage, translation, or analysis of voice or data in digital form.

(b) DESIGNATION.—The element established under subsection (a) shall be known as the National Virtual Translation Center.

(c) FUNCTION.—The element established under subsection (a) shall provide for timely and accurate translations of foreign intelligence for all elements of the intelligence community through—

(1) the integration of the translation capabilities of the intelligence community;

(2) the use of remote-connection capabilities; and

(3) the use of such other capabilities as the Director considers appropriate.

(d) ADMINISTRATIVE MATTERS.—(1) The Director shall retain direct supervision and control over the element established under subsection (a).

(2) The element established under subsection (a) shall connect elements of the intelligence community utilizing the most current available information technology that is applicable to the function of the element.

(3) Personnel of the element established under subsection (a) may carry out the duties and functions of the element at any location that—

(A) has been certified as a secure facility by a department or agency of the United States Government; or

(B) the Director has otherwise determined to be appropriate for such duties and functions.

(e) DEADLINE FOR ESTABLISHMENT.—The element required by subsection (a) shall be established as soon as practicable after the date of the enactment of this Act, but not later than 90 days after that date.

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Subtitle E—Terrorism

* * * * *

SEC. 343. TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.

(a) REQUIREMENT.—(1) Director of National Intelligence shall—

(A) establish and maintain a list of individuals who are known or suspected international terrorists, and of organizations that are known or suspected international terrorist organizations; and

(B) ensure that pertinent information on the list is shared with the departments, agencies, and organizations described by subsection (c).

(2) The list under paragraph (1), and the mechanisms for sharing information on the list, shall be known as the “Terrorist Identification Classification System”.

(b) ADMINISTRATION.—(1) The Director shall prescribe requirements for the inclusion of an individual or organization on the list required by subsection (a), and for the deletion or omission from the list of an individual or organization currently on the list.

(2) The Director shall ensure that the information utilized to determine the inclusion, or deletion or omission, of an individual or organization on or from the list is derived from all-source intelligence.

(3) The Director shall ensure that the list is maintained in accordance with existing law and regulations governing the collection, storage, and dissemination of intelligence concerning United States persons.

(c) INFORMATION SHARING.—Subject to section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(7)), relating to the protection of intelligence sources and methods, the Director shall provide for the sharing of the list, and information on the list, with such departments and agencies of the Federal Government,

State and local government agencies, and entities of foreign governments and international organizations as the Director considers appropriate.

(d) REPORT ON CRITERIA FOR INFORMATION SHARING.—(1) [Not later than] *Not later than* March 1, 2003, the Director shall submit to the congressional intelligence committees a report describing the criteria used to determine which types of information on the list required by subsection (a) are to be shared, and which types of information are not to be shared, with various departments and agencies of the Federal Government, State and local government agencies, and entities of foreign governments and international organizations.

(2) The report shall include a description of the circumstances in which the Director has determined that sharing information on the list with the departments and agencies of the Federal Government, and of State and local governments, described by subsection (c) would be inappropriate due to the concerns addressed by section 103(c)(7) of the National Security Act of 1947, relating to the protection of sources and methods, and any instance in which the sharing of information on the list has been inappropriate in light of such concerns.

(e) SYSTEM ADMINISTRATION REQUIREMENTS.—(1) The Director shall, to the maximum extent practicable, ensure the interoperability of the Terrorist Identification Classification System with relevant information systems of the departments and agencies of the Federal Government, and of State and local governments, described by subsection (c).

(2) The Director shall ensure that the System utilizes technologies that are effective in aiding the identification of individuals in the field.

(f) REPORT ON STATUS OF SYSTEM.—(1) Not later than one year after the date of the enactment of this Act, the Director shall, in consultation with the Director of Homeland Security, submit to the congressional intelligence committees a report on the status of the Terrorist Identification Classification System. The report shall contain a certification on the following:

(A) Whether the System contains the intelligence information necessary to facilitate the contribution of the System to the domestic security of the United States.

(B) Whether the departments and agencies having access to the System have access in a manner that permits such departments and agencies to carry out appropriately their domestic security responsibilities.

(C) Whether the System is operating in a manner that maximizes its contribution to the domestic security of the United States.

(D) If a certification under subparagraph (A), (B), or (C) is in the negative, the modifications or enhancements of the System necessary to ensure a future certification in the positive.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

(g) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

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CENTRAL INTELLIGENCE AGENCY ACT OF 1949

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TRAVEL, ALLOWANCES, AND RELATED EXPENSES

SEC. 4. (a) Under such regulations as the Director may prescribe, the Agency, with respect to its officers and employees assigned to duty stations outside the several States of the United States of America, excluding Alaska and Hawaii, but including the District of Columbia, shall—

(1)(A) pay the travel expenses of officers and employees of the Agency, including expenses incurred while traveling pursuant to authorized home leave;

(B) pay the travel expenses of members of the family of an officer or employee of the Agency when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the terms of this or any other Act;

(C) pay the cost of transporting the furniture and household and personal effects of an officer or employee of the Agency to his successive posts of duty and, on the termination of his services, to his residence at time of appointment or to a point not more distant, or, upon retirement, to the place where he will reside;

(D) pay the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Agency, when he is absent from his post of assignment under orders, or when he is assigned to a post to which he cannot take or at which he is unable to use such furniture and household and personal effects, or when it is in the public interest or more economical to authorize storage; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law;

(E) pay the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Agency in connection with assignment or transfer to a new post, from the date of his departure from his last post or from the date of his departure from his place of residence in the case of a new officer or employee and for not to exceed three months after arrival at the new post, or until the establishment of residence quarters, whichever shall be shorter; and in connection with separation of an officer or employee of the Agency, the cost of packing and unpacking, transporting to and from a place of storage, and storing for a period not to exceed three months, his furniture and household and personal effects; but in no instance shall the weight or volume of the ef-

fects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law[.]; and

(F) pay the travel expenses and transportation costs incident to the removal of the members of the family of an officer or employee of the Agency and his furniture and household and personal effects, including automobiles, from a post at which, because of the prevalence of disturbed conditions, there is imminent danger to life and property, and the return of such persons, furniture, and effects to such post upon the cessation of such conditions; or to such other post as may in the meantime have become the post to which such officer or employee has been assigned.

(2) Charge expenses in connection with travel of personnel, their dependents, and transportation of their household goods and personal effects, involving a change of permanent station, to the appropriation for the fiscal year current when any part of either the travel or transportation pertaining to the transfer begins pursuant to previously issued travel and transfer orders, notwithstanding the fact that such travel or transportation may not all be effected during such fiscal year, or the travel and transfer orders may have been issued during the prior fiscal year.

(3)(A) Order to any of the several States of the United States of America (including the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States) on leave of absence each officer or employee of the Agency who was a resident of the United States (as described above) at time of employment, upon completion of two years' continuous service abroad, or as soon as possible thereafter.

(B) While in the United States (as described in paragraph (3)(A) of this section) on leave, the service of any officer or employee shall be available for work or duties in the Agency or elsewhere as the Director may prescribe; and the time of such work or duty shall not be counted as leave.

(C) Where an officer or employee on leave returns to the United States (as described in paragraph (3)(A) of this section), leave of absence granted shall be exclusive of the time actually and necessarily occupied in going to and from the United States (as so described) and such time as may be necessarily occupied in awaiting transportation.

(4) Notwithstanding the provisions of any other law, transport for or on behalf of an officer or employee of the Agency, a privately owned motor vehicle in any case in which it shall be determined that water, rail, or air transportation of the motor vehicle is necessary or expedient for all or any part of the distance between points of origin and destination, and pay the costs of such transportation. Not more than one motor vehicle of any officer or employee of the Agency may be transported under authority of this paragraph during any four-year period, except that, as replacement for such motor vehicle, one additional motor vehicle of any such officer or employee may be so transported during such period upon approval, in advance, by the Director and upon a determination, in advance,

by the Director that such replacement is necessary for reasons beyond the control of the officer or employee and is in the interest of the Government. After the expiration of a period of four years following the date of transportation under authority of this paragraph of a privately owned motor vehicle of any officer or employee who has remained in continuous service outside the several States of the United States of America, excluding Alaska and Hawaii, but including the District of Columbia, during such period, the transportation of a replacement for such motor vehicle for such officer or employee may be authorized by the Director in accordance with this paragraph.

(5)(A) In the event of illness or injury requiring the hospitalization of an officer or full time employee of the Agency, incurred while on assignment abroad, in a locality where there does not exist a suitable hospital or clinic, pay the travel expenses of such officer or employee by whatever means the Director deems appropriate and without regard to the Standardized Government Travel Regulations and section 5731 of title 5, United States Code, to the nearest locality where a suitable hospital or clinic exists and on the recovery of such officer or employee pay for the travel expenses of the return to the post of duty of such officer or employee of duty. If the officer or employee is too ill to travel unattended, the Director may also pay the travel expenses of an attendant;

(B) Establish a first-aid station and provide for the services of a nurse at a post at which, in the opinion of the Director, sufficient personnel is employed to warrant such a station: *Provided*, That, in the opinion of the Director, it is not feasible to utilize an existing facility;

(C) In the event of illness or injury requiring hospitalization of an officer or full time employee of the Agency incurred in the line of duty while such person is assigned abroad, pay for the cost of the treatment of such illness or injury at a suitable hospital or clinic;

(D) Provide for the periodic physical examination of officers and employees of the Agency and for the cost of administering inoculations or vaccinations to such officers or employees.

(6) Pay the costs of preparing and transporting the remains of an officer or employee of the Agency or a member of his family who may die while in travel status or abroad, to his home or official station, or to such other place as the Director may determine to be the appropriate place of interment, provided that in no case shall the expense payable be greater than the amount which would have been payable had the destination been the home or official station.

(7) Pay the costs of travel of new appointees and their dependents, and the transportation of their household goods and personal effects, from places of actual residence in foreign countries at time of appointment to places of employment and return to their actual residences at the time of appointment or a point not more distant: *Provided*, That such appointees agree in writing to remain with the United States Government for a period of not less than twelve months from the time of appointment.

Violation of such agreement for personal convenience of an employee or because of separation for misconduct will bar such return payments and, if determined by the Director or his designee to be in the best interests of the United States, any money expended by the United States on account of such travel and transportation shall be considered as a debt due by the individual concerned to the United States.

(b)(1) The Director may pay to officers and employees of the Agency, and to persons detailed or assigned to the Agency from other agencies of the Government or from the Armed Forces, allowances and benefits comparable to the allowances and benefits authorized to be paid to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) or any other provision of law.

(2) The Director may pay allowances and benefits related to officially authorized travel, personnel and physical security activities, operational activities, and cover-related activities (whether or not such allowances and benefits are otherwise authorized under this section or any other provision of law) when payment of such allowances and benefits is necessary to meet the special requirements of work related to such activities. Payment of allowances and benefits under this paragraph shall be in accordance with regulations prescribed by the Director. Rates for allowances and benefits under this paragraph may not be set at rates in excess of those [authorized by section] *authorized by sections 5724 and 5724a of title 5, United States Code*, when reimbursement is provided for relocation attributable, in whole or in part, to relocation within the United States.

(3) Notwithstanding any other provision of this section or any other provision of law relating to the officially authorized travel of Government employees, the Director, in order to reflect Agency requirements not taken into account in the formulation of Government-wide travel procedures, may by regulation—

(A) authorize the travel of officers and employees of the Agency, and of persons detailed or assigned to the Agency from other agencies of the Government or from the Armed Forces who are engaged in the performance of intelligence functions, and

(B) provide for payment for such travel, in classes of cases, as determined by the Director, in which such travel is important to the performance of intelligence functions.

(4) Members of the Armed Forces may not receive benefits under both this section and title 37, United States Code, for the same purpose. The Director and Secretary of Defense shall prescribe joint regulations to carry out the preceding sentence.

(5) Regulations, other than regulations under paragraph (1), issued pursuant to this subsection shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect.

* * * * *

SEC. 6. In the interests of the security of the foreign intelligence activities of the United States and in order further to implement section 102A(i) of the National Security Act of 1947 that the Director of National Intelligence shall be responsible for protecting intel-

ligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of sections 1 and 2, chapter 795 of the Act of August 28, 1935 (49 Stat. 956, 957; 5 U.S.C. 654), and the provisions of any other laws which require the publication or disclosure of the organization or functions of the Agency, [or of the, names] *or of the names*, official titles, salaries, or numbers of personnel employed by the Agency: *Provided*, That in furtherance of this section, the Director of the Office of Management and Budget shall make no reports to the Congress in connection with the Agency under section 607, title VI, chapter 212 of the Act of June 30, 1945, as amended (5 U.S.C. 947(b)).

* * * * *

GIFTS, DEVISES, AND BEQUESTS

SEC. 12. (a)(1) Subject to the provisions of this section, the Director may accept, hold, administer, and use gifts of money, securities, or other property whenever the Director determines it would be in the interest of the United States to do so.

(2) Any gift accepted by the Director as a gift to the Agency under this subsection (and any income produced by any such gift)—

(A) may be [used only for—"] *used only for—*

(i) artistic display;

(ii) purposes relating to the general welfare, education, or recreation of employees or dependents of employees of the Agency or for similar purposes; or

(iii) purposes relating to the welfare, education, or recreation of an individual described in paragraph (3); and

(B) under no circumstances may such a gift (or any income produced by any such gift) be used for operational purposes.

(3) An individual described in this paragraph is an individual who—

(A) is an employee or a former employee of the Agency who suffered injury or illness while employed by the Agency that—

(i) resulted from hostile or terrorist activities;

(ii) occurred in connection with an intelligence activity having a significant element of risk; or

(iii) occurred under other circumstances determined by the Director to be analogous to the circumstances described in clause (i) or (ii);

(B) is a family member of such an employee or former employee; or

(C) is a surviving family member of an employee of the Agency who died in circumstances described in clause (i), (ii), or (iii) of subparagraph (A).

(4) The Director may not accept any gift under this section that is expressly conditioned upon any expenditure not to be met from the gift itself or from income produced by the gift unless such expenditure has been authorized by law.

(5) The Director may, in the Director's discretion, determine that an individual described in subparagraph (A) or (B) of paragraph (3) may accept a gift for the purposes described in paragraph (2)(A)(iii).

(b) Unless otherwise restricted by the terms of the gift, the Director may sell or exchange, or invest or reinvest, any property which

is accepted under subsection (a), but any such investment may only be in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(c) There is hereby created on the books of the Treasury of the United States a fund into which gifts of money, securities, and other intangible property accepted under the authority of subsection (a), and the earnings and proceeds thereof, shall be deposited. The assets of such fund shall be disbursed upon the order of the Director for the purposes specified in subsection (a) or (b).

(d) For purposes of Federal income, estate, and gift taxes, gifts accepted by the Director under subsection (a) shall be considered to be to or for the use of the United States.

(e) For the purposes of this section, the term “gift” includes a bequest or devise.

(f)(1) The Director may engage in fundraising in an official capacity for the benefit of nonprofit organizations that provide support to surviving family members of deceased Agency employees or that otherwise provide support for the welfare, education, or recreation of Agency employees, former Agency employees, or their family members.

(2) In this subsection, the term “fundraising” means the raising of funds through the active participation in the promotion, production, or presentation of an event designed to raise funds and does not include the direct solicitation of money by any other means.

(3) Not later than the date that is 7 days after the date the Director engages in fundraising authorized by this subsection or at the time the decision is made to participate in such fundraising, the Director shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of the fundraising.

(g) The Director, in consultation with the Director of the Office of Government Ethics, shall issue regulations to carry out the authority provided in this section. Such regulations shall ensure that such authority is exercised consistent with all relevant ethical constraints and principles, including—

(1) the avoidance of any prohibited conflict of interest or appearance of impropriety; and

(2) a prohibition against the acceptance of a gift from a foreign government or an agent of a foreign government.

* * * * *

SEC. 17. INSPECTOR GENERAL FOR THE AGENCY.

(a) **PURPOSE; ESTABLISHMENT.**—In order to—

(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Agency;

(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the

administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the "intelligence committees") are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions,

there is hereby established in the Agency an Office of Inspector General (hereafter in this section referred to as the "Office").

(b) APPOINTMENT; SUPERVISION; REMOVAL.—(1) There shall be at the head of the Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate. This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.

(2) The Inspector General shall report directly to and be under the general supervision of the Director.

(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

(4) If the Director exercises any power under paragraph (3), he shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that he considers appropriate.

(5) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involve a program or operation of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of all such reports shall be furnished to the Director.

(6)(A) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the intelligence committees the substantive rationale, including detailed and case-specific reasons, for any such removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.

(B) If there is an open or completed inquiry into the Inspector General that relates to the removal or transfer of the In-

spector General under subparagraph (A), the written communication required under that subparagraph shall—

- (i) identify each entity that is conducting, or that conducted, the inquiry; and
- (ii) in the case of a completed inquiry, contain the findings made during the inquiry.

(7)(A) Subject to the other provisions of this paragraph, only the President may place the Inspector General on nonduty status.

(B) If the President places the Inspector General on nonduty status, the President shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to the congressional intelligence committees not later than 15 days before the date on which the change in status takes effect, except that the President may submit that communication not later than the date on which the change in status takes effect if—

- (i) the President has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and
- (ii) in the communication, the President includes a report on the determination described in clause (i), which shall include—

(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the President has determined applies under clause (i);

(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

(C) The President may not place the Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (6)(A) unless the President—

- (i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

(ii) not later than the date on which the change in status takes effect, submits to the congressional intelligence committees a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

(8)(A) In this subsection, the term “first assistant to the position of Inspector General” has the meaning given in section 3 of the Inspector General Act of 1978 (5 U.S.C. App.).

(B) If the Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

(i) section 3345(a) of title 5, United States Code shall not apply;

(ii) subject to subparagraph (D), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

(iii) notwithstanding clause (ii), and subject to subparagraphs (D) and (E), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code, only if—

(I) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of an Inspector General for not less than 90 days, except that—

(aa) the requirement under this subclause shall not apply if the officer is an Inspector General; and

(bb) for the purposes of this clause, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of an Inspector General;

(II) the rate of pay for the position of the officer or employee described in subclause (I) is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule;

(III) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and

(IV) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to the congressional intelligence committees the substantive rationale, including the detailed and case-specific reasons, for such direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.

(C) Notwithstanding section 3345(a) of title 5, United States Code and clauses (ii) and (iii) of subparagraph (B), and subject to subparagraph (D), during any period in which the Inspector General is on nonduty status—

(i) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

(ii) if the first assistant described in clause (i) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in the Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of title 5, United States Code, if—

(I) that direction satisfies the requirements under subclauses (II), (III), and (IV) of subparagraph (B)(iii); and

(II) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.

(D) An individual may perform the functions and duties of the Inspector General temporarily and in an acting capacity under clause (ii) or (iii) of subparagraph (B), or under subparagraph (C), with respect to only 1 Inspector General position at any given time.

(E) If the President makes a direction under subparagraph (B)(iii), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the Inspector General shall be performed by—

(i) the first assistant to the position of Inspector General;

or

(ii) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.

(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General appointed under this section—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

(4) in the execution of his responsibilities, to comply with generally accepted government auditing standards.

(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS; REPORTS TO CONGRESS ON URGENT CONCERNS.—(1) The Inspector General shall, not later than October 31 and April 30 of each year,

prepare and submit to the Director a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month periods ending September 30 and March 31, respectively. Not later than 30 days after the date of the receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments he may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, review, or audit conducted during the reporting period and—

(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Agency identified by the Office during the reporting period;

(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

(D) a certification that the Inspector General has had full and direct access to all information relevant to the performance of his functions;

(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and

(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Agency, and to detect and eliminate fraud and abuse in such programs and operations.

(2) The Inspector General shall report immediately to the Director whenever he becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments he considers appropriate.

(3) In the event that—

(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities;

(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advice and consent of the Senate, including such a position held on an acting basis; or

(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

(I) Deputy Director;

(II) Associate Deputy Director;

(III) Director of the National Clandestine Service;

(IV) Director of Intelligence;

(V) Director of Support; or

(VI) Director of Science and Technology.

(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any of the officials described in subparagraph (B); or

(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately notify and submit a report on such matter to the intelligence committees.

(4) Pursuant to Title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the office which has been requested by the Chairman or Ranking Minority Member of either committee.

(5)(A) An employee of the Agency, or of a contractor to the Agency, who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

(B)(i) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director notice of that determination, together with the complaint or information.

(ii) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this subsection for the Director of the Central Intelligence Agency apply to the Director of National Intelligence.

(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the intelligence committees, together with any comments the Director considers appropriate.

(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the intelligence committees directly.

(ii) The employee may contact the intelligence committees directly as described in clause (i) only if the employee—

(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's

complaint or information and notice of the employee's intent to contact the intelligence committees directly; and

(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

(iii) A member or employee of one of the intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of that committee.

(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

(G)(i) In this paragraph:

(I) The term "urgent concern" means any of the following:

(aa) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity of the Federal Government that is—

(AA) a matter of national security; and

(BB) not a difference of opinion concerning public policy matters.

(bb) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

(cc) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (e)(3)(B) in response to an employee's reporting an urgent concern in accordance with this paragraph.

(II) The term "intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(ii) Within the executive branch, the Inspector General shall have sole authority to determine whether any complaint or information reported to the Inspector General is a matter of urgent concern under this paragraph.

(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, or a staff member of either such Committee, of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.

(e) **AUTHORITIES OF THE INSPECTOR GENERAL.**—(1) The Inspector General shall have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of his duties.

(2) The Inspector General shall have access to any employee or any employee of a contractor of the Agency whose testimony is

needed for the performance of his duties. In addition, he shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Agency—

(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or providing such information may be taken by any employee of the Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of his duties, [which oath affirmation, or affidavit] *which oath, affirmation, or affidavit* when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information or any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

(6) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together

with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

(7)(A) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out his functions. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable him to carry out his duties effectively. In this regard, the Inspector General shall create within his organization a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of his duties.

(B) Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

(i) the selection of internal and external candidates for employment with the Office of Inspector General; and

(ii) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.

(C)(i) The Inspector General may designate an officer or employee appointed in accordance with subparagraph (A) as a law enforcement officer solely for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, if such officer or employee is appointed to a position with responsibility for investigating suspected offenses against the criminal laws of the United States.

(ii) In carrying out clause (i), the Inspector General shall ensure that any authority under such clause is exercised in a manner consistent with section 3307 of title 5, United States Code, as it relates to law enforcement officers.

(iii) For purposes of applying sections 3307(d), 8335(b), and 8425(b) of title 5, United States Code, the Inspector General may exercise the functions, powers, and duties of an agency head or appointing authority with respect to the Office.

(8)(A) The Inspector General shall—

(i) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

(ii) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

(B) The counsel appointed or obtained under subparagraph (A) shall perform such functions as the Inspector General may prescribe.

(9)(A) The Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General provided by this section from any Federal, State, or local governmental agency or unit thereof.

(B) Upon request of the Inspector General for information or assistance from a department or agency of the Federal Government, the head of the department or agency involved, insofar as practicable and not in contravention of any existing statutory restric-

tion or regulation of such department or agency, shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

(C) Nothing in this paragraph may be construed to provide any new authority to the Central Intelligence Agency to conduct intelligence activity in the United States.

(D) In this paragraph, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(f) SEPARATE BUDGET ACCOUNT.—(1) Beginning with fiscal year 1991, and in accordance with procedures to be issued by the Director of National Intelligence in consultation with the intelligence committees, the Director of National Intelligence shall include in the National Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

(2) For each fiscal year, the Inspector General shall transmit a budget estimate and request through the Director to the Director of National Intelligence that specifies for such fiscal year—

(A) the aggregate amount requested for the operations of the Inspector General;

(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office; and

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

(3) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

(A) the aggregate amount requested for the Inspector General of the Central Intelligence Agency;

(B) the amount requested for Inspector General training;

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

(D) the comments of the Inspector General, if any, with respect to such proposed budget.

(4) The Director of National Intelligence shall submit to the Committee on Appropriations and the Select Committee on Intelligence of the Senate and the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives for each fiscal year—

(A) a separate statement of the budget estimate transmitted pursuant to paragraph (2);

(B) the amount requested by the Director of National Intelligence for the Inspector General pursuant to paragraph (3)(A);

(C) the amount requested by the Director of National Intelligence for training of personnel of the Office of the Inspector General pursuant to paragraph (3)(B);

(D) the amount requested by the Director of National Intelligence for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (3)(C); and

(E) the comments of the Inspector General under paragraph (3)(D), if any, on the amounts requested pursuant to paragraph

(3), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office.

(g) TRANSFER.—There shall be transferred to the Office the office of the Agency referred to as the “Office of Inspector General.” The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such “Office of Inspector General” are hereby transferred to the Office established pursuant to this section.

(h) INFORMATION ON WEBSITE.—(1) The Director of the Central Intelligence Agency shall establish and maintain on the homepage of the Agency’s publicly accessible website information relating to the Office of the Inspector General including methods to contact the Inspector General.

(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General.

(i) QUARTERLY EMPLOYEE ENGAGEMENT SUMMARIES.—(1) *Not later than 30 days after the last day of each fiscal quarter, the Inspector General shall provide to the appropriate congressional committees a summary of the engagement of Agency employees with the Inspector General during that quarter.*

(2) *Each summary required under paragraph (1) shall include each of the following for the quarter covered by the summary:*

(A) *The total number of reports filed with the Inspector General by Agency employees.*

(B) *An identification of the nature of the allegation made in each such report, such as—*

- (i) fraud, waste, and abuse;*
- (ii) harassment or other personnel issues;*
- (iii) questionable intelligence activities; or*
- (iv) threats to health and safety.*

(C) *For each such report—*

(i) whether an investigation was initiated because of the report;

(ii) for any such investigation, whether the status of the investigation is initiated, in progress, or complete; and

(iii) for any completed investigation, whether the allegation made in the report was found to be substantiated or unsubstantiated, and whether any recommendations or criminal referrals were made as a result.

(D) *A copy of any audit, assessment, inspection, or other final report completed by the Inspector General during the quarter covered by the summary.*

(3) *In this subsection, the term “appropriate congressional committees” means—*

(A) the Permanent Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives; and

(B) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

* * * * *

SPECIAL RULES FOR DISABILITY RETIREMENT AND DEATH-IN-SERVICE
BENEFITS WITH RESPECT TO CERTAIN EMPLOYEES

SEC. 19. (a) OFFICERS AND EMPLOYEES TO WHOM CIARDS SECTION 231 RULES APPLY.—Notwithstanding any other provision of law, an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83 of title 5, United States Code, who—

(1) has five years of civilian service credit toward retirement under such subchapter III of chapter 83, title 5, United States Code;

(2) has not been designated under section 203 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note)[, as a participant] *as a participant* in the Central Intelligence Agency Retirement and Disability System;

(3) has become disabled during a period of assignment to the performance of duties that are qualifying toward such designation under such section 203; and

(4) satisfies the requirements for disability retirement under section 8337 of title 5, United States Code—

shall, upon his own application or upon order of the Director, be retired on an annuity computed in accordance with the rules prescribed in section 231 of such Act, in lieu of an annuity computed as provided by section 8337 of title 5, United States Code.

(b) SURVIVORS OF OFFICERS AND EMPLOYEES TO WHOM CIARDS SECTION 232 RULES APPLY.—Notwithstanding any other provision of law, in the case of an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83, title 5, United States Code, who—

(1) has at least eighteen months of civilian service credit toward retirement under such subchapter III of chapter 83, title 5, United States Code;

(2) has not been designated under section 203 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2013), as a participant in the Central Intelligence Agency Retirement and Disability System;

(3) prior to separation or retirement from the Agency, dies during a period of assignment to the performance of duties that are qualifying toward such designation under such section 203; and

(4) is survived by a widow or widower, former spouse, and/or a child or children as defined in section 204 and section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, who would otherwise be entitled to an annuity under section 8341 of title 5, United States Code—

such surviving spouse, former spouse, or child of such officer or employee shall be entitled to an annuity computed in accordance with section 232 of such Act, in lieu of an annuity computed in accordance with section 8341 of title 5, United States Code.

(c) ANNUITIES UNDER THIS SECTION DEEMED ANNUITIES UNDER CSRS.—The annuities provided under subsections (a) and (b) of this section shall be deemed to be annuities under chapter 83 of title 5, United States Code, for purposes of the other provisions of such chapter and other laws (including the Internal Revenue Code of 1986) relating to such annuities, and shall be payable from the

Central Intelligence Agency Retirement and Disability Fund maintained pursuant to section 202 of the Central Intelligence Agency Retirement Act.

SEC. 19A. SPECIAL RULES FOR CERTAIN INDIVIDUALS INJURED BY REASON OF WAR, INSURGENCY, HOSTILE ACT, TERRORIST ACTIVITIES, OR INCIDENTS DESIGNATED BY THE DIRECTOR.

(a) **DEFINITIONS.**—In this section:

(1) **COVERED DEPENDENT.**—The term “covered dependent” means a family member (as defined by the Director) of a covered employee who, on or after September 11, 2001—

(A) accompanies the covered employee to an assigned duty station in a foreign country; and

(B) becomes injured by reason of a qualifying injury.

(2) **COVERED EMPLOYEE.**—The term “covered employee” means an officer or employee of the Central Intelligence Agency who, on or after September 11, 2001, becomes injured by reason of a qualifying injury.

(3) **COVERED INDIVIDUAL.**—The term “covered individual” means an individual who—

(A)(i) is detailed to the Central Intelligence Agency from other agencies of the United States Government or from the Armed Forces; or

(ii) is affiliated with the Central Intelligence Agency, as determined by the Director; and

(B) who, on or after September 11, 2001, becomes injured by reason of a qualifying injury.

(4) **QUALIFYING INJURY.**—The term “qualifying injury” means the following:

(A) With respect to a covered dependent, an injury incurred—

(i) during a period in which the covered dependent is accompanying the covered employee to an assigned duty station in a foreign country;

(ii) in connection with war, insurgency, hostile act, terrorist activity, or an incident designated for purposes of this section by the Director; and

(iii) that was not the result of the willful misconduct of the covered dependent.

(B) With respect to a covered employee or a covered individual—

(i) an injury incurred—

(I) during a period of assignment to a duty station in a foreign country;

(II) in connection with war, insurgency, hostile act, or terrorist activity; and

(III) that was not the result of the willful misconduct of the covered employee or the covered individual; or

(ii) an injury incurred—

(I) in connection with an incident designated for purposes of this section by the Director; and

(II) that was not the result of the willful misconduct of the covered employee or the covered individual.

(b) ADJUSTMENT OF COMPENSATION FOR TOTAL DISABILITY RESULTING FROM CERTAIN INJURIES.—

(1) INCREASE.—The Director may increase the amount of monthly compensation paid to a covered employee under section 8105 of title 5, United States Code. Subject to paragraph (2), the Director may determine the amount of each such increase by taking into account—

- (A) the severity of the qualifying injury;
- (B) the circumstances by which the covered employee became injured; and
- (C) the seniority of the covered employee.

(2) MAXIMUM.—Notwithstanding chapter 81 of title 5, United States Code, the total amount of monthly compensation increased under paragraph (1) may not exceed the monthly pay of the maximum rate of basic pay for GS-15 of the General Schedule under section 5332 of such title.

(c) COSTS FOR TREATING QUALIFYING INJURIES.—The Director may pay the costs of treating a qualifying injury of a covered employee, a covered individual, or a covered dependent, or may reimburse a covered employee, a covered individual, or a covered dependent for such costs, that are not otherwise covered by chapter 81 of title 5, United States Code, or other provision of Federal law.

(d) AUTHORITY TO MAKE PAYMENTS FOR QUALIFYING INJURIES TO THE BRAIN.—

(1) DEFINITIONS.—In this subsection:

(A) COVERED DEPENDENT.—The term “covered dependent” has the meaning given such term in subsection (a), except that the assigned duty station need not be in a foreign country.

(B) QUALIFYING INJURY.—The term “qualifying injury” has the meaning given such term in subsection (a), except that the assigned duty station need not be in a foreign country.

(2) AUTHORITY.—Notwithstanding any other provision of law but subject to paragraph (3), the Director may provide payment to a covered dependent, a covered employee, and a covered individual for a qualifying injury to the brain.

[(3) LIMITATIONS.—

[(A) APPROPRIATIONS REQUIRED.—Payment under paragraph (2) in a fiscal year may only be made using amounts appropriated in advance specifically for payments under such paragraph in such fiscal year.

[(B) MATTER OF PAYMENTS.—Payments under paragraph (2) using amounts appropriated for such purpose shall be made on a first come, first serve, or pro rata basis.

[(C) AMOUNTS OF PAYMENTS.—The total amount of funding obligated for payments under paragraph (2) may not exceed the amount specifically appropriated for providing payments under such paragraph during its period of availability.]

(3) FUNDING.—

(A) IN GENERAL.—*Payment under paragraph (2) in a fiscal year may be made using any amounts—*

- (i) appropriated in advance specifically for payments under such paragraph; or*

(ii) reprogrammed in accordance with section 504 of the National Security Act of 1947 (50 U.S.C. 3094).

(B) *BUDGET.*—For each fiscal year, the Director shall include with the budget justification materials submitted to Congress in support of the budget of the President for that fiscal year pursuant to section 1105(a) of title 31, United States Code, an estimate of the amounts required in that fiscal year to make payments under paragraph (2).

(4) *REGULATIONS.*—

(A) *IN GENERAL.*—The Director shall prescribe regulations to carry out this subsection.

(B) *ELEMENTS.*—The regulations prescribed under subparagraph (A) shall include regulations detailing fair and equitable criteria for payment under paragraph (2).

(5) *NO EFFECT ON OTHER BENEFITS.*—Payments made under paragraph (2) are supplemental to any other benefit furnished by the United States Government for which a covered dependent, covered employee, or covered individual is entitled, and the receipt of such payments may not affect the eligibility of such a person to any other benefit furnished by the United States Government.

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SEC. 30. SEX-RELATED OFFENSES AND SEXUAL HARASSMENT WITHIN THE AGENCY.

(a) *RESPONSIBILITIES OF DIRECTOR.*—The Director shall carry out the following responsibilities:

(1) *Establishing professional and uniform training for employees assigned to working with all aspects of the response of the Agency to allegations of sex-related offenses and sexual harassment.*

(2) *Developing and implementing policies and procedures to protect the confidentiality of employees who report sex-related offenses or sexual harassment and to mitigate negative effects on the reputation or career of such an employee as a result of such a report.*

(3) *Developing and implementing documented standards for—*

(A) *appropriate mitigation and protection measures for individuals who make allegations of a sex-related offense or sexual harassment to be put in place while an investigation proceeds;*

(B) *appropriate employee consequences to be imposed as a result of an inquiry or investigation into a substantiated allegation of a sex-related offense or sexual harassment;*

(C) *appropriate career path protection for all employees involved in an incident resulting in a reported allegation of a sex-related offense or sexual harassment while an investigation or review of the allegation is pending; and*

(D) *mitigation measures to protect employees and mission execution while such allegations are being addressed.*

(4) *Articulating and enforcing norms, expectations, practices, and policies, including with respect to employee promotions and assignments, that are published for the workforce and designed*

to promote a healthy workplace culture that is inhospitable to sex-related offenses and sexual harassment.

(5) Developing and issuing workforce messaging to inform Agency employees of policies, procedures, resources, and points of contact to obtain information related to, or to report, sex-related offenses or sexual harassment globally.

(6) Developing and implementing sex-related offense and sexual harassment training for all Agency employees that—

(A) is designed to strengthen individual knowledge, skills, and capacity to prevent and respond to sex-related offenses and sexual harassment;

(B) includes initial entry and accession programs, annual refresher training, and specialized leadership training; and

(C) includes details of the definitions of sex-related offense and sexual harassment, the distinction between such terms, and what does or does not constitute each.

(7) Developing and implementing processes and procedures applicable to personnel involved in providing the training referred to in paragraph (6) that—

(A) are designed to ensure seamless policy consistency and reporting mechanisms in all training environments; and

(B) include requirements for in-person training that—

(i) covers the reporting processes for sex-related offenses and sexual harassment that are specific to training environments for students and trainers; and

(ii) shall be provided at an appropriate time during the first 5 days of any extended or residential training course.

(8) Developing and implementing, in consultation with the Victim Advocacy Specialists of the Federal Bureau of Investigation, appropriate training requirements, policies, and procedures applicable to all employees whose professional responsibilities include interaction with people making reports alleging sex-related offenses or sexual harassment.

(9) Developing and implementing procedures under which current and former employees of the Agency are able to obtain documents and records, as appropriate and upon request, that are related to a report of an allegation of a sex-related offense or sexual harassment.

(10) Developing and implementing procedures under which an employee who makes a restricted or unrestricted report containing an allegation of a sex-related offense or sexual harassment may transfer out of the current assignment or location of the employee, upon the request of the employee making the report. Such procedures shall ensure that an employee who makes a restricted report maintains the privilege against disclosure, strict confidentiality, and with such employee maintaining full control over all decisions related to any further dissemination of the report.

(11) Developing policies and procedures for the Office of the Victim and Whistleblower Counsel and the Special Victim Investigator, as applicable, to facilitate outside engagement requests of employees reporting allegations of sex-related offenses or sexual harassment.

(12) *Coordinating the response of the Agency to allegations of sex-related offenses and sexual harassment.*

(b) *BIANNUAL REPORT.*—Not less frequently than once every 180 days, the Director shall submit to the appropriate congressional committees a report on the activities of the Office of Equal Employment Opportunity and the Sexual Assault Prevention and Response Office during the period covered by the report. The Director shall personally review, approve, and submit each report under this subsection on a nondelegable basis. Each such report shall include—

(1) *for the period covered by the report—*

(A) *the number of new allegations of sex-related offenses and sexual harassment reported to either such Office, disaggregated by restricted and unrestricted reports;*

(B) *the number of employees seeking legal assistance or services from either such Office;*

(C) *the number of new or ongoing cases in which either such Office has provided services;*

(D) *a description of all training activities related to sex-related offenses and sexual harassment carried out Agency-wide, and the number of such trainings conducted; and*

(2) *for the period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2024 and ending on the last day of the period covered by the report—*

(A) *the total number of allegations of sex-related offenses and sexual harassment;*

(B) *the disposition of each report of such an allegation;*

(C) *any corrective action taken in response to each such report;*

(D) *the number of such allegations that were not substantiated; and*

(E) *the number of employee reassignment and relocation requests, including—*

(i) *the number of such requests that were granted;*

(ii) *the number of such requests that were denied; and*

(iii) *for any such request that was denied, the position of the individual who denied the request and the reason for denial.*

(c) *APPLICABILITY.*—The policies developed pursuant to this section shall apply to each of the following:

(1) *Any employee of the Agency.*

(2) *Any employee of an entity that has entered into a contract with the Agency under which the employee performs functions at a facility associated with the Agency or functions associated with the Agency.*

(3) *Any person who alleges they were sexually assaulted or harassed by an employee referred to in paragraph (1) or (2) at a facility associated with the Agency or during the performance of a function associated with the Agency.*

SEC. 31. VICTIM AND WHISTLEBLOWER COUNSEL.

(a) *ESTABLISHMENT.*—The Director shall establish an Office of the Victim and Whistleblower Counsel. The head of the Office shall be the Victim and Whistleblower Counsel who shall report directly to the Chief Operating Officer of the Agency. The Office shall have the authority of an independent office within the Agency.

(b) *RESPONSIBILITIES.*—*The Victim and Whistleblower Counsel shall carry out the following responsibilities:*

(1) *Providing legal assistance and consultation to employees of the Agency who are victims of alleged sex-related offenses or sexual harassment, regardless of whether the report of that offense is restricted or unrestricted.*

(2) *Acting as the primary point of contact and entry point for Agency employees with respect to all allegations of, or concerns regarding, sex-related offenses and sexual harassment.*

(3) *Managing the victim advocacy activities of the Agency for employees reporting sex-related offenses or sexual harassment.*

(4) *Maintaining, and making available to Agency employees the following:*

(A) *A list of physicians and mental health care providers (including from the private sector, as applicable) who have experience with the physical and mental health care needs of the Agency workforce.*

(B) *A list of chaplains and religious counselors who have experience with the needs of the Agency workforce, including information regarding access to the Chaplain Corps established under section 26 of this Act.*

(C) *Information regarding how to select and retain private attorneys who have experience with the legal needs of the Agency workforce, including detailed information on the process for the appropriate sharing of information with retained private attorneys.*

(5) *Facilitating communications with the Inspector General, Congress, and other outside entities.*

(c) *RULE OF CONSTRUCTION.*—*The inclusion of any person on a list maintained or made available pursuant to subsection (b)(4) shall not be construed as an endorsement of such person (or any service furnished by such person), and the Victim and Whistleblower Counsel shall not be liable, as a result of such inclusion, for any portion of compensable injury, loss, or damage attributable to such person or service.*

(d) *COMMUNICATIONS.*—*The relationship between the Victim and Whistleblower Counsel and a victim in the provision of legal assistance and consultation shall be the relationship between an attorney and client.*

(e) *PURPOSE.*—*The Office of the Victim and Whistleblower Counsel shall—*

(1) *solely function as an advocate for employees and not as an advocate for the Agency itself; and*

(2) *not be a proponent of Agency policies for sex-related offenses or sexual harassment.*

SEC. 32. REPORTING AND INVESTIGATION OF ALLEGATIONS OF SEX-RELATED OFFENSES AND SEXUAL HARASSMENT.

(a) *POLICIES RELATING TO RESTRICTED AND UNRESTRICTED REPORTING OF SEX-RELATED OFFENSES AND HARASSMENT.*—

(1) *IN GENERAL.*—*The Director shall develop and implement policies, regulations, personnel training, and workforce messaging to establish and provide information about restricted reports and unrestricted reports of allegations of sex-related offenses and sexual harassment within the Agency in accordance with this subsection.*

(2) *WORKFORCE MESSAGING.*—Workforce messaging developed under paragraph (1) shall be designed to clearly inform Agency employees of the differences between restricted and unrestricted reporting of allegations of sex-related offenses and sexual harassment, and which individual or office within the Agency is responsible for receiving each type of report.

(b) *ELECTION.*—Any person making a report containing an allegation of a sex-related offense or sexual harassment shall elect whether to make a restricted report or an unrestricted report. Once an election is made to make an unrestricted report, such election may not be changed.

(c) *UNRESTRICTED REPORTS.*—

(1) *DISCLOSURE; ASSISTANCE.*—A person who elects to make an unrestricted report containing an allegation of a sex-related offense or sexual harassment may disclose the report to any employee of the Agency. A person who elects to make an unrestricted report containing an allegation of a sex-related offense or sexual harassment may seek the assistance of another employee of the Agency with taking the action required under paragraph (2).

(2) *ACTION REQUIRED.*—A person electing to make an unrestricted report containing an allegation of a sex-related offense or sexual harassment shall submit the report to the Office of the Victim and Whistleblower Counsel. In the case of a person making an unrestricted report of sexual harassment, the Victim and Whistleblower Counsel shall facilitate the contact by the person with the Office of Equal Employment Opportunity. In the case of a person making an unrestricted report of a sex-related offense other than sexual harassment, the Victim and Whistleblower Counsel shall facilitate the contact of such person with the Sexual Assault Prevention and Response Office.

(d) *RESTRICTED REPORTS.*—

(1) *PROCESS FOR MAKING REPORTS.*—A person who elects to make a restricted report containing an allegation of a sex-related offense or sexual harassment shall submit the report to a person authorized to receive a restricted report under paragraph (2).

(2) *PERSON AUTHORIZED TO RECEIVE A RESTRICTED REPORT.*—The following individuals are persons authorized to receive a restricted report:

(A) The Chief Wellbeing Officer.

(B) Any employee of the Office of Wellness and Workforce Support.

(C) Any employee of the Office of the Victim and Whistleblower Counsel.

(D) Any medical professional assigned to the Center for Global Health Services, or any successor organization employing Agency support staff.

(E) Any employee of the Chaplain Corps of the Agency.

(F) The Special Victim Investigator within the Office of Security.

(G) Any medical professional, including a mental health professional.

(H) Any additional employees that the Director determines appropriate.

(3) *ACTION REQUIRED.*—A restricted report containing an allegation of a sex-related offense or sexual harassment—

(A) shall be treated by the person who receives the report in the same manner as a communication covered by attorney-client privilege;

(B) shall be privileged against disclosure with strict confidentiality and with the person making the report maintaining full control over all decisions related to any further dissemination, except in cases of an imminent threat of serious bodily harm;

(C) shall not result in a referral to law enforcement or commencement of a formal administrative investigation, unless the victim elects to change the report from a restricted report to an unrestricted report;

(D) in a case requiring an employee reassignment, relocation, or other mitigation or protective measures, shall result only in actions that are managed in a manner to limit, to the extent possible, the disclosure of any information contained in the report; and

(E) shall be exempt from any Federal or, to the maximum extent permitted by the Constitution, State reporting requirements, including the requirements under section 535(b) of title 28, United States Code, section 17(b)(5) of this Act, and section 1.6(b) of Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), except when reporting is necessary to prevent or mitigate an imminent threat of serious bodily harm.

(e) *INCIDENT REPORTS WHEN VICTIM OR ALLEGED PERPETRATOR IS AN AGENCY EMPLOYEE.*—

(1) *INCIDENT REPORTING POLICY.*—The Director shall establish and maintain a policy under which—

(A) in the case of an unrestricted report of—

(i) sexual harassment, the head of the Office of Equal Employment Opportunity is required to submit a written incident report not later than 8 days after receiving a formal complaint containing an allegation of sexual harassment; and

(ii) a sex-related offense other than sexual harassment, the head of the Sexual Assault Prevention and Response Office is required to submit a written incident report not later than 8 days after receipt of the unrestricted report; and

(B) each such incident report required under subparagraph (A) shall be provided to—

(i) the Chief Operating Officer of the Agency;

(ii) the Special Victim Investigator;

(iii) the Office of the Victim and Whistleblower Counsel;

(iv) the Sexual Assault Prevention and Response Office;

(v) the Office of Equal Employment Opportunity; and

(vi) such other individuals as the Director determines appropriate.

(2) *PURPOSE.*—The purpose of an incident report required under paragraph (1) is to—

(A) record the details about actions taken or in progress to provide the necessary care and support to the victim of the alleged incident;

(B) refer the allegations to the appropriate investigatory or law enforcement agency; and

(C) provide initial formal notification of the alleged incident.

(3) **ELEMENTS.**—Each incident report required under paragraph (1) shall include each of the following:

(A) The time, date, and location of the alleged sex-related offense or sexual harassment.

(B) An identification of the type of offense or harassment alleged.

(C) An identification of the assigned office and location of the victim.

(D) An identification of the assigned office and location of the alleged perpetrator, including information regarding whether the alleged perpetrator has been temporarily transferred or removed from an assignment or otherwise restricted, if applicable.

(E) A description of any post-incident actions taken in connection with the incident, including—

(i) referral to any services available to victims, including the date of each referral;

(ii) notification of the incident to appropriate investigatory organizations, including the organizations notified and dates of notifications; and

(iii) issuance of any personal protection orders or steps taken to separate the victim and the alleged perpetrator within their place of employment.

(F) Such other elements as the Director determines appropriate.

(f) **COMMON PERPETRATOR NOTICE REQUIREMENT.**—

(1) **UNRESTRICTED REPORTS.**—Upon receipt of an incident report under subsection (e)(1) containing an allegation of a sex-related offense or sexual harassment against an individual known to be the subject of at least one allegation of a sex-related offense or sexual harassment by another reporter, the Special Victim Investigator shall notify each of the following of all existing allegations against the individual:

(A) The Director.

(B) The Chief Operating Officer.

(C) The head of the directorate employing the individual.

(D) The head of the Sexual Assault Prevention and Response Office.

(E) The first supervisor of the individual.

(F) The Inspector General.

(G) The Victim and Whistleblower Counsel.

(2) **RESTRICTED REPORTS.**—Upon receipt of a restricted report under subsection (d), the Victim and Whistleblower Counsel shall notify any victim known to have filed a restricted report against the same individual who is the subject of the report under paragraph (1) that another allegation has been made against the individual who is the subject of the report under paragraph (1).

(g) *APPLICABILITY.*—*The policies developed pursuant to this section shall apply to each of the following:*

(1) *Any employee of the Agency.*

(2) *Any employee of an entity that has entered into a contract with the Agency under which the employee performs functions at a facility associated with the Agency or functions associated with the Agency.*

(3) *Any person who makes an allegation of a sex-related offense or sexual harassment against an employee referred to in paragraph (1) or (2) at a facility associated with the Agency or during the performance of a function associated with the Agency.*

(h) *RECORDS.*—*The Director shall establish a system for tracking and permanently maintaining all Agency records related to any investigation into an allegation of a sex-related offense or sexual harassment made in an unrestricted report, including any related medical documentation.*

SEC. 33. SPECIAL VICTIM INVESTIGATOR.

(a) *ESTABLISHMENT.*—*The Director shall establish in the Office of Security a Special Victim Investigator, who shall be responsible for investigating all unrestricted reports containing allegations of sex-related offenses other than sexual harassment and supporting, as appropriate, the Office of Equal Employment Opportunity with investigating formal complaints containing allegations of sexual harassment. The person appointed as the Investigator shall be an appropriately credentialed Federal law enforcement officer and may be a detailee from a Federal law enforcement entity.*

(b) *RESPONSIBILITIES.*—*The Investigator shall be responsible for—*

(1) *supporting the Office of Equal Employment Opportunity with investigations into formal complaints containing allegations of sexual harassment, as appropriate;*

(2) *investigating unrestricted reports containing allegations of sex-related offenses, including the conduct and management of all internal Agency inquiries, investigations, and other fact-finding activities related to specific allegations of sex-related offenses;*

(3) *testifying in a criminal prosecution in any venue, where appropriate;*

(4) *serving as the case agent for a criminal investigation in any venue, where appropriate;*

(5) *supporting engagement with law enforcement relating to such allegations, where appropriate, including coordinating related cases with other Federal, State, local, and Tribal law enforcement agencies, as necessary and appropriate, pursuant to regulations, requirements, and procedures developed in consultation with the Federal Bureau of Investigation, for any such inquiries, investigations, or other fact-finding activities;*

(6) *developing and implementing policies and procedures necessary for the Investigator or any law enforcement partner to conduct effective investigations and also protect sensitive information;*

(7) *serving as the only authorized investigative body in the Agency for allegations of sex-related offenses, except that, in the case of an allegation of a sex-related offense involving an employee of the Office of Security, the Investigator shall coordinate*

with appropriate criminal investigators who are detailed to the Agency for other missions or employed by another Federal law enforcement entity, as necessary, to maintain the integrity of the investigation and mitigate potential conflicts of interest;

(8) establishing and coordinating clear policies regarding which agency should take the lead on conducting, or be the lead in coordinating with local law enforcement when applicable, investigations of sexual assault and sexual harassment overseas; and

(9) sharing information with the Victim and Whistleblower Counsel to facilitate the support and advocacy of such Counsel for victims of alleged sex-related offenses or sexual harassment.

(c) TIMEFRAME FOR INVESTIGATIONS.—The Investigator shall—

(1) ensure that any investigative support for a formal complaint containing allegations of sexual harassment shall occur within any investigation timelines required by applicable law;

(2) ensure that any investigation into an allegation of a sex-related offense contained in an unrestricted report is completed by not later than 60 days after the date on which the report is referred to the Investigator under section 32(e)(1); and

(3) if the Investigator determines that the completion of an investigation will take longer than 60 days—

(A) not later than 60 days after the date on which the report is referred to the Investigator under section 32(e)(1), submit to the Director a request for an extension that contains a summary of the progress of the investigation, the reasons why the completion of the investigation requires additional time, and a plan for the completion of the investigation; and

(B) provide to the person who made the report and the person against whom the allegation in the report was made notice of the extension of the investigation.

CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT

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SEC. 2. SEPARATION PAY.

(a) DEFINITIONS.—For purposes of this section—

(1) the term “Director” means the Director of the Central Intelligence Agency; *and*

(2) the term “employee” means an employee of the Central Intelligence Agency, serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(b) **ESTABLISHMENT OF PROGRAM.**—In order to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, the Director may establish a program under which employees may be offered separation pay to separate from service voluntarily (whether by retirement or resignation). An employee who receives separation pay under such program may not be reemployed by the Central Intelligence Agency for the 12-month period beginning on the effective date of the employee's separation. An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1994 and accepts employment with the Government of the United States within 5 years after the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the Central Intelligence Agency. If the employment is with an Executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(c) **BAR ON CERTAIN EMPLOYMENT.**—

(1) **BAR.**—An employee may not be separated from service under this section unless the employee agrees that the employee will not—

(A) act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to the Central Intelligence Agency; or

(B) participate in any manner in the award, modification, extension, or performance of any contract for property or services with the Central Intelligence Agency, during the 12-month period beginning on the effective date of the employee's separation from service.

(2) **PENALTY.**—An employee who violates an agreement under this subsection shall be liable to the United States in the amount of the separation pay paid to the employee pursuant to this section times the proportion of the 12-month period during which the employee was in violation of the agreement.

(d) **LIMITATIONS.**—Under this program, separation pay may be offered only—

(1) with the prior approval of the Director; and

(2) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Director may require.

(e) AMOUNT AND TREATMENT FOR OTHER PURPOSES.—Such separation pay—

(1) shall be paid in a lump sum;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(B) \$25,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(4) shall not be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(f) REGULATIONS.—The Director shall prescribe such regulations as may be necessary to carry out this section.

(g) REPORTING REQUIREMENTS.—

(1) OFFERING NOTIFICATION.—The Director may not make an offering of voluntary separation pay pursuant to this section until 30 days after submitting to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the occupational groups or geographic locations, or other similar limitations or conditions, required by the Director under subsection (d).

(2) ANNUAL REPORT.—At the end of each of the fiscal years 1993 through 1997, the Director shall submit to the President and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on the effectiveness and costs of carrying out this section.

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NATIONAL SECURITY AGENCY ACT OF 1959

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SEC. 16. (a) The purpose of this section is to establish an undergraduate and graduate training program, which may lead to a baccalaureate or graduate degree, to facilitate the recruitment of individuals, particularly minority high school students, with a demonstrated capability to develop skills critical to the mission of the National Security Agency, including mathematics, computer science, engineering, and foreign languages.

(b) The Secretary of Defense is authorized, in his discretion, to assign civilians who may or may not be employees of the National Security Agency as students at accredited professional, technical, and other institutions of higher learning for training at the undergraduate or graduate level in skills critical to effective performance of the mission of the Agency.

(c) The National Security Agency may pay, directly or by reimbursement to program participants, expenses incident to assign-

ments under subsection (b), in any fiscal year only to the extent that appropriated funds are available for such purpose.

(d)(1) To be eligible for assignment under subsection (b), a [program participant,] *program participant* must agree in writing—

(A) to continue in the service of the Agency for the period of the assignment and to complete the educational course of training for which the program participant is assigned;

(B) to continue in the service of the Agency following completion of the assignment for a period of one-and-a-half years for each year of the assignment or part thereof;

(C) to reimburse the United States for the total cost of education (excluding the program participant's pay and allowances) provided under this section to the program participant if, prior to the program participant's completing the educational course of training for which the program participant is assigned, the assignment or the program participant's employment with the Agency is terminated—

(i) by the Agency due to misconduct by the program participant;

(ii) by the program participant voluntarily; or

(iii) by the Agency for the failure of the program participant to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the program participant under this subsection; and

(D) to reimburse the United States if, after completing the educational course of training for which the program participant is assigned, the program participant's employment with the Agency is terminated either by the Agency due to misconduct by the program participant or by the program participant voluntarily, prior to the program participant's completion of the service obligation period described in subparagraph (B), in an amount that bears the same ratio to the total cost of the education (excluding the program participant's pay and allowances) provided to the program participant as the unserved portion of the service obligation period described in subparagraph (B) bears to the total period of the service obligation described in subparagraph (B).

(2) Subject to paragraph (3), the obligation to reimburse the United States under an agreement described in paragraph (1), including interest due on such obligation, is for all purposes a debt owing the United States.

(3)(A) A discharge in bankruptcy under title 11, United States Code, shall not release a person from an obligation to reimburse the United States required under an agreement described in paragraph (1) if the final decree of the discharge in bankruptcy is issued within five years after the last day of the combined period of service obligation described in subparagraphs (A) and (B) of paragraph (1).

(B) The Secretary of Defense may release a person, in whole or in part, from the obligation to reimburse the United States under an agreement described in paragraph (1) when, in his discretion, the Secretary determines that equity or the interests of the United States so require.

(C) The Secretary of Defense shall permit an program participant assigned under this section who, prior to commencing a second academic year of such assignment, voluntarily terminates the assignment or the program participant's employment with the Agency, to satisfy his obligation under an agreement described in paragraph (1) to reimburse the United States by reimbursement according to a schedule of monthly payments which results in completion of reimbursement by a date five years after the date of termination of the assignment or employment or earlier at the option of the program participant.

(e) Agency efforts to recruit individuals at educational institutions for participation in the undergraduate and graduate training program established by this section shall be made openly and according to the common practices of universities and employers recruiting at such institutions.

(f) Chapter 41 of title 5 and subsections (a) and (b) of section 3324 of title 31, United States Code, shall not apply with respect to this section.

(g) The Secretary of Defense may issue such regulations as may be necessary to implement this section.

(h) The undergraduate and graduate training program established under this section shall be known as the Louis Stokes Educational Scholarship Program.

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SEC. 22. CONGRESSIONAL NOTIFICATION OF INTELLIGENCE COLLECTION ADJUSTMENTS.

(a) *NOTIFICATION.*—Not later than 30 days after the date on which the Director of the National Security Agency determines the occurrence of an intelligence collection adjustment, the Director shall submit to the congressional intelligence committees a notification of the intelligence collection adjustment.

(b) *DEFINITIONS.*—In this section:

(1) *CONGRESSIONAL INTELLIGENCE COMMITTEES.*—The term “congressional intelligence committees” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) *INTELLIGENCE COLLECTION ADJUSTMENT.*—The term “intelligence collection adjustment” includes a change by the United States Government to a policy on intelligence collection or the prioritization thereof that results in a significant loss of intelligence.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995

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TITLE VIII—COUNTERINTELLIGENCE AND SECURITY

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SEC. 811. COORDINATION OF COUNTERINTELLIGENCE ACTIVITIES.

(a) **ESTABLISHMENT OF COUNTERINTELLIGENCE POLICY BOARD.**—There is established within the executive branch of Government a National Counterintelligence Policy Board (in this section referred to as the “Board”). The Board shall report to the President through the National Security Council.

(b) **CHAIRPERSON.**—The Director of the National Counterintelligence and Security Center appointed under section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382) shall serve as the chairperson of the Board.

(c) **MEMBERSHIP.**—The membership of the National Counterintelligence Policy Board shall consist of the following:

(1) The Director of the National Counterintelligence and Security Center.

(2) Senior personnel of departments and elements of the United States Government, appointed by the head of the department or element concerned, as follows:

(A) The Department of Justice, including the Federal Bureau of Investigation.

(B) The Department of Defense, including the Joint Chiefs of Staff.

(C) The Department of State.

(D) The Department of Energy.

(E) The Central Intelligence Agency.

(F) Any other department, agency, or element of the United States Government specified by the President.

(d) **FUNCTIONS AND DISCHARGE OF FUNCTIONS.**—(1) The Board shall—

(A) serve as the principal mechanism for—

(i) developing policies and procedures for the approval of the President to govern the conduct of counterintelligence activities; and

(ii) upon the direction of the President, resolving conflicts that arise between elements of the Government conducting such activities; and

(B) act as an interagency working group to—

(i) ensure the discussion and review of matters relating to the implementation of the Counterintelligence Enhancement Act of 2002; and

(ii) provide advice to the Director of the National Counterintelligence and Security Center on priorities in the implementation of the National Counterintelligence Strategy produced pursuant to section 904(d)(2) of that Act (50 U.S.C. 3383(d)(2)).

(2) The Board may, for purposes of carrying out its functions under this section, establish such interagency boards and working groups as the Board considers appropriate.

(e) **COORDINATION OF COUNTERINTELLIGENCE MATTERS WITH THE FEDERAL BUREAU OF INVESTIGATION.**—(1) Except as provided in paragraph (5), the head of each department or agency within the executive branch shall ensure that—

(A) the Federal Bureau of Investigation is advised immediately of any information, regardless of its origin, which indicates that classified information is being, or may have been,

disclosed in an unauthorized manner to a foreign power or an agent of a foreign power;

(B) following a report made pursuant to subparagraph (A), the Federal Bureau of Investigation is consulted with respect to all subsequent actions which may be undertaken by the department or agency concerned to determine the source of such loss or compromise; and

(C) where, after appropriate consultation with the department or agency concerned, the Federal Bureau of Investigation undertakes investigative activities to determine the source of the loss or compromise, the Federal Bureau of Investigation is given complete and timely access to the employees and records of the department or agency concerned for purposes of such investigative activities.

(2) Except as provided in paragraph (5), the Director of the Federal Bureau of Investigation shall ensure that espionage information obtained by the Federal Bureau of Investigation pertaining to the personnel, operations, or information of departments or agencies of the executive branch, is provided through appropriate channels in a timely manner to the department or agency concerned, and that such departments or agencies are consulted in a timely manner with respect to espionage investigations undertaken by the Federal Bureau of Investigation which involve the personnel, operations, or information of such department or agency.

(3)(A) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

(B) The head of the department or agency concerned shall—

(i) use an assessment under subparagraph (A) as an aid in determining whether, and under what circumstances, the subject of an investigation under paragraph (1) should be left in place for investigative purposes; and

(ii) notify in writing the Director of the Federal Bureau of Investigation of such determination.

(C) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph, and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes.

(4)(A) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

(B) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under subparagraph (A) of an investigation described in that subparagraph without prior coordination and consultation with the Federal Bureau of Investigation.

(5) Where essential to meet extraordinary circumstances affecting vital national security interests of the United States, the President may on a case-by-case basis waive the requirements of para-

graph (1), (2), or (3), as they apply to the head of a particular department or agency, or the Director of the Federal Bureau of Investigation. Such waiver shall be in writing and shall fully state the justification for such waiver. Within thirty days, the President shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that such waiver has been issued, and at that time or as soon as national security considerations permit, provide these committees with a complete explanation of the circumstances which necessitated such waiver.

(6) Nothing in this section may be construed to alter the existing jurisdictional arrangements between the Federal Bureau of Investigation and the Department of Defense with respect to investigations of persons subject to the Uniform Code of Military Justice, nor to impose additional reporting requirements upon the Department of Defense with respect to such investigations beyond those required by existing law and executive branch policy.

(7) As used in this section, the terms “foreign power” and “agent of a foreign power” have the same meanings as set forth in [sections 101 (a) and (b)] *subsections (a) and (b) of section 101*, respectively, of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

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TITLE 10, UNITED STATES CODE

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SUBTITLE A—GENERAL MILITARY LAW

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PART I—ORGANIZATION AND GENERAL MILITARY POWERS

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CHAPTER 21—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

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SUBCHAPTER II—INTELLIGENCE COMMERCIAL ACTIVITIES

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§ 431. Authority to engage in commercial activities as security for intelligence collection activities

(a) **AUTHORITY.**—The Secretary of Defense, subject to the provisions of this subchapter, may authorize the conduct of those commercial activities necessary to provide security for authorized intelligence collection activities abroad undertaken by the Department of Defense. No commercial activity may be initiated pursuant to this subchapter after [December 31, 2023] *December 31, 2024*.

(b) INTERAGENCY COORDINATION AND SUPPORT.—Any such activity shall—

(1) be coordinated with, and (where appropriate) be supported by, the Director of the Central Intelligence Agency; and

(2) to the extent the activity takes place within the United States, be coordinated with, and (where appropriate) be supported by, the Director of the Federal Bureau of Investigation.

(c) DEFINITIONS.—In this subchapter:

(1) The term “commercial activities” means activities that are conducted in a manner consistent with prevailing commercial practices and includes—

(A) the acquisition, use, sale, storage and disposal of goods and services;

(B) entering into employment contracts and leases and other agreements for real and personal property;

(C) depositing funds into and withdrawing funds from domestic and foreign commercial business or financial institutions;

(D) acquiring licenses, registrations, permits, and insurance; and

(E) establishing corporations, partnerships, and other legal entities.

(2) The term “intelligence collection activities” means the collection of foreign intelligence and counterintelligence information.

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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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TITLE XVI—SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND INTELLIGENCE MATTERS

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Subtitle E—Other Matters

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SEC. 1683. ESTABLISHMENT OF ALL-DOMAIN ANOMALY RESOLUTION OFFICE.

(a) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Intelligence Authorization Act for Fiscal

Year 2023, the Secretary of Defense, in coordination with the Director of National Intelligence, shall establish an office within a component of the Office of the Secretary of Defense, or within a joint organization of the Department of Defense and the Office of the Director of National Intelligence, to carry out the duties of the Unidentified Aerial Phenomena Task Force, as in effect on December 26, 2021, and such other duties as are required by this section, including those pertaining to unidentified anomalous phenomena.

(2) DESIGNATION.—The office established under paragraph (1) shall be known as the “All-domain Anomaly Resolution Office” (in this section referred to as the “Office”).

(b) DIRECTOR AND DEPUTY DIRECTOR OF THE OFFICE.—

(1) APPOINTMENT OF DIRECTOR.—The head of the Office shall be the Director of the All-domain Anomaly Resolution Office (in this section referred to as the “Director of the Office”), who shall be appointed by the Secretary of Defense in consultation with the Director of National Intelligence.

(2) APPOINTMENT OF DEPUTY DIRECTOR.—The Deputy Director of the Office shall be appointed by the Director of National Intelligence in coordination with the Secretary of Defense.

(3) REPORTING.—

(A) IN GENERAL.—The Director of the Office shall report directly to the Deputy Secretary of Defense and the Principal Deputy Director of National Intelligence.

(B) ADMINISTRATIVE AND OPERATIONAL AND SECURITY MATTERS.—The Director of the Office shall report—

(i) to the Under Secretary of Defense for Intelligence and Security on all administrative matters of the Office; and

(ii) to the Deputy Secretary of Defense and the Principal Deputy Director of National Intelligence on all operational and security matters of the Office.

(c) DUTIES.—The duties of the Office shall include the following:

(1) Developing procedures to synchronize and standardize the collection, reporting, and analysis of incidents, including adverse physiological effects, regarding unidentified anomalous phenomena across the Department of Defense and the intelligence community, in coordination with the Director of National Intelligence, which shall be provided to the congressional defense committees, the congressional intelligence committees, and congressional leadership.

(2) Developing processes and procedures to ensure that such incidents from each component of the Department and each element of the intelligence community are reported and stored in an appropriate manner that allows for the integration of analysis of such information.

(3) Establishing procedures to require the timely and consistent reporting of such incidents.

(4) Evaluating links between unidentified anomalous phenomena and adversarial foreign governments, other foreign governments, or nonstate actors.

(5) Evaluating the threat that such incidents present to the United States.

(6) Coordinating with other departments and agencies of the Federal Government, as appropriate, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, the National Science Foundation, and the Department of Energy.

(7) As appropriate, and in coordination with the Secretary of State, the Secretary of Defense, and the Director of National Intelligence, consulting with allies and partners of the United States to better assess the nature and extent of unidentified anomalous phenomena.

(8) Preparing reports for Congress, in both classified and unclassified form, including under subsection (j).

(d) RESPONSE TO AND FIELD INVESTIGATIONS OF UNIDENTIFIED ANOMALOUS PHENOMENA.—

(1) DESIGNATION.—The Secretary of Defense and the Director of National Intelligence shall jointly designate from within their respective organizations an official, to be under the direction of the Director of the Office, responsible for ensuring the appropriate expertise, authorities, accesses, data, systems, platforms, and capabilities are available for the rapid response to, and support for, the conduct of field investigations of incidents involving unidentified anomalous phenomena.

(2) ABILITY TO RESPOND.—The Secretary of Defense and the Director of National Intelligence shall ensure field investigations are supported by personnel with the requisite expertise, equipment, transportation, and other resources necessary to respond rapidly to incidents or patterns of observations involving unidentified anomalous phenomena.

(e) SCIENTIFIC, TECHNOLOGICAL, AND OPERATIONAL ANALYSES OF DATA ON UNIDENTIFIED ANOMALOUS PHENOMENA.—

(1) DESIGNATION.—The Secretary of Defense, in coordination with the Director of National Intelligence, shall designate one or more line organizations that will be primarily responsible for scientific, technical, and operational analysis of data gathered by field investigations conducted pursuant to subsection (d) and data from other sources, including with respect to the testing of materials, medical studies, and development of theoretical models, to better understand and explain unidentified anomalous phenomena.

(2) AUTHORITY.—The Secretary of Defense and the Director of National Intelligence shall each issue such directives as are necessary to ensure that each line organization designated under paragraph (1) has authority to draw on the special expertise of persons outside the Federal Government with appropriate security clearances.

(f) DATA; INTELLIGENCE COLLECTION.—

(1) AVAILABILITY OF DATA AND REPORTING ON UNIDENTIFIED ANOMALOUS PHENOMENA.—

(A) AVAILABILITY OF DATA.—The Director of National Intelligence, in coordination with the Secretary of Defense, shall ensure that each element of the intelligence community with data relating to unidentified anomalous phenomena makes such data available immediately to the Office.

(B) REPORTING.—The Director of National Intelligence and the Secretary of Defense shall each, in coordination with one another, ensure that military and civilian personnel of the Department of Defense or an element of the intelligence community, and contractor personnel of the Department or such an element, have access to procedures by which the personnel shall report incidents or information, including adverse physiological effects, involving or associated with unidentified anomalous phenomena directly to the Office.

(2) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—The Director of the Office, acting in coordination with the Secretary of Defense and the Director of National Intelligence, shall supervise the development and execution of an intelligence collection and analysis plan to gain as much knowledge as possible regarding the technical and operational characteristics, origins, and intentions of unidentified anomalous phenomena, including with respect to the development, acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize unidentified anomalous phenomena.

(3) USE OF RESOURCES AND CAPABILITIES.—In developing the plan under paragraph (2), the Director of the Office shall consider and propose, as appropriate, the use of any resource, capability, asset, or process of the Department and the intelligence community.

(g) SCIENCE PLAN.—The Director of the Office, on behalf of the Secretary of Defense and the Director of National Intelligence, shall supervise the development and execution of a science plan to develop and test, as practicable, scientific theories to—

(1) account for characteristics and performance of unidentified anomalous phenomena that exceed the known state of the art in science or technology, including in the areas of propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, and power generation; and

(2) provide the foundation for potential future investments to replicate or otherwise better understand any such advanced characteristics and performance.

(h) ASSIGNMENT OF PRIORITY.—The Director of National Intelligence, in consultation with and with the recommendation of the Secretary of Defense, shall assign an appropriate level of priority within the National Intelligence Priorities Framework to the requirement to understand, characterize, and respond to unidentified anomalous phenomena.

(i) DETAILEES FROM ELEMENTS OF THE INTELLIGENCE COMMUNITY.—The heads of the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the Department of Energy, the National Geospatial-Intelligence Agency, the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard, the Department of Homeland Security, and such other elements of the intelligence community as the Director of the Office considers appropriate may provide to the Office a detailee of the element to be physically located at the Office.

(j) HISTORICAL RECORD REPORT.—

(1) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 540 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, the Director of the Office shall submit to the congressional defense committees, the congressional intelligence committees, and congressional leadership a written report detailing the historical record of the United States Government relating to unidentified anomalous phenomena, including—

- (i) the records and documents of the intelligence community;
- (ii) oral history interviews;
- (iii) open source analysis;
- (iv) interviews of current and former Government officials;
- (v) classified and unclassified national archives including any records any third party obtained pursuant to section 552 of title 5, United States Code; and
- (vi) such other relevant historical sources as the Director of the Office considers appropriate.

(B) OTHER REQUIREMENTS.—The report submitted under subparagraph (A) shall—

- (i) focus on the period beginning on January 1, 1945, and ending on the date on which the Director of the Office completes activities under this subsection; and
- (ii) include a compilation and itemization of the key historical record of the involvement of the intelligence community with unidentified anomalous phenomena, including—
 - (I) any program or activity that was protected by restricted access that has not been explicitly and clearly reported to Congress;
 - (II) successful or unsuccessful efforts to identify and track unidentified anomalous phenomena; and
 - (III) any efforts to obfuscate, manipulate public opinion, hide, or otherwise provide incorrect unclassified or classified information about unidentified anomalous phenomena or related activities.

(2) ACCESS TO RECORDS OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.—The Archivist of the United States shall make available to the Office such information maintained by the National Archives and Records Administration, including classified information, as the Director of the Office considers necessary to carry out paragraph (1).

(k) ANNUAL REPORTS.—

(1) REPORTS FROM [DIRECTOR OF NATIONAL INTELLIGENCE AND SECRETARY OF DEFENSE] *ALL-DOMAIN ANOMALY RESOLUTION OFFICE*.—

(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, and annually thereafter for four years, the [Director of National Intelligence and the Secretary of Defense shall jointly] *Director of the Office shall*

submit to the appropriate congressional committees a report on unidentified anomalous phenomena.

(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include, with respect to the year covered by the report, the following information:

(i) All reported unidentified anomalous phenomena-related events that occurred during the one-year period.

(ii) All reported unidentified anomalous phenomena-related events that occurred during a period other than that one-year period but were not included in an earlier report.

(iii) An analysis of data and intelligence received through each reported unidentified anomalous phenomena-related event.

(iv) An analysis of data relating to unidentified anomalous phenomena collected through—

(I) geospatial intelligence;

(II) signals intelligence;

(III) human intelligence; and

(IV) measurement and signature intelligence.

(v) The number of reported incidents of unidentified anomalous phenomena over restricted airspace of the United States during the one-year period.

(vi) An analysis of such incidents identified under clause (v).

(vii) Identification of potential aerospace or other threats posed by unidentified anomalous phenomena to the national security of the United States.

(viii) An assessment of any activity regarding unidentified anomalous phenomena that can be attributed to one or more adversarial foreign governments.

(ix) Identification of any incidents or patterns regarding unidentified anomalous phenomena that indicate a potential adversarial foreign government may have achieved a breakthrough aerospace capability.

(x) An update on the coordination by the United States with allies and partners on efforts to track, understand, and address unidentified anomalous phenomena.

(xi) An update on any efforts underway on the ability to capture or exploit discovered unidentified anomalous phenomena.

(xii) An assessment of any health-related effects for individuals that have encountered unidentified anomalous phenomena.

(xiii) The number of reported incidents, and descriptions thereof, of unidentified anomalous phenomena associated with military nuclear assets, including strategic nuclear weapons and nuclear-powered ships and submarines.

(xiv) In consultation with the Administrator for Nuclear Security, the number of reported incidents, and descriptions thereof, of unidentified anomalous phenomena associated with facilities or assets associated

with the production, transportation, or storage of nuclear weapons or components thereof.

(xv) In consultation with the Chairman of the Nuclear Regulatory Commission, the number of reported incidents, and descriptions thereof, of unidentified anomalous phenomena or drones of unknown origin associated with nuclear power generating stations, nuclear fuel storage sites, or other sites or facilities regulated by the Nuclear Regulatory Commission.

(xvi) The names of the line organizations that have been designated to perform the specific functions under subsections (d) and (e), and the specific functions for which each such line organization has been assigned primary responsibility.

(xvii) A summary of the reports received using the mechanism for authorized reporting established under section 1673 of the National Defense Authorization Act for Fiscal Year 2023.

(2) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(1) SEMIANNUAL BRIEFINGS.—

(1) REQUIREMENT.—Not later than December 31, 2022, and not less frequently than semiannually thereafter until December 31, 2026, the Director of the Office shall provide to the appropriate congressional committees classified briefings on unidentified anomalous phenomena.

(2) FIRST BRIEFING.—The first briefing provided under paragraph (1) shall include all incidents involving unidentified anomalous phenomena that were reported to the Unidentified Aerial Phenomena Task Force or to the Office established under subsection (a) after June 24, 2021, regardless of the date of occurrence of the incident.

(3) SUBSEQUENT BRIEFINGS.—Each briefing provided subsequent to the first briefing described in paragraph (2) shall include, at a minimum, all events relating to unidentified anomalous phenomena that occurred during the previous 180 days, and events relating to unidentified anomalous phenomena that were not included in an earlier briefing.

(4) INSTANCES IN WHICH DATA WAS NOT SHARED.—For each briefing period, the Director of the Office shall jointly provide to the chairman or chair and the ranking member or vice chairman of the congressional committees specified in subparagraphs (A) and (D) of subsection (n)(1) an enumeration of any instances in which data relating to unidentified anomalous phenomena was not provided to the Office because of classification restrictions on that data or for any other reason.

(m) TASK FORCE TERMINATION.—Not later than the date on which the Secretary of Defense establishes the Office under subsection (a), the Secretary shall terminate the Unidentified Aerial Phenomena Task Force.

(n) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the following:

(A) The Committees on Armed Services of the Senate and the House of Representatives.

(B) The Committees on Appropriations of the Senate and the House of Representatives.

(C) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(D) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(E) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(F) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(2) CONGRESSIONAL DEFENSE COMMITTEES.—The term “congressional defense committees” has the meaning given such term in section 101(a) of title 10, United States Code.

(3) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(4) CONGRESSIONAL LEADERSHIP.—The term “congressional leadership” means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(5) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(6) LINE ORGANIZATION.—The term “line organization” means, with respect to a department or agency of the Federal Government, an organization that executes programs and activities to directly advance the core functions and missions of the department or agency to which the organization is subordinate, but, with respect to the Department of Defense, does not include a component of the Office of the Secretary of Defense.

(7) TRANSMEDIUM OBJECTS OR DEVICES.—The term “transmedium objects or devices” means objects or devices that are—

(A) observed to transition between space and the atmosphere, or between the atmosphere and bodies of water; and

(B) not immediately identifiable.

(8) UNIDENTIFIED ANOMALOUS PHENOMENA.—The term “unidentified anomalous phenomena” means—

(A) airborne objects that are not immediately identifiable;

(B) transmedium objects or devices; and

(C) submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that the objects or devices

may be related to the objects described in subparagraph
(A).

* * * * *

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COMMITTEE ON
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July 25, 2023

The Honorable Michael R. Turner
Chairman, Permanent Select Committee on Intelligence
U.S. House of Representatives
HVC304
Washington, D.C. 20515

Dear Chairman Turner:

This letter is in regard to the jurisdictional interest of the Committee on Education and the Workforce ("Committee") in certain provisions of H.R. 3932, the Intelligence Authorization Act for Fiscal Year 2024, which fall within the Rule X jurisdiction of the Committee on Education and the Workforce.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, the Committee is willing to waive the right to sequential referral. By waiving consideration of the bill, the Committee does not waive any future jurisdictional claim over the subject matters contained in the bill that fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of the Education and the Workforce Committee to any conference committee that is named to consider such provisions.

Please place this letter into the committee report on H.R. 3932 and into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

Virginia Foxx
Virginia Foxx
Chairwoman

cc: House Committee on Education and
the Workforce Ranking Member Bobby Scott

Permanent Select Committee on Intelligence
Ranking Member Jim Himes

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MICHAEL R. TURNER, OHIO
CHAIRMAN
(202) 225-4121
www.intelligence.house.gov



ONE HUNDRED EIGHTEENTH CONGRESS
JAMES A. HIMES, CONNECTICUT
RANKING MEMBER

U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

July 27, 2023

The Honorable Virginia Foxx
Chairwoman
Committee on Education and the Workforce
Washington, DC 20535

Dear Chairwoman Foxx:

Thank you for your letter dated July 25, 2023, regarding H.R. 3932, the Intelligence Authorization Act for Fiscal Year 2024. I agree that the Committee on Education and Workforce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Education and Workforce is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

A handwritten signature in black ink that reads "Michael R. Turner".

Michael R. Turner
Chairman
Permanent Select Committee on Intelligence

cc: The Honorable Robert C. "Bobby" Scott
Ranking Member, Committee on Education
and the Workforce

The Honorable James A. Himes
Ranking Member, Permanent Select Committee
on Intelligence

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MAX L. MILLER, OHIO

U.S. House of Representatives
Committee on Agriculture
Room 1301, Longworth House Office Building
Washington, DC 20515-6001
(202) 225-2171

July 25, 2023

The Honorable Michael Turner, Chairman
House Permanent Select Committee on Intelligence
HVC-304, The Capitol
Washington, D.C. 20515


Dear Chairman Turner:

I am writing to you concerning H.R. 3932, the Intelligence Authorization Act for Fiscal Year 2024. There are certain provisions in the legislation that fall within the Rule X jurisdiction of the Committee on Agriculture.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Agriculture does not waive any future jurisdictional claim over the subject matters contained in the bill that fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee that is named to consider such provisions.

Please place this letter into the committee report on H.R. 3932 and into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,



Glenn "GT" Thompson
Chairman

Cc: The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Jim Himes, Ranking Member, Permanent Select Committee on Intelligence
The Honorable Kevin McCarthy, Speaker of the House
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

DAVID SCOTT, GEORGIA,
RANKING MINORITY MEMBER

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U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

July 27, 2023

The Honorable Glenn "GT" Thompson
Chairman
Committee on Agriculture
Washington, DC 20515

Dear Chairman Thompson:

Thank you for your letter dated July 25, 2023, regarding H.R. 3932, the Intelligence Authorization Act for Fiscal Year 2024. I agree that the Committee on Agriculture has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Agriculture is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

A handwritten signature in black ink that reads "Michael R. Turner".

Michael R. Turner
Chairman
Permanent Select Committee on Intelligence

cc: The Honorable David Scott
Ranking Member, Committee on Agriculture

The Honorable James A. Himes
Ranking Member, Permanent Select Committee
on Intelligence

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